

1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,**

2 **14TH JULY 2004 AT 10.30 A.M:**

3
4 CHAIRMAN: Good morning.

5
6 MR. QUINN: Good morning. Sir. Mr. Liam Lawlor please.

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8 **MR. LIAM LAWLOR, HAVING BEEN SWORN, WAS QUESTIONED**

9 **AS FOLLOWS BY MR. QUINN.**

10
11 CHAIRMAN: Good morning, Mr. Lawlor.

12
13 Q 1 MR. QUINN: Good morning, Mr. Lawlor.

14 A Good morning.

15 Q 2 Mr. Lawlor, you have given evidence in the past to the Tribunal, isn't that
16 right?

17 A Correct, yes.

18 Q 3 Now, before I deal with the matters at issue this morning, can I ask you
19 Mr. Lawlor that apart from the papers involved in the brief that you sent to
20 people outside the jurisdiction and in respect of which the Tribunal has been
21 in correspondence with you, have you forwarded any of the documents that you
22 received in this brief to any other parties?

23 A No.

24 Q 4 Or have you discussed the contents of brief with any other parties other than
25 your legal advisers?

26 A No. No.

27 Q 5 Thank you. Now, Mr. Lawlor you did address, you availed of the opportunity at
28 the outset of this module, to address the Tribunal and to give your version of
29 events, notwithstanding that, I think it's probably best if I go through the
30 various issues again with you, to give you an opportunity to deal with them, is

1 that okay?

2 A Fine, thank you.

3 Q 6 There is no doubt but that you did meet Mr. Gilmartin for the first time in May
4 1988, isn't that right, and you are both agreed on that?

5 A Yeah, just I have a different day.

6 Q 7 I accept that, yours is a Friday, his is a Tuesday?

7 A That's correct.

8 Q 8 But it did happen in May?

9 A Oh yes.

10 Q 9 And there is no doubt but that that meeting came about as a result of a
11 telephone conversation between you and a Mr. Fassnidge, is that correct?

12 A That's correct.

13 Q 10 Now, can I just ask you to tell the Tribunal your recollection of your
14 conversation with Mr. Fassnidge?

15 A Fine. My recollection is that my office called me in my Dail office from Lucan
16 and said Mr. Fassnidge was looking for me urgently, and would they tell him I
17 was in my Dail office and I said yes, or else my girl rang back and told him,
18 or she could have said I was in the Dail office when he looked for me in my
19 Lucan office. So I recall getting a phone call from Brendan Fassnidge, asking
20 me could I meet this man and then asking me could I meet him within an hour.

21 Q 11 Can I ask you why the he requested that you meet him so soon after that call?

22 A He may have said this man was going back to England the following morning.
23 That's my recollection and Brendan Fassnidge is, I know him for 30 years and he
24 is a fussy type and he was persistent and I recall having a commitment in Lucan
25 Community College for the presentation of diplomas, I think around half past
26 six and it was about sometime after 4 o'clock. It was late Friday afternoon.
27 So, I said be I would be coming out to Lucan and that I would meet him and he
28 said well we'll come over to Palmerstown and he probably suggested the
29 Deadman's Inn because it was central to both of us. I recall coming out there
30 and meeting Mr. Gilmartin, Mr. Fassnidge and Mr. Sheeran.

- 1 Q 12 And this was in advance of a meeting that you had pre-arranged in Lucan, isn't
2 that right?
- 3 A I had some commitment, I can't be certain that's why I was saying to Brendan
4 look I'll fit him in, meet you for a short while, I'll oblige you and I sort of
5 packed up my briefcase, left Friday evening traffic, half three quarters of an
6 hour I was out in Palmerstown. I think he might have said he was in
7 Blanchardstown so they were there ahead of me.
- 8 Q 13 Did he tell you why he want you to meet this individual?
- 9 A No.
- 10 Q 14 Did he tell you who the individual you were to meet was?
- 11 A I can't recollect, no, I think he might have said the bank manager is a friend
12 of his and I appreciate if you would meet him, I didn't know the man's name,
13 no.
- 14 Q 15 Would you normally meet somebody at short notice like that at the request of
15 Mr. Fassnidge?
- 16 A At the request of any constituent, I had a very open policy of meeting, anybody
17 could get access to meet me and many many people did, yes, so Mr. Gilmartin was
18 just another phone call from a constituent who I knew well, I would have
19 purchased cars from Brendan over the years, I would have saw him as a sort of
20 associate, long tail family in Palmerstown, they would have a voting clout as
21 well.
- 22 Q 16 Now, you did turn up in the Deadman's Inn as you say and you met Mr. Fassnidge,
23 Mr. Sheeran and Mr. Gilmartin, isn't that right?
- 24 A That's correct.
- 25 Q 17 Who introduced Mr. Gilmartin to you at that meeting?
- 26 A Probably Brendan because I wouldn't have known Mr. Sheeran at all.
- 27 Q 18 Did you have an opportunity to speak to Mr. Fassnidge before you spoke with
28 Mr. Gilmartin?
- 29 A No.
- 30 Q 19 So you met all three together at the same time?

1 A That's my recollection, yes. It's on open bar, I came in, they might have been
2 having a coffee, I met them, introduced, sat down and said well, you want to
3 me, what do you want?

4 Q 20 Did you ask why the meeting was requested?

5 A No, Mr. Gilmartin then outlined, to my recollection, that he was very bullish
6 about Bachelors Walk and I know his statement would sort of put a different
7 emphasis on things, but he outlined he wanted to do this major scheme down on
8 the quays, which was badly needed and it was my recollection of secondary
9 importance, the Quarryvale lands.

10 Now, I do believe that the name Bruton was probably mentioned because Des
11 Bruton was a very prominent name in the community by virtue of his name, he had
12 a big red brick Daleview house right on the junction and Mr. Fassnidge would
13 have known him -- everybody in the area knew Des Bruton and I think
14 Mr. Gilmartin mentioned that he was having some discussions with Mr. Bruton.

15
16 So, my recollection is Arlington, Bachelors Walk, dominated the conversation
17 and the interest in Quarryvale was of a secondary nature.

18 Q 21 Well, can I just ask you would it, would you agree with Mr. Gilmartin and this
19 would be agreed between you, that both Bachelors Walk and Arlington were
20 mentioned at the meeting?

21 A Yeah well, they are one and the same. Arlington was the company and the
22 location was Bachelors Walk. Of course, yes.

23 Q 22 And Quarryvale was mentioned at the meeting?

24 A It was more the land, I don't know that the townland of Quarryvale was actually
25 mentioned because it wouldn't have meant that much to me, Quarryvale, Des
26 Bruton's land, which was just across the road.

27 Q 23 Okay. Well what was the nature of the conversation in relation to the Des
28 Bruton lands?

29 A That he was interested in it and was very coy, didn't actually give me a whole
30 lot of information, I didn't dwell too long on it, he was interested in

1 acquiring lands and he wanted to do development but he didn't spell out what
2 type of development.

3 Q 24 Okay. So you knew -- had you known of the Arlington involvement in Bachelors
4 Walk prior to this?

5 A Never heard of Arlington or Tom Gilmartin until that Friday afternoon.

6 Q 25 Okay. There's no doubt that Arlington and bachelors -- sorry, that Bachelors
7 Walk doesn't fall within your constituency?

8 A No, not at all, quite removed.

9 Q 26 Whereas the Bruton lands would fall in your constituency?

10 A The heart of it, yes.

11 Q 27 Well how did the conversation progress then?

12 A Well my recollection is that he was very enthusiastic and proud of what he
13 proposed to do on the centre city development because Bachelors Walk, Chairman,
14 in those days was like a mouth of bad teeth with gaps, there was derelict
15 buildings, CIE I recall, had a bus depot which I think had been vandalized, I
16 even believe there was an itinerant illegal encampment in it at one time in the
17 heart of the city.

18 So that strip of land along the front of the quays was in a very poor state
19 other than some businesses in it. So what Mr. Gilmartin was outlining was a
20 most desirable project.

21 Q 28 That's in relation to Bachelors Walk?

22 A Yes.

23 Q 29 Now, in relation to the Bruton land acquisition, he was advising that it was
24 his intention or that he was in the process of acquiring the Bruton land, isn't
25 that right?

26 A Yes.

27 Q 30 And did he tell you why he was --

28 A No, I can't say, I know that afterwards motorway facilities and that and he
29 might have mentioned but I couldn't say that he did, no.

30 Q 31 You would have known I presume that the Bruton lands were strategically located

1 between the about to be constructed M50 and the Lucan bypass?

2 A Well, I have heard that here, the Bruton lands in my opinion were visibly
3 strategic but badly landlocked.

4 Q 32 Yes perhaps if we --

5 A They were totally landlocked.

6 Q 33 If I could have please 4758, you will recognise this map, Mr. Lawlor, because
7 it has been used at different times here. You see at the top right hand corner
8 of the map those as I understand it, are the Bruton lands. Isn't that right?

9 A That's the Daleview House that I referred to, I think you might even see dale
10 views there. They are totally landlocked, motorway is on the city road and the
11 Galway Road dual carriageway is on the northern side, and the rest of the lands
12 is in different ownership so Des Bruton's farm was landlocked.

13 Q 34 Yes. Did you tell Mr. Gilmartin that the Bruton lands were landlocked and any
14 development he might be contemplating there was unlikely to take place?

15 A Like Mr. Gilmartin's vision and ambitions were so vast as he outlined, not in
16 great detail here, but about Arlington that you listened a lot, he wanted to
17 invest, he wanted to create jobs, that sounded like an excellent idea and 20
18 minutes, half an hour, have to go, if you would like to come to my advice
19 centre tomorrow morning, we can continue the conversation and the meeting
20 concluded pretty much along those lines.

21 Q 35 Okay, now yourself and Mr. Gilmartin differ as to what happens next, you say
22 that there was a subsequent follow on meeting on the following day, isn't that
23 right?

24 A Yes --

25 Q 36 And after that meeting, he left to go back and you rely I think on what
26 Mr. Gilmartin said to Assistant Commissioner Sreenan in the telephone
27 conversation, I think you put it to Mr. Gilmartin where he mentioned the fact
28 he may have met you the next day, isn't that right?

29 A I have a much clearer recollection of what happened the next day; was he came
30 to my Saturday morning advice centre.

- 1 Q 37 Was that, where was your advice centre?
- 2 A At the back of my home in the offices.
- 3 Q 38 Okay, your advice centre is, a visit to your advice centre is effectively a
4 visit to your home?
- 5 A I used to double up between that and Lucan Town Hall but on Saturday morning I
6 had appointments made for the office, during the week, people would be
7 telephoning, my secretary would arrange come at half ten, quarter to eleven,
8 eleven o'clock. Mr. Gilmartin and Mr. Fassnidge came to my advice centre, Mr.
9 Fassnidge as I recall, was driving Mr. Gilmartin and was taking him straight to
10 the airport.
- 11 Q 39 What transpired on the following day from your recollection?
- 12 A Pretty much the same again, again outlining the hundreds of millions of
13 investment that Arlington were proposing and that he was hoping to do something
14 down in north Clondalkin, as we would term the area.
- 15 Q 40 You presumably were more interested in what was likely to happen in north
16 Clondalkin than you were in Bachelors Walk?
- 17 A Yeah but he was very anxious that I might elaborate and encourage in an
18 overview to Arlington who I don't, I got the impression wanted them convinced
19 of what they were doing was going to be a viable project because they were
20 never heard of in Ireland before. He would have mentioned the name Dadley to
21 me and he would have also, having spoken about the Quarryvale, north Clondalkin
22 area, I would have said to him well look, you know, if you want to acquire
23 further lands in that area, I'll arrange for you to meet the manager.
- 24 Q 41 The, which manager?
- 25 A Well, the manager responsible for that particular function was then
26 Mr. Redmond. If I had known what Mr. Gilmartin's true intentions were, it
27 would have been Mr. Prendergast.
- 28 Q 42 Okay. Can the Tribunal take it from what you are now saying Mr. Lawlor that
29 and I'm now concentrating on Quarryvale for the movement, leaving aside
30 Arlington that by the end of the second meeting, that Mr. Gilmartin had advised

1 you between the two meetings that first of all, he had acquired or was
2 acquiring the Bruton lands and secondly that he was about to do some
3 development in or on the Bruton lands and that thirdly, he wanted to acquire
4 additional lands close to the Bruton lands?

5 A And I think he might have said or I might have said the local authority's own
6 substantial lands there, because it was the cause of controversy between the
7 elected members and management.

8 Q 43 And your contribution to the debate was to advise him that the local authority
9 had lands in that region?

10 A Yeah, and I wasn't aware that the council owned that small piece but I knew the
11 corporation were a very substantial landowner there.

12 Q 44 That gives the impression, Mr. Lawlor and correct me if I am wrong that
13 Mr. Gilmartin wasn't aware of all of the land ownership in the area at either
14 of those meetings.

15 A Well I wasn't, I doubt if he was also but as events transpired, though, you
16 will see in correspondence, Mr. Gilmartin had appointed planners earlier.

17 Q 45 I appreciate that.

18 A He may have known a lot more than he was telling me.

19 Q 46 As far as you were concerned, your contribution to the discussions was to
20 advise him of at least one other landowner in the area and possibly two, namely
21 the corporation and the county council.

22 A Yeah, I would classify local authority lands under the same heading.

23 Q 47 Did Mr. Gilmartin seek your assistance in advising him on the owners of any
24 other lands in the area?

25 A Not that I can recall.

26 Q 48 Did he advise you as to why he had contacted Mr. Fassnidge?

27 A No, I think Brendan Fassnidge could have said that the bank manager had
28 introduced him when he called me, and that was sort of putting the emphasis on
29 wanting to have a meeting.

30 Q 49 The bank manager would have no reason to introduce him to Mr. Fassnidge I take

1 it, other than to perhaps arrange a meeting with you?

2 A Well, I don't -- from what I know of what is supposed to have gone on in the
3 bank on the Friday afternoon, as I remember it, I think Mr. Sheeran was asking
4 Mr. Fassnidge a question and Mr. Fassnidge --

5 Q 50 About land ownership?

6 A And Mr. Fassnidge responded by saying look, I'll try and see can he arrange to
7 meet Liam Lawlor, he might be able to help us, I think it's how it emerged.

8 Q 51 Would it be fair to say that was your understanding of the reason for the
9 meeting with Mr. Gilmartin, namely that you were going to help him to establish
10 land ownership in the area and that's exactly what you did insofar as --

11 A As far as I recall Brendan Fassnidge, this man wants to invest and do
12 developments and you know, he is to be encouraged and could you meet him and
13 I'd see it as a big favour and I'm telling him I had a time commitments. O.k
14 I'll meet him for half an hour, I'm leaving town, where are you, that's how had
15 arose.

16 Q 52 Well, did Mr. Gilmartin give you any indication of the type of development he
17 had in mind for the Bruton and indeed the corporation lands?

18 A No, I think in his evidence he was keeping his cards close to his chest was his
19 evidence, no he didn't, no.

20 Q 53 Did you know how much land for example that he required for what are
21 development he had in mind?

22 A I have no idea.

23 Q 54 Your further contribution to the debate at that stage then you would introduce
24 him to the county manager, isn't that right?

25 A It would have been standard procedure with me, anybody inquiring about local
26 authority matters, I would say well I'll arrange for you to meet whoever I
27 thought was the appropriate official.

28 Q 55 In the case of Mr. Redmond, would you have introduced a number of people at
29 different times to Mr. Redmond the county manager?

30 A No the main thrust of all those meetings were associated with review of the

- 1 Development Plan, meetings with Mr. Redmond would have been looking for him to
2 spend money and bringing maybe the odd community group in.
- 3 Q 56 I am not saying why you might have introduced people?
- 4 A My meetings with Mr. Redmond would have been few and far between because he
5 wasn't the one that was going to do what I wanted done in my constituency,
6 other than if there was this issue, my understanding as his responsibility was
7 roads, engineering and this was a sort of a roads related discussion that
8 seemed to be emerging.
- 9 Q 57 Well, I understood from your earlier evidence, Mr. Lawlor and perhaps you could
10 correct me if I am wrong and give you an opportunity to deal with it, that you
11 mentioned the county manager in the context of land acquisition as opposed to
12 roads or infrastructure?
- 13 A Well the same manager had the same responsibilities.
- 14 Q 58 Okay, but was it originally intended that you would introduce Mr. Redmond in
15 the context of land ownership?
- 16 A I couldn't be absolutely certain, I know it was the roads, land related matter.
17 He was asking about, he was talking about Des Bruton's land, the local
18 authority lands, they were council corporation, I couldn't have been certain.
19 My -- get over the issue, look, I'll arrange for you to come in and explain all
20 that to the manager and you know, it will either, something will come of it or
21 nothing will come of it.
- 22 Q 59 Had you ever brought anybody else to the manager in similar fashion, that is
23 Mr. Redmond?
- 24 A No, possibly some groups, yeah, I could have but not very often. My main
25 meetings would have been with Mr. Al Smith and Mr. Neville Davin, community
26 affairs. Mr. Hanley in housing.
- 27 Q 60 Was there any question of this being a routine meeting with Mr. Redmond
28 bringing in a land, a potential purchaser of corporation lands, development
29 lands?
- 30 A I can't recall any other occasion.

- 1 Q 61 This is a unique meeting effectively?
- 2 A It's just that this was what was arising, what I was being confronted with and
3 that was my solution to it and I've arranged for you to come and see the
4 manager and explain the case to him, if he thinks it's a good idea you may do
5 business, if he doesn't --
- 6 Q 62 Do business in the context of acquiring land?
- 7 A Whatever, yes. This man was telling me he was going to invest and create jobs
8 in the blackest part of Ireland and the biggest headache I had in my
9 constituency, so whatever assistance I could give this man, I would have
10 readily done so.
- 11 Q 63 I appreciate that and you have made that point at various stages.
- 12 A Yeah.
- 13 Q 64 Therefore, it must have been your understanding as a result of those meetings
14 that Mr. Gilmartin was going to construct something on these lands?
- 15 A Oh yeah, that was his intentions, yes.
- 16 Q 65 Was it your understanding that it was a shopping centre that he was going to
17 construct?
- 18 A Not at that stage.
- 19 Q 66 Okay. We know that Mr. Gilmartin was involved in shopping centre construction
20 development with Arlington at Bachelors Walk --
- 21 A Well in theory.
- 22 Q 67 Well, I don't --
- 23 A Okay. Yes, correct. You are right.
- 24 Q 68 And you would have known that, so would it be reasonable to assume that
25 presumably he told you of his other involvement in construction of shopping
26 centres, his other -- give you some background to his involvement previously?
- 27 A I just took it as read that he was the most successful person the way he
28 portrayed himself.
- 29 Q 69 But in the shopping centre?
- 30 A He never laboured, although he did mention something about Northern Ireland, I

1 don't know if that was meeting or a later stage.

2 Q 70 I mean there was never a question for example, that he was going to bring in
3 and site in these lands, a particular type of industry or an undertaking like
4 Dell or Intel?

5 A It was zoned industry.

6 Q 71 I appreciate the zoning that was on the lands?

7 A I my thinking was if this man is going to be successful that's what he was
8 going to do. He did also, because the western parkway was under construction,
9 there was this dimension to it that it was such a good location. It could have
10 been not Intel or anything like that because that was done direct with IDA, but
11 it was industry I had in mind because that was the zoning the man -- now there
12 was this Sharpe business which could have got a short discussion, that
13 unfortunate man was trying to build houses and put up two show houses that were
14 vandalized and demolished later in that area.

15 Q 72 Was it your understanding Mr. Gilmartin was going to put houses on the site?

16 A No, it was industry.

17 Q 73 It was industry?

18 A Job creation was the sort of global heading rather than specifics.

19 Q 74 Yeah. Well just in relation to that, and sorry for probing you on it,
20 Mr. Lawlor, but job creation could be the re-siting of a big industrial factory
21 type operation that was already in operation in the UK for example?

22 A Well no, a private property developer in the industrial sector is going to be
23 doing start-up units or warehousing or that type. The manufacturing is going
24 to be done through IDA, grant aid, by their own direct involvement which they
25 were elsewhere in the constituency.

26 Q 75 That's exactly my point. If he was going to put industry into it and create
27 jobs there, you weren't just talking about the jobs involved in the
28 construction of industrial units, you understood that there was going to be
29 permanent employment when he was finished with the development?

30 A Yes and you know, I would have also envisaged that if he was prepared to go in

1 and put in the infrastructure, that then I would be piggy backing on that and
2 demanding the IDA to take an acreage of it and promote it as a job creation
3 base.

4 Q 76 And did you discuss with him the IDA taking an interest in this?

5 A No, not at that stage, or at any stage, it would have been at the back of my
6 mind that if this man was going to go in, open up these lands, put in roads an
7 services, that it's something that could be then promoted because it was a
8 pretty derelict grim situation that existed there.

9 Q 77 Was there ever a suggestion that because of its unique location with the future
10 interchange of the M50 and the Lucan bypass that it would make an ideal
11 location for a shopping centre or town centre?

12 A Well my recollection of my mind at that time is that at last we were making
13 progress on Balgaddy, and therefore the shopping circumstances didn't arise and
14 I didn't know what his knowledge or otherwise, I had no reference to at all.
15 Now the Saturday morning was another half hour with people waiting to see me
16 while he was there so there wasn't that in-depth discussion.

17 Q 78 Now, you also said I think in your evidence that he asked you to try and
18 convince the personnel in Arlington who had the involvement in Bachelors Walk
19 that it was wise to invest in Bachelors Walk at that time?

20 A Yeah, I think I recall him saying the name now afterwards, it was Mr. Dadley
21 was the contact there, but my recollection is that Mr. Dadley was coming to
22 Dublin and would I make time to meet him and just meet him. He just asked me
23 would I meet him and so forth.

24 Q 79 And did you agree to meet Mr. Dadley?

25 A Yes, I did.

26 Q 80 And between -- there's a meeting in Arlington that Mr. Gilmartin deals with,
27 you do accept that I think you went to London on two occasions and met with
28 Arlington personnel?

29 A That's correct.

30 Q 81 Your first recollection of a meeting with Arlington personnel is a meeting with

1 Mr. Dadley joined by Mr. Mould and going to lunch.

2 A Yes.

3 Q 82 And your second meeting is a recollection of a meeting, where you addressed on
4 the 21st July a gathering of Arlington and other, yourself and other Irish
5 business people in London, isn't that right?

6 A That's correct.

7 Q 83 Your they are your first and second meetings. You appreciate that
8 Mr. Gilmartin has given an account of what he regards as your first meeting
9 with Arlington?

10 A Yes.

11 Q 84 I'll deal with that.

12 A Sure.

13 Q 85 For the movement I want to deal with your recollection. How long after your
14 meeting, your Saturday morning meeting with Mr. Gilmartin, did you meet with
15 Mr. Dadley?

16 A I would be guesstimating within a month, three or four weeks.

17 Q 86 Now can you tell the Tribunal how that meeting came about?

18 A Well, I can't recall whether Mr. Dadley called me or whether Mr. Gilmartin gave
19 me Mr. Dadley's phone number or whether Mr. Dadley was here with or on his own,
20 but I met Mr. Dadley and he asked me did I, you know, was I ever in London and
21 I said yes, regularly, we would have talked about my involvement in Dartford in
22 Kent, going over to by-monthly meetings and that, and so I would have had a
23 meeting in Dublin, he would have outlined what they were hoping to do and as a
24 result of that, came a sort of a decision, well if you are coming to London
25 give me a call and I could have been going within the next two or three weeks
26 and would have done so.

27 Q 87 That meeting with Mr. Dadley was a meeting between yourself and Mr. Dadley,
28 there was nobody else present?

29 A Yeah and it would have been arranged by my secretary or myself.

30 Q 88 Okay and where did the meeting take place?

- 1 A In Brewers Gate, I think.
- 2 Q 89 No the meeting in Dublin?
- 3 A It could have been Buswells, it could have been the Dail, no idea, centre city
4 somewhere.
- 5 Q 90 There was nobody else present other than yourself and Mr. Dadley?
- 6 A I am not sure whether Mr. Gilmartin, to be honest I don't know, I'm pretty
7 clear I met Mr. Dadley in Dublin before I met him in London and I think he was
8 back and for the fairly often at the time.
- 9 Q 91 Your invitation to London was from Mr. Dadley and not from Mr. Gilmartin?
- 10 A No, I never met Mr. Gilmartin in Arlington's offices ever.
- 11 Q 92 I am just talking about your invitation to go to London and meet up with
12 Arlington in London, that never occurred as a result of a request from
13 Mr. Gilmartin?
- 14 A No, it was directly with Ted Dadley.
- 15 Q 93 Okay. Now you did go and you gave, you have identified, you have referred to a
16 meeting that you had with Mr. Dadley in London, that's your second meeting
17 presumably with Mr. Dadley, your first meeting having taking place in Dublin?
- 18 A I just have to be honest with you, Mr. Quinn, I don't know whether it was by
19 phone and agreement or by meeting Mr. Dadley in the first instance in Dublin.
20 I can't be absolutely sure.
- 21 Q 94 Okay you feel that you may have not have had a face to face meeting with
22 Mr. Dadley in Dublin, you may have had a telephone conversation with
23 Mr. Dadley?
- 24 A Yes.
- 25 Q 95 But whether it be on the phone or on a face to face meeting, it's yours
26 evidence that it was at Mr. Dadley's request that you went and met Mr. Dadley
27 in London?
- 28 A I wouldn't have gone and met somebody I didn't know. I would have spoke to
29 them and said Mr. Gilmartin has told me to ring or Mr. Gilmartin said you would
30 ring or whatever, but I had a prefixed meeting, flew into Heathrow airport,

1 went, found his offices, it was half past ten, eleven o'clock, maybe a
2 little later and met this man for the first or second time.

3 Q 96 Okay. If you hadn't met him face to face, you had certainly spoken to him on
4 the telephone?

5 A Yes.

6 Q 97 You were now meeting him as a result of that conversation?

7 A That's correct, yes.

8 Q 98 Now, can I ask you what transpired during the course of that conversation that
9 you had with Mr. Dadley?

10 A Well, my recollection is that Mr. Dadley was outlining to me that he had
11 recently moved from the retail consumer side of the sector, into retail
12 development and that Arlington were a very proven business park developers and
13 I came to know a bit more about that in later years and they are very
14 successful or were. This retail dimension was a new adventure and Mr. Dadley
15 had been head-hunted to head up this Arlington retail division, which I think
16 turned out to be a bit of a disaster and they lost millions, I don't think they
17 did anything terribly success, I don't know, so Mr. Dadley was outlining that
18 he was the new guy on the block and this Dublin project was one that he was
19 going to advance and they were very enthusiastic about it.

20 But they had a lot to do in acquisition and convincing investors and stuff like
21 that. So it was a sort of a general discussion about Bachelors Walk and about
22 the track record of Arlington as a Plc with proven track record.

23 Q 99 Ask Mr. Dadley, when you were on the phone to him, ask you or tell you why he
24 would like you to travel to London and meet up with him in London?

25 A No. I would suggest it was Tom Gilmartin's sort of strong suggestion that you
26 should meet this guy, he seems to have a great vision of what's going on in
27 Ireland and talk to him and he will tell you. He will give you good reason why
28 you should do what you are doing.

29 They don't appear to have done a lot of research, as was proven later, so I
30 suppose they were sort of looking for whatever sort of general information they

1 could to form opinions.

2 Q 100 Well, is it your evidence to the Tribunal, Mr. Lawlor, that you felt that your
3 contribution to your discussions with Mr. Dadley was to convince Dadley,
4 Arlington, to continue or to commence or continue the investment in Bachelors
5 Walk?

6 A Yeah, I would have seen it as an achievement if you could get somebody to do
7 what was need on the quays there. Sure.

8 Q 101 Are you saying there was some sort of ambivalence on the part of Dadley and
9 Arlington at that stage to get involved in Bachelors Walk?

10 A No, I don't think so, no, but I think they were pretty new to the scene and it
11 transpired afterwards they had met the minister eight or nine months previously
12 and were pretty up to speed with everything they were at.

13 Q 102 That's where I'm coming from, Mr. Lawlor, what were you bringing to the table
14 so speak to speak in your meetings with Mr. Dadley and Arlington?

15 A Sue I didn't want to bring anything. They were looking to meet me.

16 Q 103 Did they give you any indication of what you could bring to the table?

17 A None at all, I mean at this stage, it was an exchange of exploratory chat.
18 Arising out of that meeting or possibly by phone, Ted Dadley said he was
19 arranging an investor conference, which I don't want to be running ahead of
20 you, you know?

21 Q 104 You are coming now to the meeting of the 21st July?

22 A Arising from that meeting --

23 Q 105 I appreciate that, but just for the moment just to concentrate on this English
24 investor approaching, I don't mean this in any disrespectful sense, approaching
25 a TD for an entirely different constituency, you didn't have ministerial
26 background at this stage. Did anybody indicate to you what they thought you
27 could bring to the table or how you could be of assistance or why you had been
28 selected as someone who could be of assistance here?

29 A When you are chairman of the state sponsored body for state companies and you
30 have an image of background in engineering and investment and job creation,

1 economic policy, I don't think you sort of restrict your vision to your own
2 constituency, you give it priority, but I saw this as an opportunity to get a
3 part of derelict Dublin redeveloped. Most of Irish property companies seemed
4 to be struggling with finance at the time, and the image given to me by
5 Mr. Gilmartin and by Mr. Dadley was that this was a most desirable company
6 coming in to invest, high risk, but most desirable.

7 Q 106 Well did anybody say to you Mr. Lawlor that the reason you had been approached
8 was because X, Y or Z?

9 A No, I mean this nonsense that I'm supposed to be representing the Irish
10 Government is pure nonsense, they had already met the cabinet minister
11 responsible, I think the former Taoiseach had met the chairman. So they could
12 easily evaluate if I was making these false claims that I was representing the
13 government, when they had already met the government seven or eight months
14 earlier.

15 Q 107 I don't want, Mr. Lawlor, to deprive you of the opportunity to make a
16 submission in relation to it, but for the moment if I could just --

17 A I'm sorry.

18 Q 108 I appreciate it's difficult. Just but in relation to your evidence, nobody
19 indicated to you why you had been approached and why your assistance had been
20 sought or what particular sphere of influence you could have over the proposals
21 here?

22 A That discussion didn't go in that context.

23 Q 109 And it never occurred to you to ask either Mr. Gilmartin or Mr. Dadley as to
24 why you had been sought out as somebody who could be of any assistance to the
25 company as opposed to any other minister for TD?

26 A No but as it turned out, by virtue of the second -- I suppose because of the
27 impression created with Dadley that this guy knows what he is talking about, we
28 will invite him along to the next meeting and see can he convince our
29 investors, so I was seeing myself as promoting Dublin.

30 Q 110 Now, you did have the second meeting and there's no dispute on that, this is

1 the meeting where you did address the investors and you have provided the to
2 the Tribunal, a copy of the address which you delivered at that time, isn't
3 that right and they were others who address the gathering on that occasion?

4 A But there is a dispute, Mr. Quinn, poor Mr. Dadley couldn't even remember it
5 which is sort of an amazing confession to make here.

6 Q 111 Yes, well you certainly remember it and you have as I say, given to Tribunal
7 the copy of the address which you say you delivered?

8 A Four very prominent, well myself and three very prominent people in fields of
9 expertise went along, it was a very important occasion for Arlington as I
10 recall, because they were trying to convince 15 or 20 city investment fund
11 managers that they should be part of this Dublin project. The man giving legal
12 advice was the managing partner of A&L Goodbody actually.

13 There was a senior tax financial man and there was one of the leading property
14 advisers and myself and the four of us saw it as making a case to these people
15 they should back Arlington and redevelop Bachelors Walk.

16 Q 112 Now, at some stage and you are going to tell us when, there must have been some
17 discussion concerning money because we do you were paid money by Arlington and
18 that's not in dispute, the amount is and still in dispute but the actual
19 payments are not themselves in dispute, the principle of payment.

20 A No, not at all.

21 Q 113 Can I ask you when did the discussion of money arise?

22 A My recollection was in the general discussion with Dadley, talking about
23 elections and campaigns and costs and stuff and he proffered this proposal that
24 he would support me financially at subsequent elections or help clear sort of
25 past election expenses and the discussion took place solely with Ted Dadley.

26 Q 114 Okay, was that at the first telephone face to face meeting or was it at the
27 meeting in London?

28 A It was the first face to face meeting.

29 Q 115 When I say the first, you recall?

30 A The meeting in London.

1 Q 116 The meeting in London?

2 A Yes.

3 Q 117 Okay. Was Mr. Mould at that meeting?

4 A No, Mr. mould joined us for ten minutes and the three of us left and went to
5 lunch.

6 Q 118 At what stage of the meeting did you discuss the question of finances?

7 A I would guesstimate it was an hour meeting so sort of as the meeting was come to
8 go a conclusion, Ted Dadley put forward a suggestion and he said he would
9 operate through Tom Gilmartin, who was their man in Dublin.

10 Q 119 I'm anxious to ascertain Mr. Lawlor the context in which Mr. Dadley would have
11 raised the concept of giving you money?

12 A Well, I think it was in the context of the discussion about the rapidity of
13 elections and the cost of what did I do and I had resigned and sold
14 involvements in the engineer business, I was concentrating full-time on
15 politics and Mr. Dadley put the proposal forward, discussed, I don't know, he
16 might have asked me about amounts or something.

17 Q 120 When you say that he put the proposal forward, did he raise the issue of how
18 you financed your election, is it?

19 A It could have emerged out of I don't know, at that time we would have had
20 earlier the number of elections and so forth, so I can't be absolutely specific
21 other than the discussion arose about cost of public life, cost of constituency
22 office, cost of elections and Mr. Dadley said well look, we'll support in some
23 format and I think he suggested the format.

24 Q 121 Okay. You say the entire of the question of the contribution to your election
25 campaign, that entire conversation was generated by Mr. Dadley?

26 A Well I can't say it was absolutely generated, it arose out of an interchange
27 between both of us and there was a conclusion, a suggestion made and a proposal
28 included.

29 Q 122 Can I ask you, did it take you by surprise that your conversation had turned
30 around at some stage to discussing how your election campaign would be

1 supported?

2 A Well it surprised me that he was so forthcoming and wanted to proffer to
3 support because that wasn't in my mind or even intention at the time. I didn't
4 even consider it being feasible.

5 Q 123 Well when you went to London, for example, to meet Mr. Dadley, was it your
6 intention at some stage to raise the issue of your, a contribution to your
7 election fund?

8 A At that stage, I never met the man in my life, I didn't know what type of
9 person he was and Mr. Dadley, I would just suggest in that context and in his
10 spending in Dublin was very flathuileach, sponsored all sorts of activities
11 here.

12 Q 124 Did you know that when you went to meet him?

13 A No but he started talking about it, I think Kilbeggan, Navan, races, various
14 other sponsorships, Mr. Dadley was a sort of very outward going flash type of
15 person and sort of lavishly entertained and lavishly spent on behalf of his
16 company.

17 Q 125 So at some stage in the course of this face to face meeting in London,
18 Mr. Dadley on his own with you, not in the company of Mr. Mould raised the
19 concept of Mr. Dadley/Arlington giving you political financial political
20 support?

21 A That's correct, yes.

22 Q 126 And what did he is a about the amount or how did that --

23 A He said about something he would talk to Tom Gilmartin and get Tom to organise
24 it and then there was some discussion about well look, we'll put a ceiling of
25 say 30 or something on this and then we'll give you the contributions over a
26 period of months.

27 Q 127 Okay. Now, let's just take that in stages if we may, Mr. Lawlor. Why did he
28 tell you that it was for you to contact Mr. Gilmartin?

29 A No, he said he would.

30 Q 128 He would contact Mr. Gilmartin?

- 1 A He would organise it through or with Mr. Gilmartin.
- 2 Q 129 Okay. Did he tell you why it was to be done in that fashion?
- 3 A No. I just presumed that Mr. Gilmartin was their man in Ireland and whatever
4 activities they were operating with and Mr. Gilmartin, I wasn't aware of
5 percentages or involvement, but I was aware that they were partners in some
6 format.
- 7 Q 130 Yes. And as far as you were concerned then, you were to expect Mr. Dadley
8 having spoken with Mr. Gilmartin some procedure to be put in place why you
9 would receive 30,000 over, over a period?
- 10 A Well I think telephoned and said I spoke to Tom about it and we talked to Tom.
- 11 Q 131 Okay, there was a follow up conversation between Mr. Dadley and you?
- 12 A Yes.
- 13 Q 132 But at the meeting, did you have any negotiations so to speak about the level
14 of funding?
- 15 A No, I think. Well, as I say, the figure as it transpired was something under
16 30,000 pounds, although I think Mr. Gilmartin recovered 7 or 8,000 more than he
17 paid me in contributions but it was, that was the sort of basis of the
18 discussion.
- 19 Q 133 The basis of the discussion as I understand it from your evidence, Mr. Lawlor,
20 is that Mr. Dadley at this meeting said that Arlington would pay you, having
21 spoken with Mr. Gilmartin, an amount up to 30,000 pounds?
- 22 A Yeah, I can't be specific, in that order.
- 23 Q 134 Well could it be 40,000?
- 24 A No, well I think it's supposed to be 35 but it turned out to be something less.
- 25 Q 135 Okay. But leaving aside what it was supposed -- what actually happened, did he
26 mention 35 is what I want to ask you?
- 27 A I can't be absolutely specific.
- 28 Q 136 But he did mention an amount?
- 29 A I think, yeah, yeah. I can't be certain about how the specific amount arose.
30 Other than he said well look, we'll be sort of for the next sort of ten or 12

1 months or so, we'll make a contribution of, leaving me, talk to -- probably 3
2 and a half thousand, I don't know whether we agreed there the 3 and a half or
3 whether it was agreed with Mr. Gilmartin, but it was in that context that it
4 concluded as it did and it was kicked in and actioned according to that
5 arrangement.

6 Q 137 Yes. Can I just ask you, did he give you any explanation as to why it would be
7 spread over a period, for example?

8 A No, other than sort of accountancy terminology, cashflow I suppose, they had
9 their outgoings every month to meet their costs and so forth and he was
10 factoring it into that.

11 Q 138 Did he say that to you it was in that context you could expect to receive an
12 amount over a period?

13 A No.

14 Q 139 Did he for example ask you what was the usual or normal contribution by a
15 developer or by your constituents to your political fund?

16 A I formed the opinion they were very big supporters of possibly the conservative
17 party and this man seemed to know everything about everything. He was quite a
18 dynamic type.

19 Q 140 Did you say that you would have preferred if he gave you more money or you
20 didn't require this money?

21 A No, I was conscious that it was a Plc which would mean it would be a reportable
22 item and declared and so forth and everything in order. They were a publicly
23 quoted company on the London Stock Exchange. Any of those matters would be
24 part of their routine procedures and good governance in fiduciary
25 responsibilities.

26 Q 141 So you were going to now receive as a result of that meeting, 3,500 for
27 possibly ten months every month from Mr.--

28 A Yes.

29 Q 142 And that meeting would have taken place sometime in May or June 1988.

30 A Yeah, it wasn't as soon as Mr. Gilmartin has suggested. I would have put it at

1 a number of weeks after that. I recall I was going to London on others matters
2 and I think I have discovered from some memo, with an accounting chap I was
3 meeting about some other matter.

4 Q 143 That was around I think the 21st July?

5 A So I'm putting my meeting with Ted Dadley much further than back than
6 Mr. Gilmartin can recall it.

7 Q 144 Okay, we'll say your first meeting with Mr. Gilmartin was sometime in May?

8 A Yeah and it's mid, late, on, I had staff to organise these things. I can
9 remember meetings but dates and days other than recall the Friday afternoon,
10 because it was a Friday afternoon, I wouldn't have clue of the date, not an
11 iota.

12 Q 145 We know that the agreement with Mr. Dadley must have been in place by the 28th
13 June because the first payment kicked on in on the 28th June?

14 A Maybe a week or two after. You know, I would have met Mr. Dadley anyway and
15 then maybe a week or so after that the arrangement kicked in, that would be my
16 recollection.

17 Q 146 So your recollection is the arrangement probably, the meeting that set up the
18 arrangement was some time in mid June as opposed to May?

19 A Yes, I would assume.

20 Q 147 You had gone I think to Baghdad from the 24th May to the 31st May, would that
21 be of any assistance?

22 A I recall going to Baghdad that day so that would seem to be the time sequence,
23 yes.

24 Q 148 So it was before you went to Baghdad or after you went to Baghdad that you had
25 that London meeting you say with Mr. Dadley?

26 A I think that would have been before because I met Mr. Gilmartin en route and so
27 I think it would have been before it, yes.

28 Q 149 You my may not be doing yourself justice here, because you did go to Baghdad in
29 September and you met Mr. Gilmartin at that time?

30 A Sorry, yes, yes, so I just couldn't be certain whether it was in that sequence

1 of dates, thereafter, but the next date that we do have which I suggested might
2 be available wasn't and now is as Mr. Redmond's dairy which put the date of the
3 meeting that Mr. Gilmartin came to Dublin, so I would suggest it was all in
4 that four or five weeks.

5 Q 150 Yes, but there was never any question of Mr. Gilmartin contributing, sorry,
6 yes, Mr. Gilmartin contributing to your political campaign, the entire
7 discussion in relation to the political contribution, although it involved
8 Mr. Gilmartin but the entire discussion appears to have been between you and
9 Mr. Dadley and you have made that point and that's your evidence?

10 A Yeah and I mean it ended up with the other payment which nobody other than
11 myself seems to have been able to --

12 Q 151 I'll get to that payment, there was a separate conversation you say involving
13 that payment, isn't that right?

14 A Yes.

15 Q 152 But the three and a half thousand pounds payment, if I could take it, those
16 payments arose you the out of a meeting by Mr. Dadley and you?

17 A Solely with Mr. Dadley and myself.

18 Q 153 Yes. And --

19 A Actioned then by Mr. Gilmartin.

20 Q 154 Actioned by Mr. Gilmartin?

21 A I would have discussed it with Mr. Gilmartin because he was now acting on
22 behalf of Arlington, so I would have had some discussion with him. The detail
23 of which I can't recall other than he saying well I have an account in Bank of
24 Ireland Blanchardstown and my friend is the manager, you go see him and so
25 forth so some discussion of that nature took place.

26 Q 155 Okay. So there would have been the meeting in London with Mr. Dadley,
27 Mr. Dadley leaving that meeting was to contact Mr. Gilmartin to put the system
28 in place. He must have contacted Mr. Gilmartin, must have relayed back to you
29 the fact that he had spoken with Mr. Gilmartin and then you must have spoken
30 with Mr. Gilmartin to more or less along the lines was Mr. Dadley speaking with

1 you and --

2 A Yes.

3 Q 156 Is that --

4 A That's exactly it.

5 Q 157 Now, was Mr. Gilmartin a willing participant in those payments?

6 A Absolutely, yeah, never said a word of complaint or had any, you know -- and to
7 be fair in his own evidence when he has said elsewhere, he said he did have one
8 or two, had a go at me and that was about other matters on his brochure and
9 that, Mr. Gilmartin was a very willing participant and I had never had any
10 difference with Mr. Gilmartin on this matter at all.

11 Q 158 So in June 1988 then as a result of that meeting and those series of
12 conversations, you had an expectation over the next ten months probably 12
13 months that you were going to get 3 and a half thousand from Mr. Gilmartin on
14 behalf of Arlington?

15 A I couldn't be specific about the number of months because when I was trying to
16 recall it afterwards, I put it at less months than it actually was.

17 Q 159 Well we'll leave aside the precise number of months but you were to get in or
18 about 30,000 pounds?

19 A Yes something like that.

20 Q 160 You could expect or look forward to that?

21 A Yes, that was the way it was --

22 Q 161 Now, I think your evidence is that, and we know that payments were made to you
23 and I'll deal with those in a moment, you then in relation to the first payment
24 which I think was on the 28th June, you had a conversation with Mr. Gilmartin
25 according to Mr. Gilmartin on the eve of the 28th June, you rang him and you
26 had a discussion?

27 A I don't recall but I'm certain it did happen because obviously the matter
28 couldn't have been transacted if there hadn't been agreement between the
29 parties.

30 Q 162 And the 28th June was this, by coincidence was the day that he appears to have

1 come with you to meet Mr. Redmond, isn't that right?

2 A Then it could have been when he came.

3 Q 163 Now, had you met Mr. Gilmartin in the intervening period? That is between your
4 two meetings in Lucan in earlier May '88 and your obvious meeting with him on
5 the 28th June, '88.

6 A I just could not be certain. I don't know. To be honest.

7 Q 164 But would have spoken with him?

8 A I would have, yes, because -- and to be fair, I think the man was back and
9 forth every other week, so I doubt it a month elapsed, maybe it did, you know?

10 Q 165 Yes. And did he deal in any greater detail with you concerning his ambitions
11 for the Bruton lands and the council lands or did he ask you was there any
12 progress in relation to your undertaking to him at your first meeting to
13 introduce him to the manager?

14 A No, Mr. Quinn, my attitude about that sort of situation -- my attitude about
15 that sort of situation, whatever you wanted to try and do here, we'll bring you
16 in and explain it to the manager. If he is concurring with it, he will
17 delegate it to some staff and off you go and do your business. So I wasn't in
18 any way, you were there as a sort of a broad policy brush, you set things up,
19 tried to make things happen and then you let people that had the day to day
20 involvement get on with it.

21 So I would have just said I'll bring you in to meet the manager, explain your
22 case to him and maybe you can make progress from there.

23 Q 166 Yes, had he been putting pressure on you to bring him into the manager, after
24 all nearly two months had elapsed between your undertaking to bring him to the
25 manager?

26 A Not at all, no no, I would have said I'll arrange, when are you coming again,
27 that mightn't suit, I mightn't be in town I might be in Baghdad or whatever,
28 there was no question but I'll arrange it as soon as we can fit with the
29 manager and yourself on a visit with myself.

30 Q 167 Now, can I just ask you, Mr. Lawlor, at this stage because it's your evidence

1 as I understand your questioning of the various witnesses, that Mr. Gilmartin
2 got very angry with you at certain stages and perhaps fell out with you because
3 you advised him that his idea of a regional centre here involving 1.5 million
4 square feet shopping centre was not feasible, when did Mr. Gilmartin tell you
5 that, that that was his ambition for this site?

6 A The day he unfolded his big Westpark brochure.

7 Q 168 This is the 5th July 1990? That's the meeting in the Berkeley Court Hotel?

8 A Well no, that was a presentation with 100 and odd people, he met me on one to
9 one with his brochure and opened it up and started telling me about the scheme.
10 Now I can't --

11 Q 169 I'm trying to just --

12 A Get a sequence. Yes, I appreciate that.

13 Q 170 Yes, in my own mind. You are discussing his possible development at this
14 interchange and wondering at what stage did he --

15 A I don't think his development at that interchange had surfaced as a viable
16 consideration at that stage.

17 Q 171 But you must have been curious as to what was going to create all these jobs at
18 this interchange?

19 A Well you see he wouldn't have -- it was -- there was no numbers on jobs at that
20 stage.

21 Q 172 I appreciate that.

22 A Numbers emerged in the document.

23 Q 173 I appreciate all that, but were you not curious as to what he was going to put
24 up on this site if he did ultimately assemble it?

25 A Well my curiosity was satisfied by my own knowledge that it was an industrial
26 sort of proposal.

27 Q 174 Well when -- let me approach it this way -- when did Mr. Gilmartin lead you to
28 believe that it wasn't an industrial proposal that he had in mind for this
29 site, but in fact a shopping centre?

30 A I think as he worked up the availability for presented me with the brochure.

- 1 Q 175 Well, when do you say that that brochure was given to you or was discussed with
2 you?
- 3 A I haven't a clue when it was presented, but it was some months after this
4 particular period.
- 5 Q 176 Okay, we are now talking about let's put it in context, we are now talking
6 about May '88 and the first payment, the Arlington payment to you is in June
7 '88?
- 8 A Yeah, I don't know whether there is any specific date on the availability of
9 the brochure, whether you have a date, but I know the discussion and the
10 vastness of the scheme emerged in a pre-runner in the Berkeley Court because
11 obviously the supply of brochures.
- 12 Q 177 That's two years away now, isn't that right? The Berkeley Court presentation
13 was in July 1990?
- 14 A Whatever but the only --
- 15 Q 178 The 5th July 1990?
- 16 A I put it diplomatically, the day he outlined his project to me was the day that
17 he sort of, well, threatened me with ministers that they were supportive and I
18 was being very unhelpful, I can't put a date on that but I can recall the
19 actual discussion.
- 20 Q 179 Okay, we'll try and maybe narrow it down. If we say that the public
21 presentation is the 5th July 1990, was it, it had to be before that date?
- 22 A The man had a lot of work done before he was ready for that presentation.
- 23 Q 180 I appreciate that. If we go back to your first meeting with him in May 1988,
24 we know it has to fall within that period. I'm just, doing the best you can,
25 can you recall --
- 26 A Well, I just, yeah, what I would assume is that, if he did have any discussion
27 with Bruton's and there's dates there for land acquisitions that within the
28 next six to nine, 12 months, Mr. Gilmartin was about his business trying to
29 negotiate these individual parcels of land. And as he probably got within
30 sight of at least knowing he could assemble, although I think the man could

1 have actually produced the brochure ahead of the acquisition of the lands --

2 Q 181 Well did he tell you about his progress in acquiring the various parcels?

3 A On and off, yes.

4 Q 182 Did he tell you that it was his desire to acquire all of the lands in that
5 area?

6 A Yes, as contacts and discussions would have gone on, he would have outlined
7 that he was now trying to do, like I can't know that when my knowledge of
8 Mr. Gilmartin's project went from industrial to retail. I can't be specific
9 about exactly when but Mr. Gilmartin was very ambitious, very forthcoming when
10 he eventually decided but wasn't initially.

11 If I had been aware of his ambitions, it wouldn't have been Mr. Redmond we had
12 gone to see, it would have been Mr. Prendergast, I don't think we would have
13 arranged a meeting at all, because the manager would have said what the hell
14 are you bringing him in here for, don't you know we have a town centre site up
15 the road.

16 Q 183 If I could just maybe just tie you down in this if I can, Mr. Lawlor, and I
17 want to give you as much leeway as possible. Would it have been when you met
18 Mr. Forman, when Mr. Forman and Mr. Gilmartin came to visit you in Lucan?

19 A I can't put a date on it, I do remember Mr. Forman just very vaguely, he was
20 very quiet, he didn't speak much so he made no great impact on me at the
21 meeting but he probably was with Mr. Gilmartin. My recollection of that, it
22 was in the Town Hall in Lucan.

23 Q 184 We'll just concentrate on that meeting for the moment. The meeting in the Town
24 Hall, you have a vague recollection of it, Mr. Gilmartin is there, Mr. Forman
25 is with him, was that the occasion when he finally told you he was going to put
26 a regional centre on that site?

27 A All I know is the detail was the day he presented me with the brochure, now
28 what date or meeting it was at -- and I don't recall having this sort of --
29 listening to Mr. Gilmartin being aggressive in the company of Mr. Forman. To
30 be honest about it, I don't recall that. I do recall him, you know,

1 outlining -- I don't want to be running ahead of you. I can't put a date for
2 you when he outlined his retail project to me, but when he did I responded by
3 giving him what I thought was constructive criticisms of the scheme and he took
4 a hostile reaction to that.

5 Q 185 Okay. Well was that sometime in late 1988?

6 A I would put that towards, running towards the end of 1988, yes.

7 Q 186 Would that have been November, December?

8 A Yeah, I would have put it was four, five, sort of six months after first
9 meeting the man, now he was making headway and he was going to talk about his
10 real intentions, yes.

11 Q 187 Okay. And it was after you had introduced him to Mr. Redmond?

12 A Yeah, sure, but that was a complete non-event, the manager just said look you
13 should know better, this man is looking to build motorway facilities, it's a
14 blue signage international motorway, what are you bringing him in wasting my
15 time for?

16 Q 188 You supplied a statement, Mr. Lawlor, to the Tribunal in March of 1999 and I'm
17 just going to read a portion of that statement to you in the context of your
18 evidence.

19 A Sure.

20 Q 189 It's to be found at page 731 to 734. And it commenced as follows:

21 "My recollection of meeting with Mr. Tom Gilmartin and Arlington Securities
22 goes back to the late '80s and are as follows; on Friday afternoon in 1989 -- I
23 take it that you would now say that that should be 1988 --

24 A Yes.

25 Q 190 "I was telephoned by a constituent Mr. Brendan Fassnidge from Palmerstown. He
26 rang me in my Dail office and asked me to meet Mr. Gilmartin. At the time he
27 rang I was preparing to leave the office to go to my constituency and therefore
28 I met him in Palmerstown. Mr. Gilmartin introduced himself and he said that he
29 had undertaken a number of property projects in the UK and Northern Ireland and
30 identified a major site at Bachelors Walk as an inner city renewal development.

1 He further went on to outline the name of Arlington Plc as a major UK publicly
2 quoted company that was proposing in cooperation with him to undertake the
3 project at Bachelors Walk. All of the above was outlined quite briefly to me
4 since the meeting had been arranged at such very short notice and I was under
5 pressure to attend other meetings.

6 Mr. Gilmartin was anxious to continue the conversation and I told him that I
7 would be doing my Saturday advice clinic in Lucan the following date and might
8 have some time to spare. He agreed to attend at the clinic the next day.

9
10 Mr. Gilmartin attended my Saturday morning advice clinic in Lucan and he
11 confirmed that he had a number of meetings with various personnel. He felt the
12 Bachelors Walk project would be universally accepted as major city centre
13 redevelopment and as a large section of Dublin Quays were in a very derelict
14 state, he expected there would be widespread support such a redevelopment. I
15 outlined what I thought was the general merits of such a project along the
16 quays and gave a general overview of the increasing population in the greater
17 Dublin area and in the east region.

18
19 After an exchange of views Mr. Gilmartin asked me would I meet with the
20 Arlington Securities senior executives to give an overview and to provide
21 whatever general economic material might be available to allow London based
22 executives to get a better understanding of the general economic and
23 demographic profile of Dublin".

24 That's your evidence I think in relation to --

25 A I would probably have suggested that, that I would do that rather than
26 Mr. Gilmartin asking me.

27 Q 191 Now, you go on to say "Telephone numbers were exchanged and it was agreed a
28 further meeting would take place. I cannot be exact about the dates of these
29 meetings as I have not retained diaries and correspondence from the '80s. I
30 repainting job at my offices in Lucan some five years ago, saw a major clean

1 out of what was assumed to be a build up of the irrelevant diaries/paperwork,
2 etc. Also with the moving to computerisation of the 1990s, a lot of old files
3 were deemed to be surplus material. Mr. Gilmartin would have telephoned my
4 office and my secretary would have arranged a further meeting. At that meeting
5 it was agreed that when I was next in London I would meet with the Arlington
6 personnel. Some weeks/months later I met the Arlington personnel. At that
7 London meeting an invitation was extended to me to attend a briefing session at
8 Arlington's head office for a potential British retailers, pension funds and
9 investment banking personnel and I was asked would I prepare a brief address
10 outlining the merits and potential of the Dublin city and its environs."

11
12 Now, that gives the impression there, Mr. Lawlor, and you have to agree with me
13 I think, that there was a series of phone calls following on your first or
14 second meeting with Mr. Gilmartin which led to a further meeting and at that
15 further meeting, there was the agreement at the invitation of Mr. Gilmartin
16 that you would meet with the executives in London, isn't that right?

17 A Sorry Mr. Quinn, now the discussions regarding the second meeting and any
18 meeting was directly with Mr. Dadley because Mr. Gilmartin wasn't even invited
19 to this --which was a bit surprising somewhat.

20 Q 192 What I'm attempting to do here, Mr. Lawlor, is to give you an opportunity to
21 comment on a statement that you in an effort to be of assistance to the
22 Tribunal provided to the Tribunal in March of 1999, and in the first instance I
23 am asking you to accept that it seems to be inaccurate based on the evidence
24 that you have now given?

25 A Well I'm just putting myself in the position of dealing direct with Ted Dadley
26 for the briefing meeting of their, the second meeting, not Mr. Gilmartin.

27 Q 193 Yeah, but that does say or if the Tribunal for example, were to act on that
28 statement in March of 1999, they would be led to believe that it was at
29 Mr. Gilmartin's invitation you attended the meeting with Arlington personnel,
30 isn't that right?

1 A What I'm really saying he was -- there was telephone calls, my secretary would
2 arrange when are you coming up across again, I would be tied up in the Dail on
3 Wednesday, he could meet you Thursday, I would meet -- now his request to meet
4 the Arlington personnel wasn't in relation to the presentation, if that's what
5 the image is conveying, it wasn't, because that was directly with Mr. Dadley.

6 Q 194 But you agree with me, that one reading that passage --

7 A Ah yes.

8 Q 195 Would be led to believe that you met Arlington at Mr. Gilmartin's?

9 A Well I did at his initial request because I never heard of them until he told
10 me who they were.

11 Q 196 What's said there it was at a subsequent meeting after intervening telephone
12 calls, that you were asked to meet Arlington personnel and that that request
13 was made of you by Mr. Gilmartin?

14 A It could be that I arranged with Arlington personnel, not asked to by
15 Mr. Gilmartin.

16 Q 197 But the impression conveyed there, and that's all I'm asking to you accept from
17 you at the moment, the impression created there is that Mr. Gilmartin asked you
18 to meet the Arlington personnel?

19 A At that time, yes and it's wrong, I was in direct talks with Ted Dadley himself
20 rather than Mr. Gilmartin.

21 Q 198 Would you agree with me it doesn't say that?

22 A No, but that was my best recollection then and now trying to piece it all
23 together in the minutiea.

24 Q 199 Can I just, on that point, Mr. Lawlor, what was it in the intervening period,
25 that is between March of 1999 and July of 2004, that enabled you to improve
26 your recollection of the evidence which led to the evidence you have given this
27 morning?

28 A Having had to listen to what I have had to listen to here for the last number
29 of months.

30 Q 200 I see.

1 A Dates and times and places and people.

2 Q 201 Now just for completeness and in fairness to you, Mr. Lawlor, I am going to go
3 through the remainder of that statement.

4
5 You go on to say "I attended that briefing meeting. Attached is a copy of the
6 short speech I made. Also addressing the group was a senior partner from one
7 of the countries's leading firm of lawyers, senior partners in a major
8 accounting practice and a senior partner from the Dublin office of one of the
9 largest international property advisory firms. The briefing sessions commenced
10 at ten a.m, concluding before lunch and I left the Arlington offices
11 immediately after lunch. I recall agreeing to provide to Arlington Plc the
12 following information:

13 A. The most recent census information for the Dublin region.

14 B. Various ESRI Central Bank reports in economic forecasts.

15 C. The ERDO reports detailing populations for the east region.

16
17 There may have been other general publications that were included. These
18 publications were assembled and forwarded. The meetings I had with
19 Mr. Gilmartin were often not of a formal nature, many incidental matters were
20 discussed apart from the Bachelors Walk project. Mr. Gilmartin regularly spoke
21 about his own history and background. He said that he had to immigrate from
22 Sligo as a young man and this fact seemed to have a big influence on his
23 thinking. He also said that he was committed to playing a part in creating job
24 opportunities in Ireland, so that the present generation of young people will
25 not have to emigrate as he did, or at least not in such large numbers. He
26 often stressed both the difficulties he had in his early life and the successes
27 which had subsequently come his way.

28
29 He specifically spoke about his engineering experience relating in particular
30 to fitting out premises for the car assembly industry, especially in Luton. He

1 said that he had undertaken engineering projects for some of the leading UK car
2 and truck assembly companies. He also discussed matters person to his family
3 which are unnecessary to detail here. He seemed very keen perhaps for the
4 reasons outlined above, to be directly, personally involved in a major project
5 in Ireland. On several occasions he discussed purchasing a residence on the
6 south side of Dublin and in that connection he would ask me about particular
7 roads or areas. I believe that he either identified a house which he intended
8 to purchase or actually purchased it, but I cannot give any specific details at
9 this distance in time.

10
11 As may be apparent from the foregoing, the conversations which I had with
12 Mr. Gilmartin were no by means entirely focused on Arlington. They were often
13 personal in discourse or chatty. The impression I had was, that he had
14 initially come to me as he had gone to other political administrative and
15 commercial figures with a view to making his projects known and testing
16 reaction to them. He took up the discussions again on a number of occasions,
17 often as it seemed to me with nothing specific in mind but simply to keep in
18 touch and perhaps he found he could focus better on things in discussion with
19 me or other people.

20
21 And then you say "At one of these meetings Mr. Gilmartin proposed to me that he
22 would support my election campaign on behalf of Arlington Plc."

23
24 Now, if I just stop there, Mr. Lawlor. Would you agree with me that that
25 conveys the impression, that the discussion in relation to the support for your
26 political campaign came from Mr. Gilmartin?

27 A Yes, and that's wrong. That should have been Mr. Dadley or Mr. Gilmartin
28 partook in it afterwards which was the correct interpretation. That's not as I
29 have explained and as already explained to you, the discussion I had solely
30 about that was with Mr. Ted Dadley and Mr. Gilmartin then actioned what had

1 been agreed with Mr. Dadley.

2 Q 202 So the Tribunal acting on that statement in March 1999 would be misled into
3 believing that it was a discussion between you and Mr. Gilmartin that led to
4 the payments to you by Arlington?

5 A But sure that's why we are here, Mr. Quinn, to make sure under oath that it's
6 all accurate and in order. I mean that's a recollection dictated among
7 thousands of other things one is dealing with.

8 Q 203 But provided to the Tribunal to be of assistance to the Tribunal?

9 A And I think it is very much of assistance and I'm delighted to correct it now.

10 Q 204 It's --

11 A It should be Mr. Dadley and Mr. Gilmartin implemented what I had agreed
12 regarding my election campaigns with Arlington.

13 Q 205 Now at that time you went on to say "I understand from media reports that
14 Mr. Gilmartin says that he has given cheques which he used in this regard to
15 the Tribunal. And I will be more than happy to view them and state whether or
16 not they were received by me as political contributions. And give any other
17 information or assistance which I can."

18
19 That conveys to me, Mr. Lawlor, the impression that you would require to see
20 the cheques before you could come to a conclusion as to whether or not they
21 were made by way of political donations or otherwise?

22 A No, no, it's just that's talking weekly to Mr. Connolly on the Sunday Business
23 Post and we are reading about a every week.

24 Q 206 I accept all of that, Mr. Lawlor. This is after all your statement to the
25 Tribunal in March 1999, detailing your meeting with Arlington and Mr. Gilmartin
26 and my question to you is, doesn't that give the impression to the Tribunal at
27 that time, that you would require sight of the cheques before you could say
28 whether or not they were received as a political donation?

29 A I don't know, this is -- I was of the opinion that I have given other
30 statements that gave as much detail as I could without having copies of the

1 cheques to give you.

2 Q 207 Yes. My question again, Mr. Lawlor, and I mean in the first instance I just
3 want you to think of the question. My question is do you agree with me that
4 that conveys the impression to the Tribunal that you would require sight of the
5 cheques before you could comment on whether or not they had been received as a
6 political contribution?

7 A No --

8 Q 208 Isn't that what it says?

9 A No, no.

10 Q 209 You don't accept that's what that says?

11 A What I interpret it to say, is that I will confirm to the Tribunal that these
12 political contributions were given to me if you have copies of the cheques
13 which I didn't have to give you. Sure if I had the copies of the cheques I
14 would have provided them to the Tribunal.

15 Q 210 I accept that, Mr. Lawlor, but what I'm suggesting to you is what the sentence
16 actually says is and what it implies is that you would require sight of the
17 cheques before you could say whether they were received as political
18 contributions?

19 A No, I was just trying to clarify the actual total amount for you.

20 Q 211 I'll read it again Mr. Lawlor, "I understand from media reports that
21 Mr. Gilmartin has said he has given cheques we which he used in this regard to
22 the Tribunal and I would be more than happy to view them and state whether or
23 not they were received by me as political contributions and give any other
24 information or assistance which I can."

25
26 You don't accept that that conveys the impression that you would have to see
27 the cheques before you could say whether or not they were given as political
28 contributions?

29 A No, I would try to say I couldn't be absolutely specific about the amount. If
30 you have the cheques and you can catalogue them down to me, I can concur and

1 agree with you. But as there is, there's a dispute about the actual amount.
2 There's a cheque out from the Tribunal saying Miss Vera Gilmartin is on a
3 cheques and now there's a Dublin solicitor writing saying it's not Vera
4 Gilmartin. I am making a point to you, if as I read Mr. Gilmartin says he has
5 given copies of those cheques that I got, I would concur, yes, yes, no, I don't
6 think that's one I got, that's what I was conveying to you there.

7 Q 212 As I understand your evidence in your position, Mr. Lawlor, at all times, in
8 all recent times to the Tribunal, you never received money from Mr. Gilmartin,
9 any monies or any cheques Mr. Gilmartin gave you were given on behalf of
10 Arlington and any money you got from Arlington either directly or through
11 Mr. Gilmartin were all received by you at political contributions and they were
12 never otherwise?

13 A Yeah but.

14 Q 213 Am I incorrect in that?

15 A No, no but you can't say I never said I got money from Mr. Gilmartin, I did
16 obviously but in the context of what you have outlined, Mr. Quinn. In the way
17 it was structured but I never asked or got a penny from Mr. Tom Gilmartin from
18 his own accounts, well I did but he was reimbursed as we are both aware. So
19 what I was trying to say here was that because I didn't have copies of the
20 cheques and didn't have a typed schedule of the amounts per month, that if they
21 were available, I could authenticate them for the Tribunal. That's what I'm
22 conveying there.

23 Q 214 Well are you saying Mr. Lawlor that you had forgotten how much you had received
24 from Arlington through Mr. Gilmartin?

25 A Yeah, I didn't put it at the number, I think it's seven or eight and I put it
26 at three or four to be honest.

27 Q 215 "During that time, Arlington opened an office in Dublin and I had no further
28 contact with the company. My recollection is that the acquisition of the total
29 Bachelors Walk area was drawn out over a lengthy period and possibly 50, 60
30 percent of the proposed area was acquired. The balance was never contracted or

1 purchased. I believe without having detailed knowledge that British Aerospace
2 took over the Arlington company and a policy decision was taken not to proceed
3 with the Bachelors Walk project. This is my recollection as to why the project
4 never proceeded. The above is my recollection of my contacts with Arlington
5 Securities and Mr. Tom Gilmartin regarding the Bachelors Walk project.

6
7 I wish to also record that I never rang, discussed or wrote to any planning
8 authority or local government personnel regarding the Bachelors Walk project.
9 As Arlington Securities never assembled the complete site they were not in a
10 position to apply to the planning authority and as such no decision was ever
11 made to approve or reject the project. Neither Tom Gilmartin or Arlington
12 Securities Plc ever at any stage requested any political interference, favours
13 or any impropriety of any kind. Likewise in all my meetings with them, I
14 behaved with complete propriety, at no relevant times was I in any elected
15 position in which I would have been able to bring influence to bear on any
16 decision to the Bachelors Walk project."

17
18 And it's signed by you, isn't that right?

19 A That's correct.

20 Q 216 Maybe this is an appropriate time to ask you, Mr. Lawlor, to put a figure on
21 the monies you say you received from Arlington. Firstly received through
22 Mr. Gilmartin and secondly received directly.

23 A Well putting it I think, from what we can try and establish is 27 and 33,000 so
24 that totals up to whatever. 67?

25 Q 217 The 33,000 is I think a sterling figure and it works out I think at 39,000-odd?

26 A They are the two different amounts in a variety of cheques and one cheque.

27 Q 218 So there would be no misunderstanding as we go forward, Mr. Lawlor, your
28 position is that you received directly from Arlington a sum of a 33,000 pounds
29 sterling cheque which you have discovered to the Tribunal and no other sum and
30 that you did receive as a result of your discussions with Mr. Dadley ma series

1 of cheques from Mr. Gilmartin on behalf of Arlington which total 27,000 pounds.

2 A Yes, when I put in, on the advice of Mr. Rogers B42 files to the Tribunal to
3 try to build together, Judge Keys raised one day, was there no record, I
4 exaggerated the Arlington figure to be on the higher side, I had no cheques to
5 prove it, I was trying to estimate well it could have been more and quite
6 honestly when the bank discovered the 33,000 pounds cheques for me, I thought
7 that cheque was for more.

8 Q 219 I see. I'll come to that cheque in a moment.

9
10 CHAIRMAN: All right. It might be an appropriate time to give the
11 stenographer a break. Break for ten minutes.

12
13 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK AND**

14 **RESUMED AS FOLLOWS:**

15
16 Q 220 MR. QUINN: Thank you very much. Mr. Lawlor. Before the break, we were
17 dealing with that correspondence which you had with the Tribunal in March 1999
18 and you were there setting out your involvement with Arlington and
19 Mr. Gilmartin, isn't that right?

20 A Yes.

21 Q 221 Now the one thing that letter didn't say, Mr. Lawlor, is how much you say you
22 received or had received from either Mr. Gilmartin or Arlington, isn't that
23 right?

24 A I don't believe I would have been certain about it when I was writing.

25 Q 222 Well you give no indication of how much you had received, isn't that right?

26 A No, I don't. I don't specific a figure, no.

27 Q 223 And why do you say it didn't contain a figure as to how much you had received?

28 A Because I couldn't be sure what figure -- I hear what you earlier tried to
29 reconcile it as something around 60 and I think I have put in my initial
30 recollection figure higher, and I said 27 and now I think you have discovered

1 additional cheques to me which I think bring it up possibly to the 35. I don't
2 know the figure to be honest.

3 Q 224 But you don't say in that letter that it was approximately 35 or approximately
4 39?

5 A In the B42 file I gave you, I put a figure on it.

6 Q 225 That was in 2001, isn't that right?

7 A When ever.

8 Q 226 What information did you have in that letter and the information in the B42
9 file which enabled you to give a figure in the B42 file?

10 A That statement arose you the out of a private hearing in front of the Adrian
11 Hardiman, who came in then in front of the then sole member. And they were
12 asked to submit a document, maybe it was before or after, I think after, I was
13 trying to put the figures together, they were not best of my recollection.

14 Q 227 But you must have known at all stages, Mr. Lawlor, how much you received from
15 this company. It's unlikely that you had many benefactors who would have given
16 you monies totalling 67,000 pounds in 1988?

17 A But I mean you know the figure, I'm here to try and put it a figure on it with
18 you but when I was writing that I could have guesstimated and I think I
19 guesstimated a higher figure in the document I gave you.

20 Q 228 Yes but you could have guesstimated that figure in 1999 in the same way you did
21 in in 2001?

22 A But sure I didn't do, I didn't do, talking about what we might have done or
23 could have done or should have done.

24 Q 229 But you did guesstimate a figures for others, Mr. Lawlor at that time, is that
25 right?

26 A I can't be certain.

27 Q 230 If we could have page 695, this appears to be a press release perhaps by Fianna
28 Fail arising out of an inquiry or a meeting with you in Dr. O'Hanlon's rooms on
29 the 6th October 1998. And if I could just refer you to the first paragraph of
30 that, Mr. Lawlor. This is presumably you met Mr. Hanlon arising out of media

1 comments and you said or this records you as having told that meeting "Liam
2 Lawlor stat ed that he thinks Padraig Flynn asked him to see Thomas Gilmartin
3 initially."

4
5 Now there's no grain of truth in that, isn't that right, it was never the case
6 that Mr. Flynn had asked you to see Mr. Gilmartin.

7 A Not initially.

8 Q 231 Yeah.

9 A But he did speak numerous times to me about Mr. Gilmartin after that.

10 Q 232 Yeah, but this 1998 you were telling the Fianna Fail inquiry that you thought
11 that he had asked you to meet Mr. Gilmartin initially, in fact it was
12 Mr. Fassnidge who had asked you to meet Mr. Gilmartin?

13 A Yes, Mr. Flynn, the minister, did discuss with Mr. Gilmartin with me on a
14 number of occasions so that's what's reflected there.

15 Q 233 "Gilmartin wanted to get the Bachelors Walk project off the ground for
16 Arlington. Mr. Gilmartin came to Liam Lawlor who himself had an interest in
17 developing a leisure project." Doesn't that give the impression the reason
18 Mr. Gilmartin came to you was because you had an interest in developing a
19 leisure project in the Bachelors Walk site?

20 A No, it doesn't.

21 Q 234 I see. Mr. Gilmartin --

22 A I recorded that I had discussed or Mr. Dadley when being interviewed by
23 assistant commissioner that I did discuss with Mr. Dadley a leisure project in
24 the Bachelors Walk scheme at the time and I had been to the states and had
25 researched whether I would do some development in that direction.

26 Q 235 Okay. "Mr. Gilmartin asked Liam Lawlor to get information on demographics and
27 other matters. He told Liam Lawlor that he also wanted to support his
28 political campaign." Mr. Gilmartin never told you he wanted to support your
29 political campaign, isn't that right?

30 A He did through Arlington.

1 Q 236 No, but this makes no mention of Arlington, isn't that right? It says that Mr.

2 -- the 'he' referred to here is Mr. Gilmartin?

3 A I thought it was one and the same. They were the same group of people working

4 together so I wasn't divorcing Arlington from Mr. Gilmartin, I'm only aware of

5 Mr. Gilmartin's sort of so-called complaints many, many years later.

6 Q 237 But this conveys the impression that Mr. Gilmartin had said to you that he

7 wanted to support your political campaign, isn't that right?

8 A Yes, but he was the face of Arlington in Dublin.

9 Q 238 But it was Mr. Dadley that said that he wanted to support your --

10 A Yeah, yeah.

11 Q 239 "Liam Lawlor recalls that he received approximately 10,000 pounds in two or

12 three payments." That's not correct.

13 A No, there was seven or eight.

14 Q 240 In fact, you had received, on your evidence, 67,000-odd pounds, isn't that

15 right?

16 A I didn't even have a clue about the last cheque until the bank discovered a

17 number for me.

18 Q 241 Ten years previously. Are you saying that in that ten-year period, you had

19 completely forgotten how much you had received from Arlington?

20 A I was only trying to put it all together and eventually as I got information I

21 got discovery, wrote to banks, I tried to figure it out, I tried to remember,

22 tried to look at elections, look at spending and tried to piece together one's

23 financial history going back, you know, ten or 15 years.

24 Q 242 And that he had acknowledged these contributions an address in Ballsbridge

25 where Mr. Gilmartin had a base?

26 A That was Mr. Sheeran's home.

27 Q 243 Did you acknowledge receipt of all the contributions to Mr. Sheeran's home?

28 A We had a standard procedure where we would acknowledge from Fianna Fail Dublin

29 west. Now, whether they were acknowledged or other payments were acknowledged,

30 there was a procedure in place at the office that you acknowledged

1 contributions.

2 Q 244 And indeed you wrote I think to the general secretary of Fianna Fail on the
3 20th November 1998 following on that meeting, if I could have document 723
4 please. I just want to read you one paragraph from that document. You see the
5 second paragraph there, Mr. Lawlor, "Mr. Gilmartin, on behalf of Arlington
6 Securities, wished to support my election fund and a number of contributions
7 were made in the late '80s, early '90s." Again you were conveying the
8 impression to Fianna Fail and to the world at large that it was Mr. Gilmartin
9 who was making the political contributions to you, isn't that right?

10 A Thank God it wasn't.

11 Q 245 Sorry?

12 A I said thank God it wasn't, listening to what we have had to listen from the
13 man. Thankfully I never received a penny from Mr. Gilmartin. But I saw them
14 as one and the same so that could be Arlington Securities arranged through Tom
15 Gilmartin to support my election fund and so forth.

16 Q 246 Now just to deal with the actual amounts, I think on the 9th January 2001, you
17 supplied the Tribunal with the B 42 list that you referred to, isn't that
18 right?

19 A Whatever, yes. I can't be specific.

20 Q 247 And I think that's the list which identifies the payment or estimates the
21 receipts, if we could have 817 please, this is a redacted form. This was given
22 to Tribunal by way of an exhibit in an affidavit of discovery sworn on the 9th
23 January 2001, isn't that right?

24 A Yes.

25 Q 248 And if you see there, that for the first time sets out your income, including
26 political contributions, donations and consultancy fees, isn't that right?

27 A Yes, what I was trying to do was piece together a financial history of every
28 penny I ever received from any quarter and documented and put it into some
29 format. It was a tortuous exercise and I had to guesstimate figures that I
30 couldn't and I put that at 100, it transpires it was actually 33,000 sterling

1 which you have calculated which is around 40,000 so it's my recollection now
2 that in Irish pounds, it would have been 75,000 pounds, not 135,000 pounds.

3 Q 249 Yes. You had overestimated the contribution from Arlington by two thirds,
4 isn't that right?

5 A Yes.

6 Q 250 If that is to be believed.

7 A Well that was my best recollection and then the bank were able to give me the
8 copy of the cheque which gave me the correct amounts so I didn't want to err on
9 the wrong side and have it said afterwards that you understated it.

10 Q 251 And I think subsequently, if we could have 859 please, this is a schedule
11 accompanying an affidavit in April 2002, isn't that right?

12 A Yes, using the same figure there.

13 Q 252 You say the amount received, 100,000 pounds, the figure may be higher than the
14 actual amount received, isn't that right? By the date you submitted that
15 schedule to the Tribunal in April 2002, you had already given to the Tribunal
16 the cheque for the 33,000 pounds, isn't that right?

17 A Well then it's just an omission in my paperwork submitting to the Tribunal
18 because if I had the other cheque, it should have been specifying the actual
19 amount and --

20 Q 253 Are you being fair to yourself, Mr. Lawlor? As I understand the position and
21 correct me if I am wrong, in December 2000, you sought from banks and
22 institutions, you had sought the cheques, isn't that right, and you had
23 received these in January 2001 and you gave them over to the Tribunal in 2001
24 and here in April 2002, notwithstanding receipt by you of that cheque for
25 33,000 pounds, and notwithstanding a reference to the cheque for 33,000 pounds,
26 you nonetheless still put forward a figure of 100,000 pounds as being the
27 estimated sum received from Arlington?

28 A And, you know, you can see that's totally wrong, it should have reflected the
29 accurate amount that I had now discovered previously.

30 Q 254 But you were still maintaining that you had got 100,000 pounds.

1 A I estimated, that's all I could and I don't understand why either myself or
2 some of my stuff didn't say well, what's the 100,000, we have already
3 discovered to the Tribunal the 33,000 or is there another hundred on top of the
4 33 so I could have corrected that for you and put in the actual amount. If
5 that document was produced after I had discovered the 33,000 sterling cheque,
6 that's what should be in that statement and I'm happy to correct that for you
7 because not to create the impression that there's any other cheque because
8 there is no other cheque that I can recall.

9 Q 255 Are you seriously telling the Tribunal, Mr. Lawlor, that you would have
10 forgotten whether you received 33,000 pounds or 100,000 pounds in 1998 from --
11 '88, '89 from Arlington within ten years?

12 A No, what I'm saying here --

13 Q 256 Isn't that the reality of what you are saying?

14 A The reality is I wrote to 272 people and they were one of them.

15 Q 257 Leaving aside --

16 A Just let me finish now and this Tribunal wrote to me and asked me why did I
17 write to the 272 people and to tell the Tribunal in writing why I did. So we
18 went back to our file and we took out what we said about Arlington and we put
19 that in as an explanation why we wrote to Arlington. Now I'm happy to correct
20 it for the record here under sworn evidence and say that amount should have
21 been 33,000 pounds sterling but in the deadlines that the Sole Member put on me
22 to discover documents, there was a mistake made there.

23 Q 258 Leaving aside the deadlines and leaving aside your efforts to get information
24 from banks, Mr. Lawlor, and just looking at it in the round, are you seriously
25 telling the Tribunal that you didn't know within ten years of having received
26 money from Arlington whether it was 33,000 or 100,000?

27 A I could not, when I saw the cheque for 33, remember that amount at all.

28 Q 259 So you are saying that --

29 A At all.

30 Q 260 You had forgotten all the money that you had received from Arlington? You

1 didn't know --

2 A I am not saying, I'm saying I am giving the Tribunal a gross figure to make
3 sure I didn't understate what I got from Arlington.

4 Q 261 But you were overstating by two thirds.

5 A That's exactly what I have done, yes, and now I will rectify it.

6 Q 262 Can the Tribunal take it then that all the other monies referred to in that B
7 42 list are equally overstated by the same amount?

8 A No, I don't think you could, I think you will probably find there's reasonable
9 back up for as much as there is.

10 Q 263 There is no doubt but that you received the 33,000 pounds sterling cheque and
11 there is no doubt but that you received at least the 27,000 pounds, which we
12 will be coming to in a moment, and received these ten years prior to the
13 request of you by the Tribunal and yet you say that you were not in a position
14 to even give those figures or to recall having given those figures?

15 A All I can do is give you what figures I get together in the detail that I
16 could. Nobody in Arlington could discover the 33,000 to you? I was the one
17 that told you about that in the light of --

18 Q 264 Well I don't want to embarrass you, Mr. Lawlor, but that information --

19 A It's impossible, you couldn't embarrass me.

20 Q 265 That information came, Mr. Lawlor, at a time when you were before the High
21 Court on committal proceedings, isn't that right?

22 A That was irrelevant.

23 Q 266 In relation to your affairs?

24 A I had a credit card being put up my the Sole Member, I don't think we want to
25 go there, we'll end up in in an unsavoury position regarding the previous Sole
26 Member.

27 Q 267 But I can't let you get away with the impression being created here that the
28 33,000 pound cheque was supplied voluntarily by you to the Tribunal.

29 A Well I am putting it to you that it was and you don't have to let me away or
30 get away or whatever. I wrote to my bank and said please give me whatever

1 banking records you have regarding lodgments and the bank kindly gave it back
2 to me. You put orders on the bank and they didn't give it to you, is that not
3 correct?

4 Q 268 Can I come back, Mr. Lawlor.

5 A No, you were being a little bit smart there and you are not going to get away
6 with being smart with me.

7

8 CHAIRMAN: Mr. Lawlor, just clarify it.

9

10 Q 269 MR. QUINN: Mr. Lawlor, you know what I'm referring to, you know, you were
11 examined for four days in December 2000 and you did not at that stage identify
12 any of these lodgments as being Arlington lodgments, is that right?

13 A If I didn't have them, I couldn't do so.

14 Q 270 You had completely forgotten you had received any money from Arlington?

15 A That's not correct, not at all.

16 Q 271 You didn't identify any monies you received from Arlington.

17 A But I did when I had the information to hand, yes.

18 Q 272 You overstated, even with the cheque, you overstated the payments by two
19 thirds, isn't that right?

20 A And that's the basis of a criticism now?

21 Q 273 Well I'm not criticising you.

22 A You seem to be.

23 Q 274 I'm giving you an opportunity to deal with it.

24 A I've told you, Mr. Chairman, that that should reflect an accurate 33. It
25 doesn't. It's a mistake.

26 Q 275 Okay.

27 A I'm very sorry, it's a mistake.

28 Q 276 Were you mistaken then on the 28th February 2002 when you wrote to Arlington.
29 Could I have 855 and 856 please and you were advising Arlington of your request
30 for information of them, isn't that right? Do you recall writing that letter?

1 A Well I wrote to 272 people and they were one of them.

2 Q 277 In the course of that letter, that is as late as February 2002, if you look at
3 page 856, you will see "During my contacts and discussions with Ted Dudley,
4 your company made political contributions to my election campaign and
5 constituency office. It is my recollection that the total contributions were
6 in the region of 100,000 pounds." Do you see that?

7 A Yes.

8 Q 278 Now you had had the 33,000 pounds cheque for a year at that stage and you were
9 still advising other parties, including Arlington, that it was your
10 recollection that you had received 100,000 pounds, isn't that right?

11 A You know, it was a global figure, there was 70-odd we had identified now, we
12 have identified 40 converted from 33 sterling and we have identified 35, which
13 I think is probably is the accurate figure now rather than the 27. So, I mean,
14 I was just trying to put it to the chief executive there, go back through your
15 records, that's a global figure, you may be able to give me records that will
16 accurately reflect the truth so to give it to the Tribunal.

17 Q 279 I am going to go through the actual cheques in a moment, Mr. Lawlor, but before
18 I do so, do I now understand you to be changing your evidence that in fact you
19 probably received -- instead of 27 -- 35 from Mr. Gilmartin?

20 A I think you've discovered a couple of extra cheques that you didn't have. So,
21 if they are there, I can't say whether it's 28, 27, 26, 34. I haven't a clue.
22 Not a whit of a knowledge of whether it's one figure or the other.

23 Q 280 You have no idea how much you received from Arlington, is that what you are
24 telling the Tribunal?

25 A What I am telling the Tribunal now is I think I received 30-odd and 33 sterling
26 and I can't take it beyond that.

27 Q 281 But you could have received up to 100,000 pounds and 35,000 pounds, would that
28 be fair?

29 A No, I was guesstimating at a higher figure to make sure that I wasn't
30 underestimating what I received and trying to search for the accurate figure to

1 give to the Tribunal which now appears to stand at and you can labour it all
2 you like, it was 70,000, give or take a few pound one way or the other. What
3 are we going to get with it? Where can you advance it beyond that?

4 Q 282 I am not going to labour on it. There's one other matter I want to clarify
5 with you and clear up, Mr. Lawlor. In the course of your exchange with
6 Mr. Dadley, sorry, your cross-examination of Mr. Gilmartin at day 475, page 95,
7 I just want to just deal with one thing you said. It's at question 238, at the
8 end of that page, Mr. Lawlor.

9 A Sure.

10 Q 283 You said "Yes, but he also conceded I did nothing, so Mr. Dadley's evidence is
11 not correct, it's wrong, I negotiated and Mr. Dadley offered political
12 contributions and he went on to say that he would pay them through
13 Mr. Gilmartin. That is my recollection, my discussions with Mr. Dadley. I
14 never discussed money with Mr. Mould".
15 And that's your position as I understand it?

16 A I think it's theirs, well no it's not theirs, it's Mr. Mould's position but
17 poor old Dadley can remember nothing.

18 Q 284 The one thing I want to ask you about that question, Mr. Lawlor, is the word
19 "negotiated". I "negotiated" with Mr. Dadley, I negotiated and Mr. Dadley
20 offered. What did you mean to convey by the expression "negotiated"?

21 A Nothing other than I discussed, negotiated, debated. Mr. Dadley and myself
22 discussed the matter. Negotiated, there's nothing turns on it, that I can see.

23 Q 285 Now, I'm now going to deal with the actual payments through Mr. Gilmartin to
24 you, one by one, if that's okay?

25 A Sure of course, yeah.

26 Q 286 You have heard Mr. Gilmartin's evidence in relation to them and I don't propose
27 to labour it. If we take the first payment which appears at 1755, this is a
28 payment recorded by Mr. Gilmartin in the stub of his cheque book in the sum of
29 3,500 pounds and it's dated the 28th June 1988, it's cheque number 26. Do you
30 see that cheque, that entry? Now the cheque it itself and a better copy of the

- 1 cheque is to be found at 4797. Do you see that?
- 2 A I do, yeah.
- 3 Q 287 First of all, do you accept that that was the payment was made to you by
4 Mr. Gilmartin on behalf of Arlington on the 28th June 1988?
- 5 A Yeah, I would accept that's one of the cheques, yes. Without being able to
6 make out anything much more on it.
- 7 Q 288 And we see that cheque being lodged to an account of Advance Proteins Limited,
8 if we could have 1757 on the 28th June, the sum of 3,500 pounds. Do you accept
9 that that lodgment is --
- 10 A I presume they marry up. Yes, of course.
- 11 Q 289 We see the cheque being debited to the account of Mr. Gilmartin at 1758, on the
12 30th June. You see that?
- 13 A Sure yes. From what's available.
- 14 Q 290 We know from discovery that you phoned a number of Luton, which is
15 Mr. Gilmartin's number on the 27th June. If we could have 1753 and I don't
16 think you dispute that you rang Mr. Gilmartin in advance of the meeting on the
17 28th?
- 18 A Oh yeah. Sure I wouldn't have known what flight he was on or time or anything
19 like that.
- 20 Q 291 Now, Mr. Gilmartin's evidence is and you will have heard it, is that you rang
21 him, you looked for the payment, he rang Mr. Dadley and confirmed that the
22 payment was to be made, he came to Dublin, you met him, he gave you the cheque,
23 do you dispute any of that?
- 24 A No. No.
- 25 Q 292 Okay. And that's the cheque we are talking about. Well now, can I just ask
26 you, Mr. Lawlor, who is the payee on that cheque?
- 27 A Who is the what? Payee?
- 28 Q 293 If we could have 4797 please. To whom was that cheque made payable?
- 29 A I thought you said it was APL.
- 30 Q 294 I am not sure that was an APL check, it was lodged to an APL account but I'm

- 1 asking you whom the cheque was made payable?
- 2 A Sorry I haven't a clue. No idea.
- 3 Q 295 Mr. Gilmartin's evidence was that you asked him to leave the payee blank on the
4 cheques, do you accept or reject that?
- 5 A I don't think I did. I would have said make it out to APL.
- 6 Q 296 I don't think that the payee there is APL, Mr. Lawlor?
- 7 A Well make it out what it is, can you?
- 8 Q 297 Well if Mr. Gilmartin is to be believed, and the payee was to be left blank at
9 your request, then surely you would know?
- 10 A We'll leave the jury out as to whether you can believe Mr. Gilmartin now I
11 think.
- 12 Q 298 Well Mr. Lawlor, I want you to try as best you can to help the Tribunal?
- 13 A Yeah, try, yeah, but I'm not going to believe a lot of what I heard from
14 Mr. Gilmartin unfortunately.
- 15 Q 299 Okay. Well take it in stages, Mr. Lawlor. Mr. Gilmartin's evidence be it
16 right or wrong, and you were there and I want you to give your version of
17 events, was that you asked him when he filled out this cheque an the other
18 cheques indeed, to leave the payee on the cheques blank. Is he correct or
19 incorrect in that evidence?
- 20 A I don't think he is, no, I can't be certain but I got the cheque lodged into
21 APL.
- 22 Q 300 Well, would you agree with me that that cheque is not made out to Liam Lawlor,
23 whatever else it's made out to?
- 24 A Well I can't make it out I don't think so, sure I would have endorsed the back
25 of it with Liam Lawlor.
- 26 Q 301 Well, if we could have the full cheque again please,4979, we will get the back
27 of the cheque, would you agree with me when it comes on the screen, Mr. Lawlor,
28 the endorsee on the back of that cheque is not Liam Lawlor. Could we have the
29 back of the cheque please and turned right around.
- 30 A The first is an A anyway, whatever it is.

- 1 Q 302 The first letter appears to be N, is that right?
- 2 A I thought it was A, and it looks like a big P there.
- 3 Q 303 Could it be Niall Lawlor?
- 4 A No --
- 5 Q 304 Noel Gilson?
- 6 A I don't know, to me it looks like A and P and then a bad L at the bottom, I
7 don't know. But sure it's lodged to my account APL, whatever it is.
- 8 Q 305 Well just in relation to that, Mr. Lawlor, can you be of any assistance to the
9 Tribunal as the man who actually received that cheque from Mr. Gilmartin in
10 identifying the payee or the person who endorsed it?
- 11 A I can't, all I can I can know is it went into a company account and I was
12 paying all my bills running the office, I had no interest in it after that.
- 13 Q 306 Whatever about Mr. Gilmartin's evidence in relation to the name of the payee,
14 Mr. Gilmartin nor Arlington would have had any hand, act or part in endorsing
15 the cheque, isn't that right, it's the person who lodged it?
- 16 A Oh yes.
- 17 Q 307 Is the person who would have endorsed it. And presumably the name that
18 endorsed is the name of the payee?
- 19 A Well, you know neither of them are identifiable and neither of them look like
20 the same so.
- 21 Q 308 If you are the person who lodged the cheque, Mr. Lawlor, who better than
22 yourself to identify for this Tribunal the payee on that cheque?
- 23 A I can absolutely identify that I or one of my staff lodged it into the account
24 of APL. After that, I cannot put any detail on that at all.
- 25 Q 309 You can't be of any assistance, other than to say that whoever it is made out
26 or to whoever endorsed it, it wasn't Liam Lawlor?
- 27 A It went into APL, I can endorse that for you.
- 28 Q 310 We have the APL account and we can see the monies go in APL is Advanced
29 Proteins, isn't that right?
- 30 A That's right.

1 Q 311 And Advance Proteins, I think you gave evidence in relation to that company in
2 the evidence that you gave to the Tribunal in December 2000, isn't that right?

3 A Yes.

4 Q 312 And just for this Tribunal and I don't want to go in in any detail into that at
5 the moment, APL I think was a company that had been established in 1984 and
6 which you had taken over I think in 1985 or 1986 and which had two bank
7 accounts by 1988, 1989?

8 A That would be right.

9 Q 313 That's a savings and a current account in Lucan?

10 A In the Bank of Ireland, yes.

11 Q 314 And just to deal with that, if I may, it's a company that never said in
12 evidence never traded, is that correct?

13 A No never actually, it went through feasibility studies and various other but it
14 was never traded and it was used by me to sort of pay office and outgoings. So
15 there was monies lodged and discharged out of it, but it never physically
16 traded in the principle of what it was intended for.

17 Q 315 The directors of the company, I think by 1988, were yourself and your wife, you
18 had been appointed on the 3rd August 1985.

19 A Yeah, whatever.

20 Q 316 So it was a company registered for VAT, it was intended to be involved in the
21 added value blood processing plant construction, isn't that right, that type of
22 business?

23 A Yes.

24 Q 317 Do you say what the source of the funds to the counts, that is the savings
25 accounts and the current account of APL were?

26 A Well that's one source that's been identified. The records are there to
27 identify whatever the sources were that have been discovered.

28 Q 318 Is there any reason why you would lodge a political contribution to the
29 accounts of a company which you said never traded?

30 A Well it's just that account has been used to discharge wages, pay for publicity

1 material, election expenses and so forth. So it was just being used as a
2 personal account with a company name.

3 Q 319 Was that the sole use of that account at that time?

4 A No, there was another use because there was monies transferred from Goodman
5 International into it. And there was a lot of costs picked up on feasibility
6 but it never actually went and bought the site in Longford or Virginia which we
7 had identified, and it was granted -- big grants were approved but never drawn
8 down. And it was being used at the time, to sort of pay the outgoings of the
9 office, plus whatever cost were incurred in the feasibility aspect of it. If
10 it had gone on to trade, it would have obviously operated completely different
11 from the way it was operated up to the time, it never sort of functioned as the
12 initial intention.

13 Q 320 You didn't endorse that cheque, did you, Mr. Lawlor?

14 A I have no idea.

15 Q 321 Would you have a look at the cheque and look at the endorsement and confirm
16 whether or not you endorsed it?

17 A I can't say I did or I didn't. If I could say I didn't, I would be delighted
18 to tell you.

19 Q 322 Can we take it that the fact that it's uncertain means that you didn't?

20 A You couldn't take it either way, all I can tell you is I lodged it into an
21 account which I solely operated.

22 Q 323 Can you give any explanation to the Tribunal as to why a cheque which should
23 have been made payable to Liam Lawlor and the benefit of which accrued to Liam
24 Lawlor, wasn't made out in that fashion and lodged?

25 A No, because the account was there on the record as being made out and operated
26 by Liam Lawlor out of Bank of Ireland. I was APL as far as the bank was
27 concerned and I was concerned, so whether it was put into that account or a
28 personal account is irrelevant to me, it was used for the purpose of paying
29 staff and paying expenses.

30 Q 324 Just to look at the turn over on that account, Mr. Lawlor, for a moment. If we

1 could have document number 845. This is a schedule, Mr. Lawlor, that was
2 created by the Tribunal and a schedule, which I understand I you instructed
3 your solicitors to accept. In other words the analysis has been accepted by
4 you and that acceptance has been conveyed to the Tribunal and I wonder could
5 the period '88, '89, and '90 be highlighted just in relation to APL. And it
6 would appear that the lodgments for 1988 to the APL Bank of Ireland account at
7 Lucan 212,000 and the lodgments to the savings account was 82,240.

8 A They were bank records and I think we were asked by the Tribunal, it's
9 incredible exercise to identify every cheque over 1,000 pounds and that's part
10 of that exercise.

11 Q 325 Yes. I think if we look at the documents page 850 and 851, we see the letter
12 from your solicitors, your then solicitors, Mr. Coyne, the letter is dated 19th
13 November 2001 and the 11th December 2001, accepting the analysis as being
14 correct and accurate, isn't that right, with the exception of P and O Long
15 account? Do you accept that, I don't want to go back over it unless you
16 require me to do so?

17 A I don't no, I don't. My recollection of the exercise was the Tribunal asking
18 me to identify lodgments over 1,000 pounds and that was the purpose of that
19 exercise and we discovered a lot of discrepancies and double counting and stuff
20 like that, that was the purpose of getting that document from the Tribunal
21 among about ten lever arch files.

22 Q 326 Now, if we move on to the next payment to you, Mr. Lawlor, that's a payment
23 that appears to have been made to you on the 15th July 1988, if we could have
24 1784 please. This, Mr. Lawlor, again is a copy of the stub of the cheque book
25 retained by Mr. Gilmartin. It shows a 3,500 payment and it shows the word
26 "Arlington". It's a cheque number 27, which is the next cheque on from the
27 previous cheque and if we could have 4798 please.

28 Do you accept, Mr. Lawlor, that that's one of the cheques that you would have
29 received from Mr. Gilmartin?

30 A Yes. That's made out to APL, yeah.

- 1 Q 327 Can you give any indication to the Tribunal as to how that cheque became
2 payable not to Liam Lawlor but to APL?
- 3 A Well I can just keep repeating if you wish me, Mr. Quinn, that the APL account
4 was paying all my outgoings from running the constituency office.
- 5 Q 328 Would Mr. Gilmartin have known about APL, Mr. Lawlor?
- 6 A Not a clue, I don't think the man --
- 7 Q 329 Can we take it whoever filled in the payee on that cheque, it wasn't
8 Mr. Gilmartin?
- 9 A Well he could have been asked or I could have told him make it out to APL.
- 10 Q 330 Yes, did you tell him to make it out to APL or tell him to leave it blank as he
11 alleges?
- 12 A I could have made it out, absolutely, yeah.
- 13 Q 331 So Mr. Gilmartin could have been correct in relation to that cheque at least,
14 that he never filled in the name of the payee?
- 15 A That could be very well the case, absolutely, yes.
- 16 Q 332 He says you asked him to leave it blank, you insisted on it being left blank
17 and --
- 18 A I don't think there was any insistence, there was a, whatever, a discussion.
- 19 Q 333 Can I ask you Mr. Lawlor why you didn't make the cheque out to Liam Lawlor?
- 20 A Because at the time it was my recollection that the Liam Lawlor accounts were
21 probably up to their maximum credit and therefore to use the payment there to
22 pay bills that were owed and to put into APL.
- 23 Q 334 If we could have 1786?
- 24 A Do you understand that explanation?
- 25 Q 335 It doesn't matter?
- 26 A You want to know why I made it out and I want you to understand it, I would
27 have put it into APL, so I could discharge debts out of it.
- 28 Q 336 Mr. Lawlor, don't get cross with me Mr. Lawlor?
- 29 A I am not.
- 30 Q 337 I'm merely putting these questions to you, so that the Tribunal will come to

1 make a decision.

2

3 CHAIRMAN: We have it.

4 A I just want you -- to just appreciate why it went into that account, I just
5 want to you understand you did ask me why do I think I made it out to APL and
6 I'm explaining to you, Chairman.

7

8 CHAIRMAN: Mr. Lawlor made it clear why he says he did it.

9

10 JUDGE FAHERTY: It's on the record.

11 A It was a general account used for discharging all sorts of outgoings.

12 Q 338 MR. QUINN: I think in or about the 15th July you undertook to attend that
13 meeting in Arlington in London, isn't that right?

14 A Whatever you have, the date, Mr. Quinn. The 15th July? Was it?

15 Q 339 Yes, if we have 1782, this is a typed attendance of Mr. Kirwan's and it refers
16 to the possibility of a meeting in Arlington which is going to be attended by
17 you and others.

18 A Well could you just assist me, Mr. Quinn, we are saying May first meeting with
19 Mr. Gilmartin, is it late May?

20 Q 340 Yes.

21 A Meeting with the manager, June 28th and now you are saying London. 15th July.

22 Q 341 No, no, the meeting, the actual meeting in London, Mr. Lawlor is the 21st July?

23 A Okay.

24 Q 342 This is a record that you will attend that meeting on the 15th July?

25 A So we are talking from mid May to late July, okay, that would make sense, yeah.
26 Thursday, the 21st, yeah. The thing I remember about that --

27 Q 343 Now, we have a stub then for the 6th September 1988, if I could have 1834.

28 This is for 7,500 pounds but it appears to be a cheque from never cashed. Did
29 Mr. Gilmartin give you a cheque at any stage, Mr. Lawlor, for 7,500 pounds that
30 you may have not have processed?

- 1 A I have no idea of that, I know it has arisen but I don't have a clue about it
2 to be honest and I think -- well I just don't know how this matter arose other
3 than it has sort of arisen now that there was seemingly a cheque given to me
4 but you see -- no, it's for Arlington, yeah, just sorry, I can't tell you
5 Mr. Quinn what the background to it is.
- 6 Q 344 Well you certainly didn't receive a cheque on the 6th September 1988 for 7,500
7 pounds from Mr. Gilmartin?
- 8 A I just, I don't know.
- 9 Q 345 Yes. You might have received it, is that --
- 10 A I just don't know to be honest, it doesn't appear to have shown up in any
11 account, was it debited it out of Mr. Gilmartin's?
- 12 Q 346 It doesn't appear to have been, no?
- 13 A Okay.
- 14 Q 347 You didn't physically take into your possession a cheque which you didn't
15 process?
- 16 A I don't believe so, no.
- 17 Q 348 Okay. Now, the next cheque then is a cheque, controversial cheque a cheque for
18 7,700 pounds on the 7th September 1988. If I could have 4799 please. Now this
19 appears to be a cheque that was endorsed by Mr. Sheeran.
- 20 A Yes.
- 21 Q 349 Or signed by Mr. Sheeran on behalf of Mr. Gilmartin. And it appears it has
22 been erroneously referred to date, as to the Tribunal as a cheque made payable
23 to Vera Gilmartin but in fact it would appear to be a cheque made payable to a
24 Noel Gilson and certainly appears to have been endorsed by a Noel Gilson or
25 certainly the name of the endorsee is Noel Gilson, would you accept that first
26 of all?
- 27 A Yeah I do of course, yeah.
- 28 Q 350 Now Mr. Gilson has given evidence and there will be another cheque I'll be
29 referring to in the sequence in a moment which appears to have his endorsement
30 on it, in respect of both cheques, Mr. Gilson says he endorsed neither cheque

- 1 and the endorsements were forgeries of his signature?
- 2 A I don't know, it hasn't emerged, which you haven't asked, is that I would have
3 paid Noel Gilson fairly reasonable sums of money and I could have old Noel
4 money at the time and I could have paid him out of that cheque, you know?
- 5 Q 351 You could have given him that cheque?
- 6 A No, I could have paid him from that cheque, I wouldn't have opened that total
7 amount, as painting and decorator contractor, he did quite a bit of work over
8 the years for me.
- 9 Q 352 Can we take it in stages, Mr. Lawlor, do you accept that is possibly one of the
10 cheques paid by you to by Mr. Gilmartin on behalf of Arlington?
- 11 A Yeah, sure. Is that lodged to any account?
- 12 Q 353 Well you see there is no lodgment to APL of 7,700 pounds.
- 13 A So how do we know it's not a Vera Gilmartin cheque then?
- 14 Q 354 This is why I'm giving you the opportunity to deal with it, Mr. Lawlor?
- 15 A But sure I can't take it further than what it states on it because I don't
16 recollect it.
- 17 Q 355 You were the person around at the time Mr. Lawlor?
- 18 A Yeah sure, yeah, but I mean the Tribunal told me it was made out to Vera
19 Gilmartin in a letter. Is that wrong?
- 20 Q 356 The Tribunal sometimes makes mistakes?
- 21 A I appreciate, I do too, make plenty of them.
- 22 Q 357 Do you now accept or do you accept this 7,700 was possibly money given you by
23 Mr. Gilmartin on foot of the arrangement which you have given evidence of this
24 morning?
- 25 A I can't be certain whether it was made out to Vera Gilmartin it has nothing to
26 do with me.
- 27 Q 358 Assuming for the moment, Mr. Lawlor it was made out to Vera Gilmartin can you
28 give any explanation to the Tribunal why your brother-in-laws signature would
29 appear to be the endorsee on the cheque?
- 30 A No, I can't, absolutely not.

1 Q 359 Would you agree with me Mr. Lawlor it appears to have been made out to
2 Mr. Gilson, Mr. Gilson appears to accept that it was and it appears to have
3 been endorsed by a Noel Gilson?

4 A If that was his evidence, yes.

5 Q 360 Would you agree with me that if that is the case, that it is almost certain
6 that this falls into the category of payments of Mr. Gilmartin to you?

7 A Yes and just the previous cheque, was that never paid?

8 Q 361 This is the one for 7 and a half thousand?

9 A Yes.

10 Q 362 We don't have any debit from Mr. Gilmartin's account for that?

11 A What does the total come to, do you know?

12 Q 363 We'll deal with the total in a moment, I don't want to --

13 A Okay, no, I can't throw any more light on that, other than I would have owed
14 Noel money and I could have paid him out of that cheque.

15 Q 364 If you paid him out of that cheque, Mr. Lawlor, can you give any explanation as
16 to how Mr. Gilson's signature appears on the back of the cheque?

17 A Because if you were going to cash the cheque and pay him money, that would be
18 just his name put on the back of it and paid it. Paying him two or three
19 thousand out of it, yeah.

20 Q 365 His name would also have to appear as at payee on the cheque, could that have
21 occurred as a result of you receiving a blank cheque from Mr. Gilmartin,
22 putting Mr. Gilson's name as payee or --

23 A Or Mr. Gilmartin or Mr. Sheeran could have written Noel Gilson on it,
24 Mr. Sheeran made that cheque out, isn't that right?

25 Q 366 That's correct.

26 A And did he say he never made out blank cheques?

27 Q 367 His evidence was that --

28 A He wouldn't --

29 Q 368 The cheque in January 1989 that's made out, is made out to Liam Lawlor?

30 A Does he say --

1 Q 369 We will come to that cheque, is Mr. Sheeran saying he gave out a blank cheque?

2 I don't think he said that he did. Did you ask Mr. Sheeran about that?

3 A I can't be certain to be honest.

4 Q 370 You had an opportunity to cross-examine Mr. Sheeran and indeed Mr. Gilson in
5 relation to that?

6 A I was more focusing on what he was hoping to get from Mr. Gilmartin's 50,000
7 pounds when I was cross-examining him to be honest, about his tax incentives
8 and zonings. So I maybe omitted to question him on that.

9 Q 371 If could he could have day 482, 97 please, Mr. Gallagher raises the issue in
10 relation to the cheque with Mr. Sheeran and I gave you, if you wish, his
11 evidence in relation to this because Judge Faherty corrects Mr. Gallagher on
12 it.

13
14 That transcript commences with the chairman saying to Mr. Gallagher that the
15 cheque is made payable to Gilmartin, something V Gilmartin and Mr. Gallagher
16 says I'm just looking at the back of it, it is a cheque that was drawn by,
17 signed by Mr.--

18 Answer: Signed by me.

19 Question: Signed by Mr. Sheeran. But if you look at the back the endorsement
20 appears to be Noel Gilson?

21 Answer: That's correct. Something like that.

22
23 Judge Faherty then reminds the Tribunal of the evidence of Mr. Gilmartin that
24 this had nothing to do with you, that it was in relation to his wife perhaps.

25 Mr. Gallagher then says "He was simply at that stage dealing with the fact that
26 the cheque was signed by the manager at this stage."

27 A It doesn't advance whether Mr. Sheeran says he did or didn't give out blank
28 cheques, is that right?

29 Q 372 Well did Mr. Sheeran ever give you a blank cheque?

30 A I can't recall.

- 1 Q 373 It's a simple yes?
- 2 A I can't recall.
- 3 Q 374 Could he have given you a blank cheque in the way Mr. Gilmartin gave you a
4 blank cheque?
- 5 A Of course it could, yes.
- 6 Q 375 Did he give you a blank cheque, wouldn't it be a reasonable explanation you
7 might have filled in Mr. Gilson's name on the cheque?
- 8 A I could have cashed it and paid Noel money out of t of course, yeah, sure.
- 9 Q 376 It would be Mr. Gilson who would have had to endorse it not you?
- 10 A If they know you in the bank, they will pay out, if they know you, I endorse
11 one of your cheques, they will pay the money out, if they know you, if they
12 don't, they won't.
- 13 Q 377 Wouldn't be it shall easier, Mr. Lawlor, to make the cheque payable to yourself
14 and endorse it yourself, and give over the money to Mr. Gilson?
- 15 A If I was lodging it to my own account, the funds mightn't be freely available
16 to pay Noel Gilson what I owed him.
- 17 Q 378 And do you think that might be an explanation?
- 18 A It could be, I can't be specific about it, all I know is that I was the benefit
19 of these contributions from Mr. Gilmartin's account on behalf of Arlington, how
20 they were transacted and the way they were transacted at the time, I don't have
21 a specific clear recollection.
- 22 Q 379 Okay. But if what you say is correct, Mr. Lawlor, then it is Mr. Gilson who
23 would have endorsed the cheque and would have negotiated the cheque?
- 24 A Noel said he didn't.
- 25 Q 380 That's the point. That's the dilemma for the Tribunal?
- 26 A That's the dilemma for us all, we know I was the beneficiary of it, that's all
27 I can put it at, and sure the Tribunal knows I was the beneficiary of it, which
28 is what you are trying to investigate.
- 29 Q 381 Well an issue does arise, Mr. Lawlor as to why the none of the cheques to date
30 is made payable to Liam Lawlor?

- 1 A Well you know, I can't other than say that in the discussions I had with Tom
2 Gilmartin, whatever way they were transacted, that's the records and they are
3 there and I can't add or take what you have there in front of you other than
4 endorse it for you.
- 5 Q 382 If we go to the next cheque, which is the 5th October 1988, that's 1875. Again
6 we are looking at the stub in the cheque book and the stub for cheque number 40
7 and it's again it's filled out "Arlington 5th October 1988", 3,500 pounds and
8 the cheque number 40, appears to have been debited to the account of
9 Mr. Gilmartin on the 7th October if we could have 1877 please. And appears to
10 have been lodged to your account on the 5th October, when I say your account,
11 the account of Advance Proteins Limited, 1878 please?
- 12 A Before that goes up, Mr. Sheeran has said that Mr. Gilmartin's personal private
13 account, there's 800,000, millions went through the account from Mr. Gilmartin.
14 And it's only a small personal account according to the evidence we have heard.
- 15 Q 383 1878 please. Do you see a lodgment there, a credit of 3,500 pounds for the 5th
16 October. Do you accept --
- 17 A Yes, Mr. Quinn, yes I do.
- 18 Q 384 If we could have the cheque please, 4800. This appears to be a cheque,
19 Mr. Lawlor, made payable to an N Gilsen and again it's endorsed or signed Noel
20 Gilsen. Can you give any explanation to the Tribunal how that came about?
- 21 A Noel Gilsen at the time I think he had gone on a car loan for me, it was
22 possible he was paying off part of that.
- 23 Q 385 No the cheque was lodged, Mr. Lawlor, to the Advance Proteins account?
- 24 A Advance Proteins could have paid off the car loan that was made out to Noel
25 Gilsen, that's the only point I'm making and that's how Noel's name could
26 feature on it.
- 27 Q 386 Would you agree with me whatever filled out the cheque didn't fill out the name
28 of the payee?
- 29 A Oh yes, sure.
- 30 Q 387 That must have been as a result of that cheque handed over with the payee left

1 blank?

2 A Yeah and I could have put Noel Gilson on it.

3 Q 388 Here's my question for you, Mr. Lawlor, here's the dilemma for the Tribunal.

4 There's a cheque given to you which is left blank, first of all why was the
5 cheque given to you with the payee left blank, if you didn't ask that that be
6 done?

7 A Because what I said to you Mr. Quinn earlier, is that if one's personal account
8 was up to the max, if it was made out to me and lodged to my account, it would
9 reduce the debt rather than be available for spending.

10 Q 389 But it's not made out to the APL account.

11 A But it's lodged to it.

12 Q 390 It could be made out to Liam Lawlor and lodged to the APL account as well?

13 A The other one was made out to APL and lodged, so that could have been as well,
14 I can't other than tell you we have been able to trace where they were lodged
15 and who the beneficiaries of the cheques were, which was me and that's all I
16 can take. As I say, I would have been paying the car loan out of that so
17 that's possibly how it came about. And I think the car loan was at one
18 occasion, in Noel's name.

19 Q 391 We'll deal with the car loan separately, Mr. Lawlor, but now I'm dealing with
20 cheque on the 5th October 1988 which is lodged --

21 A All I can do is repeat the same thing if you wish me to. No bother, I tell you
22 I could have written Noel Gilson in there and lodged it into APL.

23 Q 392 Why would you write Mr. Gilson's name in there and then lodge it to APL?

24 A It's possible I was going to take cash out and pay Noel or pay off the car loan
25 or part of the monthly payment.

26 Q 393 But not alone would you have written Noel Gilson in as payee, you would also
27 have endorsed in Noel Gilson?

28 A But I could have put it in brackets, APL, and lodged it to APL.

29 Q 394 But you didn't Mr. Lawlor, I want to know why?

30 A There's no reason, I can't give you a reason other than I know where I lodged

1 it and you know and I can't take it further for you.

2 Q 395 Can the Tribunal take it, if you put in Noel Gilson as the payee, that you also
3 endorsed in Noel Gilson?

4 A I can't be certain.

5 Q 396 Who else would have endorsed it Noel Gilson if you didn't?

6 A Could have been one of my staff.

7 Q 397 Well was it usual for your staff to endorse?

8 A If someone was going to make a lodgment, they might have turned around and
9 scribbled the name on the back and sometimes you put a phone number, is that a
10 phone number or account number, cashier in the bank was asking put your phone
11 number on the back, in case there's any disputes about the cheque.

12 Q 398 You, somebody, when negotiating that cheque had to endorse it the same name as
13 the payee, isn't that right?

14 A If somebody in the office was going down to lodge it, the girl in the bank
15 could turn over and say would you scribble the payee on the back.

16 Q 399 Is there any reason a cheque couldn't have been filled in any but as payable to
17 Liam Lawlor, endorsed by Mr. Liam Lawlor and lodged to the APL account, if not
18 to a Liam Lawlor account?

19 A Well possibly the same bank were pressing for reduction in the Liam Lawlor
20 account. So when the cheque was made out, they might have said look you have
21 got to put that in the account that's overdue, that could have been a reason.

22 Q 400 I see. You would have been trying to mislead the bank into thinking this
23 wasn't a cheque for your benefit, it was a cheque for Mr. Gilson which had been
24 endorsed over?

25 A I never misled Jim Cox in my life, the manager in Lucan, never.

26 Q 401 Did you tell Mr. Cox, the manager in Lucan, that this cheque had been received
27 by you with the payee left blank?

28 A No, all I know is I cleared every penny I ever owed them. That's all I know
29 and continually repeating the labouring of this matter, fine, I don't mind, it
30 seems a terrible waste of time.

1 Q 402 You would agree shall it was an unusual way to treat these cheques?

2 A I'm an unusual person, Mr. Quinn, you know that.

3
4 CHAIRMAN: On that interesting note, we'll adjourn until two o'clock.

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6 MR. LAWLOR: Thank you, Chairman.

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8 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

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THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 P.M.

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MR. QUINN: Thank you, Mr. Lawlor, good afternoon.

A MR. LAWLOR: Good afternoon.

Q 403 Before lunch we were dealing with the cheques, what I might term as the Noel Gilson cheques. When Mr. Gilson came to give evidence, you at that time chose not to cross-examine him and you told the Tribunal you would deal with the matter in direct evidence. Are you happy, Mr. Lawlor, that you have now dealt with the matter or do you want to say anything in addition in relation to it?

A All I want to say, Mr. Quinn, is that those cheques, I was the sole beneficiary of same and because of sort of bank interrelationships and different accounts at the time, that that's the way they were processed and I would have paid Noel Gilson as a painting and decorating contractor some money over the years. Part of those could have been out of those cheques, so I can only tell the Tribunal whatever arrangements I had with Mr. Gilmartin on behalf of Arlington, they were transacted from the Bank of Ireland account in Blanchardstown and I think the Tribunal has the totality of the amounts of money I have received based on that relationship and discussions we have had.

Q 404 Now, just arising out of that, Mr. Lawlor, you will recall that Mr. Gilmartin in the course of his evidence spoke about meeting with you at Heathrow airport on one of your trips to Baghdad, do you recall that evidence?

A Yes I do, yeah.

Q 405 And do you recall Mr. O' Keeffe recalls you meeting with Mr. Gilmartin at that time.

A Sure.

Q 406 And you will recall that Mr. Gilmartin said that at that meeting, that he brought to you a sterling cheque for 3,500 pounds?

A Until it came up I actually couldn't remember it, but I don't disagree with it.

Q 407 But you don't disagree with that.

A Not at all, no. I do also recall probably the only time I ever flew into Luton

1 meeting Mr. Gilmartin and I can't recall the detail at the time but there was
2 no, other than I met him in Luton because he lived in Luton and I think I made
3 arrangements to fly to Luton for that reason en route to London.

4 Q 408 Okay. Now if we could have 1918, this is a cheque in the sum of 7,000 pounds
5 dated the 14th of October 1988 and what we see here again, Mr. Lawlor, is
6 Mr. Gilmartin's stub in his cheque book. The cheque is to be found at 4801 and
7 it appears to have been debited to Mr. Gilmartin's account on the 18th October
8 as it appears at 1920 and credited to APL account on the 14th October, 1921.

9 A I see it.

10 Q 409 If I go back to 4801 please, this is a cheque for 7,000 pounds that appears to
11 have been signed by Mr. Gilmartin, again, do you accept that is perhaps one of
12 the cheques?

13 A Made out to APL, I see, yes, sure.

14 Q 410 Do you recall receiving that cheque from Mr. Gilmartin?

15 A Not specifically, no.

16 Q 411 Okay. And then Mr. Sheeran has given evidence of, in relation to a cheque for
17 7,000 pounds, if we could have 4802, do you recall that cheque, Mr. Lawlor?
18 Now that is a cheque that is made payable to you?

19 A You know all I can confirm is what they total up to, if they total up to the
20 total amount, yes.

21 Q 412 Can the Tribunal take it that's a further cheque you would have received?

22 A Yes.

23 Q 413 Now, Mr. Sheeran in evidence disputes your recollection in relation to the
24 issue of receipts, he said he received no receipt for this or any other
25 cheques, sorry --

26 A Well, you know, I can't be certain other than we had a standard receipt form
27 that we used to send out just thanking people for their contribution.

28 Q 414 Who would you have sent the receipts in relation to these various cheques?

29 A I think Mr. Gilmartin was residing with Mr. Sheeran at the time and I am not so
30 certain I would have had had his address in Luton.

1 Q 415 Did you have issue a receipt to Arlington?

2 A No, I don't believe so, no, unless I acknowledged the 33,000 cheque, I may have
3 just acknowledged it.

4 Q 416 I'll come to the 33 -- that's a stand alone cheque for the moment but in
5 relation to these series of cheques, do you recall ever sending a receipt to
6 Arlington?

7 A No.

8 Q 417 Now, the Tribunal when processing in its private inquiry, the documentation
9 received from the banks in relation in your accounts discovered that there were
10 a series of lodgments to various accounts in the sum of 3,500 pounds which post
11 dated that last cheque from Mr. Sheeran, which Mr. Gilmartin said was the last
12 cheque that he authorised to issue to you and you were written to by the
13 Tribunal in relation to it?

14 A Post dated.

15 Q 418 In other words the lodgments were in March, May, September, October 1989.
16 Whereas this last cheque is January 1989.

17 A I don't know.

18 Q 419 Just before I get to those series of lodgments, do you recall being refused
19 attending at the Bank of Ireland and being refused a payment by Mr. Sheeran,
20 Mr. Sheeran has given evidence on a 10,000 pounds payment?

21 A No, I don't recall and any time that there was ever any -- it was always
22 discussed with Mr. Gilmartin by phone prior to I attending at the bank of
23 Ireland, so I don't recall that at all.

24 Q 420 Mr. Sheeran says that you attended, you sought a 10,000 pounds payment, perhaps
25 March or April 1989, he rang Mr. Gilmartin, Mr. Gilmartin said that he hadn't
26 authorised such a payment and that terminated Mr. Gilmartin making the payments
27 to you.

28 A Well you know, I don't have any recollection other than and I think if you look
29 at the amounts now, they sort of tally with the sort of amount that I would
30 that I had agreed with Dadley so I wouldn't be requesting of Mr. Gilmartin

1 anything in that respect.

2 Q 421 So do you say that incident never occurred?

3 A I don't recall that occurring in the way that Mr. Sheeran has outlined it.

4 Q 422 Well can you recall it occurring in any other way?

5 A No, I don't know what the point he was making there.

6 Q 423 Can the Tribunal take it in you are evidence in relation to that issue, the
7 issue of what I call the attending for a payment out of 10,000 pounds from
8 Mr. Gilmartin's account, that you say that never occurred?

9 A That never occurred. I cannot recall having any discussion with Mr. Sheeran,
10 other on a most cordial basis, if I was to be asked about, do you remember
11 Mr. Paul Sheeran, I would say I met him in the bank in Blanchardstown a number
12 of times, and I reckon if that had occurred I would have recalled it. So I
13 don't recall that specific situation at all.

14 Q 424 Do you recall collecting that cheques for 7,000 that's on the screen, that's
15 the one in January 1989?

16 A No, all I can do is say I was at that bank a number of times now, the specifics
17 of that cheque or any other cheque I couldn't be absolutely certain. That
18 would have probably been two months and I didn't get to go across to the bank
19 or whatever.

20 Q 425 It would be something that would stick out in your mind if it did occur, is
21 that right, Mr. Lawlor, it's not something you would have forgotten about?

22 A I don't think so, if Mr. Sheeran had -- I couldn't see myself like asking for
23 Mr. Sheeran to exercise some control over Mr. Gilmartin's account without
24 having cleared it with Mr. Gilmartin.

25 Q 426 Yes. But could you have attended in the way that you attended for that cheque
26 for 7,000 pounds attended at the branch seeking a cheque for 10,000 pounds
27 being a culmination of payments?

28 A Well I can't recall any difference of opinion over this matter as outlined.
29 That, to me, I cannot recall and I wouldn't have gone to see Mr. Sheeran if I
30 hadn't previously had some discussion with Mr. Gilmartin, either when he was on

1 a visit to Dublin or by phone.

2 Q 427 Mr. Gilmartin might have changed his mind between a visit and your visit to the
3 branch?

4 A Mr. Quinn, Mr. Gilmartin's has changed his mind a thousand times.

5 Q 428 In any event, it's your positive and clear evidence to this Tribunal that you
6 never attended and that seeking 10,000 pounds and that that incident never
7 happened?

8 A No.

9 Q 429 Okay. Now before I get into the cheque for the 33,000 pounds, I have indicated
10 to you and the Tribunal has written to you and apprised of the additional
11 lodgments to your account, and we take it by way of example a lodgment on the
12 31st May 1989, if I could have document 3750 please. There's a lodgment docket
13 filled out, Mr. Lawlor, you have these lodgments and you have been apprised of
14 them. Could -- were you in receipt of monies for or on behalf of Arlington
15 after that last payment in January of 1989 and I'm talking about monies other
16 than the 33,000 pounds payment?

17 A No, well obviously we don't know what that cheque is, do we?

18 Q 430 No.

19 A No, well like the only monies I ever received from Arlington was through Tom
20 Gilmartin's account.

21 Q 431 Okay.

22 A Other than the other cheque that you are coming to.

23 Q 432 That appears to be a lodgment made on behalf of APL, is that right?

24 A That's correct, yes.

25 Q 433 Who made the lodgment there, can you say?

26 A Down on the screen there, Pat Long.

27 Q 434 I think he worked with you at APL, is that right?

28 A 74, not really --

29 Q 435 3746, Mr. Long appears to have made another lodgment on the 2nd of --

30 A All I can say about those cheques, I would have assumed they are possibly

1 expenses recovered from the food industry, Bailieborough period because Pat was
2 with me all that time and we were up and down in the take over of the
3 Bailieborough Co-op, Westmeath Co-op, so whether they were monthly expenses, I
4 think we have discovered documents to the Tribunal.

5 Q 436 Yes, and are you saying that the monthly expenses worked out at a neat 3,500
6 pounds at that time?

7 A No, I am just trying to give you some source of the funds but it's definitely
8 nothing to do with Arlington. I'm positive of that.

9 Q 437 You will appreciate that the amount is similar to the amount --

10 A Yeah, sure.

11 Q 438 If we could have 2328 please, sorry the 5th May, you see 3,500 pounds being
12 credited to the account. Can you --

13 A I can't, the coincidental number is something that's just, I can't tell the
14 Tribunal, all I can repeat, Mr. Quinn, is that whatever monies I received from
15 Arlington was as you have them and I don't believe I received one penny more.

16 Q 439 Could you have received others and you ever forgotten about them?

17 A No, like I knew I got a cheque from Arlington and I knew Tom Gilmartin made
18 cheques payable and after that, I had no dialogue with Arlington and could I
19 just make a point about, well you will come to the cheque, sorry.

20 Q 440 I was going to come to that cheque now, this is the cheque for the 33,000
21 pounds. That's a cheque, if we could have 2302. This is a cheque, Mr. Lawlor,
22 made payable to a company Economic Reports Limited, isn't that right?

23 A That's correct, yes.

24 Q 441 Now, can I ask you to tell the Tribunal how that cheque came to be made
25 payable?

26 A Well, I was just going to ask the dating for that, can you tell me.

27 Q 442 That appears to be the 19th April 1989, in fact 2303 might be a more --

28 A The reason I'm asking, Mr. Quinn, is that maybe it would be helpful, that
29 cheque is I am about to tell the Tribunal, was as a result of a phone call from
30 Mr. Dadley to say how disappointed he was that they weren't going to proceed

1 with the Bachelors Walk project, etc. and I am not sure whether there's other
2 evidence that links into their deciding to pull out of the project but it's my
3 recollection that Ted Dadley telephoned me --

4 Q 443 When precisely --

5 A Just sort of couple of weeks I suppose before that cheque.

6 Q 444 This cheque is 19th April, would it have been the end of March, beginning of
7 April?

8 A Sometime, it wouldn't have been too far, he rang said sorry, we are not going
9 ahead Liam, and look, we will make a contribution, we appreciate all the help
10 and so forth and maybe if you are in London, look me up sometime and that's how
11 that came about. And I would be amazed if neither Mr. Mould or Mr. Dadley,
12 Mr. Dadley has no recollection of it and I never had any discussion with
13 Mr. Mould about it.

14 Q 445 Okay. I don't blame you for commenting on their evidence but I really want to
15 get your evidence at the moment, Mr. Lawlor?

16 A Okay, sorry.

17 Q 446 You got this telephone conversation when this company a is about to pull out of
18 Ireland, isn't that right?

19 A That's, yes.

20 Q 447 This is a company that had made political contributions to you up to then, and
21 in fact had made all the contributions they had originally agreed to make to
22 you, isn't that right?

23 A Through Mr. Gilmartin.

24 Q 448 Certainly through Mr. Gilmartin but whatever Mr. Dadley had fixed by way of an
25 amount, when he met you in May or June '88, he had honoured those payments,
26 isn't that right?

27 A Yes, yes.

28 Q 449 And now he is leaving Ireland, he had no commitment to you to make additional
29 payments, either on foot of his agreement with you or otherwise, isn't that
30 right? And yet he rings you and decides to give you a parting payment of in or

1 about, in fact in excess when you convert the sterling, of what had been paid
2 to you over the previous months?

3 A You know it was a complete surprise to me that he did that because I had no
4 discussion and no request to him or contact much at that stage. Now, I thought
5 they hadn't decided to withdraw for quite sometime later but I'm not certain of
6 those dates. But there was no discussion other than that was volunteered by
7 Ted Dadley to my surprise and this is who occurred.

8 Q 450 Yes. So here is an English company, they are not constituents of yours --

9 A Sure.

10 Q 451 They have made payments to you over the previous nine or ten months, they have
11 decided to pull out, there's going to be no further contact with you and they
12 decide without any commitment to give you a payment in excess of what they had
13 actually paid you up to then?

14 A Yes. Yes.

15 Q 452 Well where did you send the receipt for that money?

16 A If there was anything issued, it would have issued to Ted Dadley.

17 Q 453 Now that cheque is made payable to Economic Reports Limited and the payee
18 appears to have been written in with the person whoever filled, the person that
19 filled out the cheque appears to have written in the name of the payee, would
20 you agree?

21 A Yes, probably, yes.

22 Q 454 Where would Arlington have got the name Economic Reports from?

23 A Oh in the discussion I had with Ted Dadley.

24 Q 455 Well you didn't tell us about that, Mr. Lawlor?

25 A Well no, well I'm telling you, just asking and I'll tell you. The situation
26 was, well we will make a final contribution to you and I would have said well
27 make it out to Economic Reports.

28 Q 456 Now who are Economic Reports?

29 A It's just a registered name that I had and again, it was an account, I was
30 using, I think we opened an account and had some borrowings from Bank of Nova

1 Scotia.

2 Q 457 You also had other lodgements to the account?

3 A There would have been other lodgments, yes, contributions.

4 Q 458 Why did you select Economic Reports as the payee of this cheque?

5 A Just you know, just an account that was using at the time.

6 Q 459 Why not Liam Lawlor, for example?

7 A Well as I tried to convey to you this morning that Liam Lawlor personal
8 accounts either -- I was just using those as personal accounts really.

9 Q 460 But you could have lodged a cheque to Liam Lawlor endorsed by Liam Lawlor to
10 those accounts.

11 A Yes, I'm not so certain I had a live Liam Lawlor current account at the time.

12 Q 461 You didn't have to have a Liam Lawlor current account for Economic Reports
13 account to be credited with the money, isn't that right?

14 A Well it just gave the name of the account that was going to be lodged into.

15 Q 462 Did you give him an invoice?

16 A I don't believe I did, I might have acknowledged receipt of it but --

17 Q 463 You were here for Mr. Dadley's evidence, he said that and indeed Mr. Mould that
18 no payment would have been made by Arlington Securities Limited unless it was
19 made against a valid invoice?

20 A Well you know and I then he went on to say he doesn't remember it at all? So I
21 have no, I can only give you what recollections and information as being
22 available for discovery.

23 Q 464 But if you were working in Arlington Securities Plc and you were in their
24 accounts department, how do you think you might interrupt in the books and
25 records of books of Arlington Securities Plc a sterling cheque for 33,000
26 pounds made payable to Economic Reports Limited in the absence of an invoice?

27 A But sure you can't expect me now to answer for Arlington's accounts department.

28 Q 465 Well you are a businessman Mr. Lawlor, you would be knowledgeable in the ways
29 of business and the way companies operate. How do you think Arlington
30 Securities Plc would interrupt a payment to a company in Ireland in the absence

1 of an invoice?

2 A I have no idea, I didn't invoice because I had no invoice to issue to them. I
3 could have faxed them a head bill with the addresses and the name of the
4 company and the account number.

5 Q 466 Was that cheque given to you personally or was it --

6 A No, I believe it arrived by post. After the telephone conversation, I didn't
7 see Mr. Dadley until he appeared here some whatever, ten, 12 years later.

8 Q 467 If he could have 2317 please, we see there Mr. Lawlor at page 2317, the account
9 of Economic Reports Limited being credited with the 39,099 pounds.

10 A Yes.

11 Q 468 And is it your positive evidence to this Tribunal, Mr. Lawlor, that that was
12 the extent of the payments to you from Arlington either through Mr. Gilmartin
13 or otherwise?

14 A Yeah --

15 Q 469 In the period '88, '89?

16 A It was just Tom Gilmartin and that conversation with Ted Dadley and they were
17 the two times when cheques or monies were discussed or dealt with.

18 Q 470 Now, you have heard the evidence of Mr. Gilmartin who says that you told him
19 that you had been taken on as a consultant by Arlington. Were you a consultant
20 to Arlington throughout this period?

21 A I did no consultancy work to Arlington, I thought their own executives here had
22 given that evidence, there was no consultancy agreement, I think those
23 executives told me, senior Garda officers, and I don't know what consultancy I
24 could have done for Arlington, because I really had no role in that response,
25 they had their own professional people.

26 Q 471 You heard the evidence of Mr. Barry Boland?

27 A Yes.

28 Q 472 He said that you, he understood you to be a consultant to Arlington?

29 A He then went on to give no details of any consultancy work I did, so if he saw
30 me as a consultant, I didn't do a whole lot for him. He was now the permanent

1 representative of Arlington in Dublin and by that stage, I had very little
2 contact I think with Arlington, when they had rented their own offices, took on
3 their own people and so forth and I heard Barry Boland's evidence and I know
4 him for 20-odd years, but other than maybe ringing up, a general chat about
5 what he was doing and that, which I would have given the same comment or advice
6 to anybody but it wasn't in any form of consultancy situation at all.

7 Q 473 If I could have day 499, page 47 please, this is Mr. Boland's evidence. He
8 says at question 174:

9
10 "Yes, is the commencement of the question and it was Mr. Dadley who informed
11 you, is that correct, that Mr. Lawlor was available to you as a consultant?

12 Answer: Correct, yes."

13
14 So that's, there are two things here now Mr. Lawlor, first of all there is a
15 Mr. Boland's experience with you during his period in Arlington and then there
16 is what was said to Mr. Boland by somebody within Arlington. Do you understand
17 what I'm saying? Mr. Boland here is saying that Mr. Dadley told him that you
18 were a consultant?

19 A And then if you go on further when I questioned him he said he couldn't sort of
20 give any explanation of any consultancy, you see, so Mr. Boland sort of tended
21 to -- well he made that comment and then he sort of clarified the situation.

22 Q 474 Taking that comment for the moment --

23 A Hmm.

24 Q 475 Did you disclose to Mr. Boland that you were in receipt or had been in receipt
25 of all this largesse from Arlington?

26 A No, I didn't discuss Arlington's business with Barry Boland. I saw him as a
27 local planner that had worked for the Green Property Company and that's how I
28 knew him from previous experience.

29 Q 476 Is there any reason why you wouldn't have advised him you were in receipt of
30 all those payments from Arlington?

1 A I saw him way down the line, I didn't see him as somebody I would discuss such
2 a matter at all. I saw him as being taken on as local administrator, operator,
3 that was going to totally take the project forward.

4 Q 477 Do you dispute that Mr. Boland was told by Mr. Dadley that you were taken on as
5 a consultant?

6 A I can only go with my questioning of it when he sort of clarified the situation
7 by then suggesting that he couldn't identify any consultancy that I had done.
8 So he was reflecting what Mr. Dadley had said. Now, I would have thought
9 Mr. Dadley would have said well, like we know Liam Lawlor very well, met him
10 here in London, met him on previous trips to Ireland and do you feel he can of
11 any assistance to you, give him a call and he will give you whatever advice or
12 comments he can and I would have done so.

13 Q 478 Did you ever give him advice or comments that you could?

14 A I recall after he was employed ringing me and congratulating, wishing him well
15 in his position and I hoped the scheme was going ahead and what was the latest
16 on their design, how were they getting on with CIE and what was happening on
17 the project and general chit-chat how things were going. Possibly commenting
18 on the capital programme for transportation, which the government didn't
19 include capital monies for the Arlington project, which initially wasn't part
20 of their intentions and then became a corner stone of whether they proceeded or
21 not. So I would have had a general exchange with Barry Boland, I can he came
22 into the Dail to me one day, did he?

23 Q 479 Yes if we could have 3292, the 24th January 1989. Do you recall that meeting,
24 Mr. Lawlor?

25 A I would have recalled having chats with Barry Boland a couple of times after he
26 was, after he took up employment because the offices were just up around the
27 corner from the top of Kildare Street.

28 Q 480 Who advised you that Mr. Boland was retained by Arlington?

29 A I would -- just be guessing that he telephoned me himself to tell me he had
30 been taken on, it could have been Ted Dadley, Ted Dadley might have even asked

1 me had I known Barry Boland when they were interviewing him, I couldn't be
2 certain.

3 Q 481 Why do you think this new man on the block from Arlington's point of view,
4 would come to meet you if you had no real involvement with Arlington?

5 A Sure, when you're sort of in the public eye, you are known and Dadley had
6 mentioned my name to him, it would be a natural thing, he would have known me
7 from the efforts on behalf of the Green Property.

8 Q 482 Perhaps he mentioned your name at context as somebody who was a consultant to
9 Arlington?

10 A But sure there was no -- I didn't consult, I did no consultancy for him, I
11 don't know what he could have glean, other than definitely Ted Dadley would
12 have said to him, we know Liam Lawlor well and if you want any advice or
13 whatever, go to him. That could definitely have happened but I had I have no
14 knowledge of that, all I know is the few chats I had with Barry Boland were of
15 a general nature.

16 Q 483 Now, if I could come back now Mr. Lawlor to May and June 1988 and I'm coming
17 back in the context of you bringing Mr. Gilmartin to meet Mr. Redmond.

18 A Yes.

19 Q 484 Now Mr. Redmond was the county manager, he was one of the managers?

20 A Yes.

21 Q 485 But you referred to him as the county manager, how well did you know --

22 A Could I just --

23 Q 486 Yes.

24 A If I could explain please if I could. You see the Council Chamber and the
25 Council Offices was based in O'Connell Street and that's where Mr. Redmond's
26 offices were and at the monthly council meetings, Mr. Redmond was the manager
27 in attendance to the 78-member council. Mr. Prendergast was the manager, he
28 came over from the Irish Life offices. So everybody saw Mr. Redmond as the
29 manager in the head office of the council, and these other managers had
30 delegated functions. Now, Mr. Prendergast would be at the monthly meetings as

1 well but we will deal with planning, Mr. Redmond brought in with his financial
2 people the estimates to the monthly meetings or the estimates meetings and that
3 so he was seen as the sort of senior manager of the managers, if I put it that
4 way.

5 Q 487 How well did you know Mr. Redmond by 1988?

6 A I knew him as a very difficult man to try and get to spend money in my
7 constituency and would have seen him at monthly meetings, would have spoke to
8 him along with another team of officials and councillors I think would have
9 gone to a conference in Norway on one occasion.

10 Q 488 How often would you have come to his office with a constituent or with a
11 client?

12 A Maybe a couple of times a year.

13 Q 489 Now, if I could have 4846, Mr. Redmond has an entry in his diary for the 10th
14 March, do you see the bottom?

15 A Yes.

16 Q 490 Not the 10th March, I don't want to be unfair, is that your phone number?

17 A That's it. Yes.

18 Q 491 Do you recall being in contact with Mr. Redmond in March of 1988?

19 A No, I assume maybe myself or my office was ranging the managers's office and
20 that was a note to where to return a call or whatever.

21 Q 492 If we could have 4847, this is a further entry in Mr. Redmond's diary, in Mr.
22 Redmond's handwriting insofar as it relates to Liam Lawlor but not in his
23 handwriting in relation to the telephone number?

24 A You see on the left there's Fassnidge there.

25 Q 493 Yes. This is the same Mr. Fassnidge I think that introduced you in or around
26 this time to Gilmartin?

27 A That's correct, yes, I don't know, that Mr. Quinn, could be a planning
28 application reference there, 88/A500 --

29 Q 494 I accept that. I am not dealing -- do you see on the right of the Fassnidge
30 entry, the Liam Lawlor entry, that's with what I'm concentrating on?

- 1 A They are interrelated, I would suggest.
- 2 Q 495 I see. Okay.
- 3 A I went, I think I brought in Mr. Fassnidge, maybe I -- I brought him to meet
4 Mr. McLoone to try get agreement on this slip that he wanted. I remember
5 Mr. Redmond being rather vicious about it.
- 6 Q 496 Okay, if we could have 4833 please. This is an entry in Mr. Redmond's diary
7 for the 28th June.
- 8 A Could you just go back for one second I will try and clarify something for you?
- 9 Q 497 Yes, 4847.
- 10 A Sorry. It's just there's a Luke Lawlor there, that was a gentleman from
11 Tallaght.
- 12 Q 498 That's on the 5th May.
- 13 A Yes, Luke Lawlor.
- 14 Q 499 It that 280507?
- 15 A Yes, 628 now, yes same number still.
- 16 Q 500 That's not your hand writing?
- 17 A Oh no, that's Mr. Redmond's handwriting.
- 18 Q 501 The number is not in his handwriting apparently?
- 19 A His secretary could have written it in for him to ring me for some reason.
- 20 Q 502 If we could have 4833 please, this is an entry in Mr. Redmond's diary for the
21 28th June, not in his handwriting and if you see there the central piece if I
22 could have it highlighted please.
- 23 A Sure.
- 24 Q 503 This appears to be Deputy L Lawlor, Tom Gilmartin from UK re: Palmerstown.
25 Could that be the meeting that you brought Mr. Gilmartin to?
- 26 A I would say positively and I disagree with Mr. Redmond's evidence that it would
27 have been unarranged, because I wouldn't have brought a man from England coming
28 into Dublin, down to the council offices to meet the manager, if I didn't know
29 he was there and I suggest my secretary would have rang the manager's secretary
30 and between the pair of them, they would have arranged the meeting.

1 Q 504 Yes. And that is the 28th June which coincidentally happens to be the date of
2 the payment of the first Arlington cheque by Mr. Gilmartin to you.

3 A So that means Mr. Gilmartin was in town at the time.

4 Q 505 Now, you recall that meeting with yourself, Mr. Redmond, and Mr. Gilmartin?

5 A Yes, I do.

6 Q 506 You know what Mr. Gilmartin says in relation to that meeting. You have heard
7 his evidence?

8 A I do, yes.

9 Q 507 He says that that meeting, you collected him at the airport and you brought him
10 to meet Mr. Redmond and that Mr. Redmond produced a map, a map of ownership in
11 the area, isn't that right?

12 A That's correct, yes.

13 Q 508 And he also says that you asked at that meeting for 100,000 pounds for yourself
14 and that Mr. Redmond would also have to be looked after and then leaving the
15 meeting, you again repeated the request for money for himself and Mr. Redmond.
16 What do you say to that, Mr. Lawlor?

17 A I am not sure they met him, I think the car might have gone to collect him at
18 the airport, I hardly spent the hour and a half going out to the airport and
19 brought him to the council meeting and getting on with something more
20 productive, I don't think we had mobile phones in those days. So I recall
21 asking my office to arrange the meeting as it appears the secretaries probably
22 would have dealt with the matter and I didn't really, my format in those things
23 was somebody wanted to explain what they wanted to do, so Mr. Gilmartin, I
24 would have said this is the manager, you might explain to the manager what your
25 intentions and your proposals are and from what we know now the manager was
26 very quick to point out that what Mr. Gilmartin had in mind was wholly
27 unachievable.

28 Q 509 Yes.

29 A And the meeting ended and there was no map of any description that I recall and
30 I don't know how the manager could have had any map prepared because he wasn't

1 aware of what the meeting was about and to be honest, I wasn't all that
2 terribly clear either. I had just said to Mr. Gilmartin that the way to
3 advance your ideas is that I will arrange for you to meet the manager and he
4 outlined at the meeting his intentions. The manager addressed them and we
5 left.

6 Q 510 Was that the meeting --

7 A It was all over in ten or 15 or 20 minutes.

8 Q 511 Was that moot meeting where Mr. Gilmartin outlined his intention to say
9 construct a 1.5 square foot shopping centre?

10 A There was a letter back from Mr. Gilmartin saying that he thanked them for
11 talking about the motorway services and industrial use, the retail was still
12 under wraps with Mr. Gilmartin, he was lying through his teeth to us as to what
13 his real intentions were.

14 Q 512 Did you introduce Mr. Gilmartin to Mr. Redmond and did you give some background
15 to Mr. Gilmartin?

16 A I didn't have a whole lot to give him, I just gone on what was being told and
17 having met him and having listened to him.

18 Q 513 Were you able to say he was a very successful businessman, particularly in
19 relation to shopping centres?

20 A I thought he was, I'm much wiser now.

21 Q 514 Would you have said that Mr. To Redmond?

22 A I would have said this is Tom Gilmartin. He wants to do some investment, I
23 might have mentioned he is doing a big investment down in Bachelors Walk with a
24 big English company and he has ideas about what he wants to do in north
25 Clondalkin, that would have been the introduction, Mr. Gilmartin would have
26 taken it from there.

27 Q 515 If can he could have 1774, this is the letter you refer Mr. Lawlor and in
28 fairness to you I put it on the screen, this is the letter to Mr. Redmond from
29 Mr. Gilmartin, isn't that right? Where he is thanking Mr. Redmond for his
30 advice and assistance and he speaks about further meetings, isn't that right

1 and his colleagues in the road department?

2 A I mean this letter is totally ignoring the information that the manager had
3 imparted to him at the meeting, he is going on in this letter to give the
4 impression that he can achieve what he wants to do when he had been told he
5 can't interfere with -- we fully accept and note the points raised at your
6 council acts as an agent which is concurrent with what was said to him.

7 Q 516 Did you know this, Mr. Redmond, that the council were the agents of the
8 Department of the Environment in relation to motorway construction?

9 A Sure, yeah.

10 Q 517 Why didn't you tell Mr. Gilmartin this in advance of this meeting?

11 A Because he never raised motorway services until the meeting?

12 Q 518 I see. So you thought you were bringing him to Mr. Redmond in what context?

13 A Well the context of the industrial, he mentioned something about industrial,
14 what he wanted to produce out there, he was going to create jobs in north
15 Clondalkin and it was on industrial zoned lands that he was interested in. I
16 knew that if he bought Des Bruton's land, it wasn't worth a whit to him
17 because it might be strategic in appearance but there was no access to it
18 unless he had agreement from the local authority to gain access.

19 Q 519 Was it in that context that you brought him to Mr. Redmond about gaining access
20 to the Bruton lands?

21 A Well, no, my recollection would be that this man wants to develop industrial
22 investment in north Clondalkin, he is going to need the roads department of the
23 Dublin County Council design section and the right of ways and the wayleaves
24 over the lands.

25 Q 520 If I could have 4758, I'm just putting up a map and asking you, Mr. Lawlor, did
26 you ever see a copy or a map similar to the map that's now going on screen.

27 A Mr. Quinn, the first time I saw it was here at the Tribunal or in the brief
28 when I got it.

29 Q 521 Yes. Now, just in relation to developments generally at this time, I think
30 that there was a proposal for the purchase of council lands or corporation

- 1 lands by Merrygrove, a Gubay company, isn't that right?
- 2 A That would be correct.
- 3 Q 522 Were you aware that that proposal was in place?
- 4 A Well, I was aware as follows, that I think it would have been the first time I
- 5 would have been aware of would have been in a newspaper article and I would
- 6 have happily photocopied 5,000 of them and put a Liam Lawlor message to the
- 7 residents in Clondalkin telling them at last we were going to get a town centre
- 8 and that the corporation had negotiated with Albert Gubay, who would have been
- 9 well known because he built a shopping centre in Hillcrest in Lucan some ten
- 10 years previous, so at last we had somebody who was going to do something out
- 11 there.
- 12 Q 523 There was also a proposal, I think, for a planning application for a shopping
- 13 centre at Cooldrinagh?
- 14 A That's right.
- 15 Q 524 And you were aware of that?
- 16 A I was.
- 17 Q 525 And the Cooldrinagh shopping centre required a Section 4 motion?
- 18 A Which would have gone on being material contravention.
- 19 Q 526 Yes, and you would have been as a member of the council, circulated with that
- 20 motion?
- 21 A Correct, yes.
- 22 Q 527 Was it in that context you got to hear about the Cooldrinagh development?
- 23 A Yes.
- 24 Q 528 And were you --
- 25 A Sorry, Mr. Quinn, I would have got a weekly planning list and then would have
- 26 been on the agenda for a full plenary monthly meeting.
- 27 Q 529 And did you know Ambrose Kelly who was the architect, who was acting on behalf
- 28 of the developer on that motion?
- 29 A No, I didn't know him then.
- 30 Q 530 I see. Did you know who the developer was?

1 A Well, I don't know what name was on the application, whether it was a company
2 name. I didn't really -- no, I can't say I knew it was O'Callaghan Properties
3 or whether they put it in in the name of a company or not, I can't remember
4 that.

5 Q 531 I'll put up the motion because I don't want to be unfair to you
6 Mr. Lawlor,1627, it's a motion of the 2nd May 1988 and this is the Section 4
7 motion that would be converted to the material contravention motion and yes it
8 does refer to the planning application by O'Callaghan Properties Limited of the
9 7th March of 1988.

10 A Yes.

11 Q 532 Now, when you say you got a list, do you get a list of the planning
12 applications?

13 A Every week.

14 Q 533 So you would have got a list of a planning application sometime in March 1988
15 by O'Callaghan Properties Limited for a development at Cooldrinagh?

16 A Mr. Quinn, the planning department circulated to everybody, all interested
17 parties.

18 Q 534 Just to get it in sequence, so you would have known from March '88 that
19 O'Callaghan Properties Limited were intent on seeking planning permission for
20 the Cooldrinagh site?

21 A Yes, I would have got my list and I would have looked at the list every week
22 and decided to write to people if I thought it was of some benefit or whatever,
23 yes, so I wouldn't have got this now.

24 Q 535 You wouldn't have got this motion?

25 A No, this is handwritten and lodged with the planning department and then that
26 would be converted into an item on the agenda for the monthly meeting.

27 Q 536 You would have got the agenda?

28 A Yes, yes.

29 Q 537 Sometime after May 1988 you would have got an agenda to advise you there was
30 going to be a motion, either a material contravention or Section 4 motion?

1 A Absolutely.

2 Q 538 So from March 1988 you knew that O'Callaghan Properties were seeking permission
3 for a shopping centre on the Cooldrinagh site and from time after May 1988, you
4 would have known it was going to be discussed at a council meeting?

5 A Yes, and just for your dates, like, that's dated the 3rd of May, I presume
6 that's a stamp in the registration department of the council. So I could have
7 been aware of that a week or so before that from the month, the weekly lists.

8 Q 539 Yes.

9 A Yes. Now I don't know when it went on the agenda or if it ever got to the
10 agenda, I can't be certain about that.

11 Q 540 Now Mr. McLoone in evidence has said that you said that you were involved in
12 this development in Cooldrinagh, isn't that right?

13 A Mr. McLoone didn't want to answer my questions that day and he put that in as a
14 bluff.

15 Q 541 I see, that's your comment on his evidence, is that right?

16 A Well, you are asking the questions, you continue about Cooldrinagh and I tell
17 you nought full facts of it and Mr. McLoone's evidence was wholly wrong about
18 it.

19 Q 542 You say you did no tell Mr. McLoone that you were involved in this development?

20 A I had never any meeting at all with Mr. McLoone on this matter, ever.

21 Q 543 I think he suggested I brought Mr. O' Callaghan in to a meeting, I am not sure
22 now but I think he did. We can put up the transcript if necessary but it
23 didn't happen --

24 A No, no.

25 Q 544 You spoke to Mr. O' Callaghan though in relation to this development?

26 A And that would be the literal words spoke to him in very blunt terms because I
27 was absolutely fuming that this thing was lodged and I was particularly fuming
28 when I saw Hanrahan had signed it and I wanted to know from Paddy Hickey what
29 the hell he was doing and Sean Walsh interfering in the Lucan area.

30 Q 545 Did you speak to Hanrahan and Walsh in relation to it?

- 1 A The relationship with Hanrahan wasn't really on speaking terms, Paddy Hickey
2 was chairman and Sean Walsh was chairman of Belgard and I would have been quite
3 vicious about it, because it wasn't the right thing to do at the time from my
4 point of view.
- 5 Q 546 Well, what was wrong with the shopping centre?
- 6 A There was nothing at all wrong with it, Mr. Quinn. What was wrong with it was,
7 north Clondalkin was in the pits, it was a task force on urban crime, it was a
8 total disaster visited on it by the corporation management housing department
9 for good reason, housing people. Bereft of any facilities. And all I had in
10 the biggest single issue of my political career was try get north Clondalkin
11 sorted out because it was a terrible problem and by going and talking about
12 doing something, other than in north Clondalkin stood to take from north
13 Clondalkin.
- 14 Q 547 You had a discussion with Mr. O' Callaghan in relation to his proposals here,
15 isn't that right?
- 16 A Yes, I did.
- 17 Q 548 And as a result of that discussion, you have suggested and correct me if I am
18 wrong, that he withdrew the proposal and left Cooldrinagh?
- 19 A Yes and I can't be certain when, whether he had withdrawn it because I think
20 the reason he withdrew it because the devastating manager's report on the
21 application.
- 22 Q 549 I think you were taking credit at one stage in the Tribunal for his withdrawal
23 of that motion?
- 24 A Well, whichever way, I can't be clear other than it was never going to get my
25 support.
- 26 Q 550 Yes.
- 27 A At that time.
- 28 Q 551 Well I'm really just concentrating at the moment on your conversation with
29 Mr. O'Callaghan?
- 30 A Sure.

1 Q 552 When did that take place?

2 A I don't know, Mr. Quinn. All I know is I can recall saying look, Mr. O'
3 Callaghan, we don't want a shopping centre at Cooldrinagh and I will suggest
4 that as a result of highlighting the Balgaddy situation, to my surprise
5 afterwards then he resurfaced there.

6 Q 553 I'll come back to Balgaddy in a moment?

7 A I appreciate that, just when he came to see me about Cooldrinagh, it was either
8 going to be withdrawn or was withdrawn.

9 Q 554 Are you saying that his interest in Balgaddy came as surprise to you because I
10 understood Mr. O' Callaghan to say that you mentioned the Gubay site in
11 Balgaddy to him?

12 A I said if you want to build a town centre in my constituency, go down and build
13 it in Balgaddy and I am not sure whether I would have been aware Gubay had
14 bought the site or contracting to buy it and I saw Albert Gubay as a retail
15 operator and I thought there might have been some synergy there, I recall
16 saying if you want to do something, that's what you should have been doing.

17 Q 555 You would have told him about the Balgaddy site and Mr. Gubay's involvement in
18 the Balgaddy site?

19 A I can't be certain of that, just couldn't be certain of that. This was
20 tendering in public official --

21 Q 556 If you had told him, it wouldn't come as a surprise to you that he was involved
22 in it?

23 A I thought maybe Gubay wouldn't want to hear tell of anybody and he was happy to
24 do the development himself.

25 Q 557 If you did speak to him before the motion was withdrawn, that conversation
26 would have had to take place prior to June of '88, isn't that right?

27 A I think Mr. O'Callaghan puts it a lot later.

28 Q 558 He talks about September '88?

29 A It could have been after the holidays or something, I can't be specific to be
30 honest about dates.

1 Q 559 But the conversation would have little influence in September '88 because he
2 had already withdrawn the Section 4 idea, isn't that right?

3 A When would he have done that please?

4 Q 560 I think it's 9th June 1988, but June '88. You would agree with me that that
5 conversation must have taken place if it followed the pattern that you have
6 outlined, it must have taken place in June '88?

7 A Well, you see I can't recall whether, when the report, maybe you have the
8 report, when the report was circulated, it was withdrawn very soon after that
9 as far as I know, and sorry, and I don't know, Mr. Quinn, whether it ever, I
10 don't believe it was ever discussed at a council meeting.

11 Q 561 Yes.

12 A I think it withdrew and never got to the floor of the council.

13 Q 562 But my point to you, Mr. Lawlor, is that if the conversation you had with Mr.
14 O' Callaghan was as outlined by you, then that conversation must have taken
15 place before it was withdrawn and therefore it must have taken place before
16 June 1988, because it would be pointless having that type of conversation with
17 a developer where the motion had been long since withdrawn?

18 A I would have put it to him he had no right to be coming into my patch and doing
19 this and trying to build this thing and look for a Section 4 for a big shopping
20 centre, when we had a zoned town centre down in Balgaddy and what the hell was
21 he thinking of. And I recall saying he had learned more in 20 minutes about
22 what he shouldn't have done rather than what he was going to do but I did have
23 a discussion with him about Cooldrinagh, even though it was probably withdrawn
24 at the time.

25 Q 563 So you think you had the discussion with him after --

26 A I think so but I can't be certain, to be honest.

27 Q 564 Now, there was -- it was publicised I think on the 2nd November 1988, that Mr.
28 O' Callaghan and Mr. Gubay had entered into an agreement, 1930 please. This is
29 an extract from an Irish Times of the 2nd of November of '88, do you see that?

30 A Yes I do, yes.

1 Q 565 And that appears on an extract faxed from the offices of the APL to
2 Mr. Gilmartin, isn't that right?

3 A Yeah.

4 Q 566 Did you fax that?

5 A One of my staff would have.

6 Q 567 On your instructions?

7 A Yeah sure.

8 Q 568 And why, would it be fair to say that by the 2nd of November 1988,
9 Mr. Gilmartin had disclosed to you his ambitions for Quarryvale?

10 A I would assume so but I can't be, I can't be absolutely specific about
11 Mr. Gilmartin's full blown attention because there was other publicity in the
12 newspapers about it but Mr. Gilmartin was in town every other week, you would
13 bump into him in the corridors of the Dail nearly every second week, so he
14 could have told me what he was doing but it was my recollection is that when we
15 eventually unveiled the brochure to me, or maybe it was a drawing ahead of his
16 brochure, and when I saw the scale and size of it, that I had that meeting with
17 him.

18 Q 569 You see I'm trying to pinpoint when that might have happened, Mr. Lawlor.
19 Would you agree with me that that must have happened prior to November 1988?

20 A I couldn't be certain of that.

21 Q 570 Would it be fair to say that this drawing that he disclosed to you would of
22 necessity have required him to acquire the corporation and the county council
23 lands in Quarryvale?

24 A I think Mr. Gilmartin, to be fair, was speaking about his project before he had
25 the lands assembled.

26 Q 571 I accept that but it would have required these lands to be in his ownership if
27 his ambitions were to be realised, isn't that right?

28 A I think he spoke even when he hadn't the got Minister's action.

29 Q 572 He obviously in advance had an idea in relation to them, but for them to be
30 realised, it would require him to be the owner of the county council and

1 corporation lands, isn't that right?

2 A The point I'm making Mr. Quinn, I think Mr. Gilmartin was flathuileach enough
3 to talk about without maybe having those in his ownership, he might have had a
4 deposit paid, he might have had an option, he could have had whatever.

5 Q 573 I don't disputed any of that, Mr. Lawlor, but the basic principle for the
6 moment must be that Mr. Gilmartin would have required to have ownership of the
7 lands hemmed in by the Coldcut Road, the Fonthill Road, the M50 and the Lucan
8 bypass, that square, that appears there on the map at 4758, isn't that right?

9 A Yeah but at what stage they were in his ownership?

10 Q 574 I am not --

11 A Sorry.

12 Q 575 I am not really interested in when he became the owner of them, what I'm really
13 interested at the moment is in establishing that he would have had to have
14 ownership of these lands ultimately to fulfil his ambition for the regional
15 centre that you talk about.

16 A I didn't believe he was sort of in competition with the Balgaddy site, I would
17 have put it later but I can't be certain.

18 Q 576 You see Mr. Gilmartin credits you with telling him he should join up with and
19 do a deal with Mr. O' Callaghan?

20 A Absolutely, yeah.

21 Q 577 He is correct in that?

22 A Well --

23 Q 578 If --

24 A All I would say to you, Mr. Quinn, on that which is probably an important
25 point, is that whenever I was aware of Mr. Gilmartin's ideas, I would have
26 pointed out to him how impossible they were in that climate, if this site was
27 now emerging and there were planning applications arising and we were going to
28 get our site and so forth and all this talk about the Fonthill Road, I would
29 have seen O'Callaghan Properties or Gubay lodging a planning application as a
30 part solution to the Fonthill Road. And Mr. Gilmartin then wanted to do

1 something in the same area, then the only way he could make any progress would
2 be to -- now it's my understanding that it was the Minister for the Environment
3 sort of encouraged the contact of some sort, you know?

4 Q 579 Mr. Lawlor, I'll ask you this straight question, when did you first hear that
5 Mr. Gilmartin was anxious to acquire the corporation interest in the lands in
6 Quarryvale?

7 A I don't know.

8 Q 580 Did Mr. Gilmartin ever express to you an interest in acquiring the corporation
9 interest in the Neilstown Balgaddy lands?

10 A No, he never discussed it, not that sort of detail with me, no.

11 Q 581 Did he ever express an interest to you in acquiring the Neilstown Balgaddy
12 lands?

13 A Oh the lands, yes, but I wasn't clear on who owned what.

14 Q 582 You knew that the corporation had sold those lands to Mr. Gubay, from I think
15 February 1988, is that right?

16 A Whatever, yeah.

17 Q 583 Because you wrote to Mr. Lyons at that time?

18 A Yes.

19 Q 584 Advising that you had seen and congratulating him?

20 A Tell us what you are going to do, so that I think bring the good news to my
21 constituents, yes, sure.

22 Q 585 Thereafter, there would have been little point in Mr. Gilmartin expressing an
23 interest in the same lands?

24 A The man said he never did.

25 Q 586 But you don't say that he did?

26 A I don't know, about the Balgaddy lands?

27 Q 587 Yes.

28 A I have no idea. Until I read his statement when he was suggesting that
29 managers were telling him to go out and buy land and that that they had already
30 sold?

1 Q 588 As far as you were concerned, Mr. Gilmartin's at all times, his interest in
2 west Dublin was in the Quarryvale lands?

3 A Yes.

4 Q 589 And when you discovered that Mr. O' Callaghan had acquired the Gubay interests
5 in the Balgaddy lands, you told Mr. Gilmartin this, isn't that right, because
6 you faxed through to him this newspaper article?

7 A Yes.

8 Q 590 And you admit and you accept that you advised Mr. Gilmartin that he should do a
9 deal with Mr. O' Callaghan?

10 A Well you know, whatever, get together and sort it out because at that stage,
11 obviously, Mr. Gilmartin was speaking about his scheme, Mr. O' Callaghan was
12 lodging for a planning application, we had a defective sort of road network in
13 one area and Minister Flynn or McSharry might have said to me about O'Callaghan
14 or Gilmartin and go out and see our man on the ground and he probably said he
15 had already met me or whatever, so yes, whatever the discussion was, there was
16 only going to be one way to make progress and that was that these people get
17 their heads together.

18 Q 591 I'll come to that, 1841 please, this is a fax sent by you, Mr. Lawlor, to
19 Mr. Richard Forman for Mr. Gilmartin's attention for onward transaction to
20 Mr. Gilmartin, do you see that?

21 A Yes.

22 Q 592 It's the first page of a two page fax and if I could have the second page
23 please, it's 1842, this is a draft of a letter that you gave to Mr. Gilmartin
24 for Mr. Flynn, can you recall the circumstances under which you came to write
25 that?

26 A I have tried to focus Mr. Gilmartin and to try and give them some bit of
27 assistance in what he was trying to achieve and reckoning that was the like
28 only likely thing that was going to happen, I was trying to suggest how he
29 might advance his theories and be specific about it.

30 Q 593 His theories at that time, seem to have been a major retail participation in

1 lands held or owned by the corporation or county council, isn't that right?

2 A And others.

3 Q 594 Well, yes, and others. But it was a major retail interest, isn't that right?

4 A Well a town centre, not what we saw later.

5 Q 595 And that's the 7th of September 1988, isn't that right?

6 A Yes.

7 Q 596 So by the 7th September 1988, can the Tribunal take it that you knew that

8 Mr. Gilmartin's ambitions for west Dublin were for a major retail

9 participation?

10 A I would suggest, Mr. Quinn, that probably two or three, four months after first

11 meeting Mr. Gilmartin that he was now coming clean and saying what his real

12 intentions were and this was as a result of that, to try and advance that.

13 Q 597 And what you were trying to advance here was that the minister would assist in

14 the sale of the corporation lands, isn't that right? If I just read the draft

15 of the letter.

16 A Sure.

17 Q 598 "I'm writing to inform of you a very major project I have been progressing for

18 the above area as shown in the enclosed drawing. The Neilstown/Rowlagh area

19 has in excess of 5,000 mainly local authority Dublin Corporation houses and

20 very little other facilities. The project I am proposing incorporates a major

21 retail participation and the bulk of the land ownership is held by Dublin

22 Corporation and Dublin County Council.

23

24 We have had a preliminary discussion with the appropriate personnel in the

25 relevant departments at administration, technical and land acquisition level.

26 We are preparing a brochure on the project and would welcome an opportunity of

27 meeting with you, week commencing 25th September to outline in detail, our

28 proposals".

29 And then you leave under various headings?

30 A Sure. Yes.

1 Q 599 Was that your assisting Mr. Gilmartin in meeting with the minister with a view
2 to acquiring the corporation lands at Quarryvale?

3 A Trying to focus Mr. Gilmartin's thoughts on it, put it to the minister and see
4 could we make some progress.

5 Q 600 Yes, but it was your assistance to Mr. Gilmartin in acquiring the corporation
6 county council lands in Quarryvale?

7 A With the situation is that would be down the line to management, line
8 management and valuers and so forth. I was just wanting Mr. Gilmartin to
9 encapsulate what he kept talking about.

10 Q 601 Which is a major retail participation?

11 A Yes, well like a town centre is, we only did three of them in Ireland in the
12 last 30 years, you know.

13 Q 602 Had you told Mr. Gilmartin at this stage that he had no prospect of getting a
14 major retail centre in this area because it didn't have the correct zoning?

15 A I would have thought, yes, I would have told him that there was another site
16 there, there was somebody else but if you want to advance your project, A, you
17 better get it on the agenda and B, get together with the other parties so that
18 you can see can you sort out your commercial affairs.

19 Q 603 Was this the first occasion on which he got angry with you?

20 A Well no you see I'm saying here major, now major to me would have been a half a
21 million square feet. By the time Mr. Gilmartin had his planning team work up
22 their detail, it was coming out at 1.5 million square feet.

23 If I had known the square footage there, I would have been cautioning
24 Mr. Gilmartin so it's my suggestion to you, Mr. Quinn, that I wasn't aware of
25 what was to be in the brochure, we are preparing a brochure and if
26 Mr. Gilmartin had been truthful with me and said we are going to prepare a
27 brochure of 1.5 million square feet of retail space, I would have said that
28 won't work.

29 Q 604 But you were prepared to support his proposals for a major retail participation
30 at Quarryvale in September '88, to the extent that you were drafting a letter

1 for him?

2 A Yeah, sure because I like others had my doubts whether, now we had Gubay
3 flicking the thing on to O'Callaghan, so why was Gubay losing interest, had he
4 no confidence in it? There was that sort of unfortunate image hanging over the
5 Balgaddy site.

6 Q 605 You have anticipated my question, Mr. Lawlor, because your objection to the
7 Cooldrinagh site was that it was going to interfere with Balgaddy, yet you were
8 supporting another project which was equally going to interfere with Balgaddy
9 in September 1988?

10 A Yes but down in north Clondalkin.

11 Q 606 But in your conversation with Mr. O' Callaghan in September 1988, was along the
12 lines as outlined by you, you were telling one developer in Cooldrinagh that
13 his development was not likely to work and you gave the reasons why, whereas
14 you are supporting another developer in Quarryvale?

15 A You see I didn't care who did it once somebody did it, Mr. Gilmartin now was on
16 the screen with what he was suggesting. Mr. O' Callaghan was taking over from
17 Mr. Gubay. Here I wanted to see something done, so I'm trying to get them to
18 sort out their affairs and do something for north Clondalkin. Now quite
19 honestly whether it was over there in Balgaddy or over in Quarryvale to me it
20 didn't matter a whit, once somebody was going to do something for that area.

21 Q 607 You were, it would appear, to be preferring one developer over another is what
22 I'm suggesting to you?

23 A I had much more interface with Tom Gilmartin at that stage and I wasn't all
24 that knowledgeable about what O'Callaghan was serious and I was concerned that
25 because Gubay stepped into the project, now he is stepping back out of it as to
26 whether it was going to be successful and the world and his mother knew that
27 this defective road link was missing, but it has been widely exaggerated it was
28 missing to serve the customers coming to Quarryvale as well as Balgaddy.

29 Q 608 Did you know that the proposals in relation to west Dublin and shopping centres
30 were discussed at a meeting between members of the government and members of

1 the corporation, including Mr. Redmond, on the 21st September?

2 A I don't think I was aware of the specific meeting although Minister Flynn could
3 have said to me the managers were down or something like that.

4 Q 609 Maybe now an is an appropriate time, Mr. Lawlor, to ask you about your, first
5 of all, your discussions with Mr. Redmond in relation to Mr. Gilmartin, post
6 your meeting in June 1988, what further meetings or discussions did you have
7 following on that meeting with Mr. Redmond concerning Mr. Gilmartin?

8 A I don't recall having any.

9 Q 610 Do you ever follow up and discuss the meeting at all with Mr. Redmond he was
10 pretty well ordered his out of his office and said what the hell are you
11 bringing him in here talking about motorway facilities, you know well you can't
12 build motorways, the DOE won't allow it. Did he say that to you in
13 Mr. Gilmartin's presence?

14 A No, well he explained the DOE, you should have known that Mr. Deputy Lawlor
15 would have been the sort of line.

16 Q 611 You never discussed Mr. Gilmartin again with Mr. Redmond?

17 A Oh yeah, on the margins of the council meetings, Mr. Redmond would have said
18 what's going on out there, you have Balgaddy zoned for 20 years and here you
19 are talking about accommodating this Mr. Gilmartin so you know. The plan is
20 there, it is only coming up for review and there's another four years to go so
21 what was being talked about was a complete, sort of complication and
22 contradiction.

23 Q 612 Did you know that Mr. Gilmartin was ringing and contacting Mr. Redmond in
24 relation to the possible sale of the county council and corporation lands in
25 October 1988?

26 A I had no knowledge of any of that at all.

27 Q 613 You had no knowledge of that?

28 A No, that to me would have been, you know, higher management decision-making
29 process.

30 Q 614 It would be assisting Mr. Gilmartin in putting together of his site, isn't that

- 1 right?
- 2 A But sure he had to do that without my help.
- 3 Q 615 What meetings did you have or discussions did you have with Mr. Flynn or Mr.
4 McSharry in relation to Mr. Gilmartin?
- 5 A I can't remember and here Mr. Gilmartin quoted ministers more often than actual
6 contact. I think Mr. McSharry's evidence, he has never met the man in his
7 life.
- 8 Q 616 I don't want you to comment on Mr. Gilmartin's evidence, we are latching here,
9 Mr. Lawlor, I really just want you to tell the Tribunal your direct meetings
10 with Mr. Flynn and Mr. McSharry.
- 11 A I don't recall any meeting with Mr. McSharry at all.
- 12 Q 617 Did you ever discuss either face to face or on the telephone with Mr. Gilmartin
13 or Mr. McSharry?
- 14 A I don't believe I did.
- 15 Q 618 Now --
- 16 A Could I just finish.
- 17 Q 619 Sorry yes.
- 18 A I recall very vividly Mr. Gilmartin regularly quoting Mr. McSharry to me that
19 Minister McSharry said you should see our local deputy out there, a fellow
20 called Lawlor, and I told him I would and I had already met him and stuff like
21 that. So with regard to Ray McSharry's input, I don't have any direct
22 knowledge having any input with Tom Gilmartin.
- 23 Q 620 What about Mr. Flynn?
- 24 A Mr. Flynn I would have raised and he would have raised Tom Gilmartin and
25 Westpark and what was the position.
- 26 Q 621 And when and what circumstances did you raise Mr. Gilmartin with Mr. Flynn?
- 27 A Well I would have said you know look, this is a mess.
- 28 Q 622 But when did you meet Mr. Flynn?
- 29 A It could have been around the time Mr. Gilmartin was going to meetings in the
30 Dail.

1 Q 623 That draft letter was sent on the 7th September 1988, which is the date the
2 7,700 pounds cheque was written, well did you meet Mr. Flynn in September '88
3 for example?

4 A I met him ten times a day in the Dail, you know, like when you say meet, if you
5 mean a normal meeting with diary entries and that, no.

6 Q 624 Did you meet casually or otherwise Mr. Flynn and discuss Mr. Gilmartin in
7 September 1988?

8 A I could have, yes.

9 Q 625 When you met Mr. Flynn, did you know Mr. Gilmartin was anxious to acquire as of
10 September 1988 the corporation county/council lands in Neilstown/Balgaddy?

11 A I cannot, I can't help the Tribunal in any way in the detail of the acquisition
12 of the lands, I would have had no day to day knowledge of it other than I would
13 have told Mr. Gilmartin that the local authority were a very substantial
14 landowner. Now I wouldn't have known the extent of Mr. Bruton's holding or the
15 other private man and names I seen here, I had no knowledge of the detail. I
16 mean there's 12 acres or something referred to in council ownership and 60
17 acres in corporation. I didn't know anything about that.

18 Q 626 Did you give Mr. Gilmartin the impression at this time his development was
19 likely to be preferred over the Balgaddy development?

20 A Well I was more anxious that they would try and resolve between them which was
21 going to be the preferred development. That's all. I mean whether they were
22 going to get together and do it at Balgaddy because I would have saw it, well
23 maybe Mr. Gilmartin and Mr. O' Callaghan will put the funds in place for the
24 Fonthill Road, which we were lacking, or maybe they will come together and do a
25 very nice scheme in what is today Liffey Valley so I wanted just wanted to get
26 something sorted out and get them together, if they were ever to get together.

27 Q 627 Now, you did have a meeting on the 2nd November which, coincidentally, is the
28 same date that article appeared with Mr. O' Callaghan. If I could have 1940,
29 you would have been circulated with this document, it's been the subject of
30 discussion in the Tribunal here. Do you see that document? You are familiar

- 1 with it. This is Mr. O' Callaghan speaking with Mr. Lyons, Mr. Kelly and Mr.
2 Deane. He says "I met with Liam law or on Wednesday last." Did that occur?
- 3 A I would say yes.
- 4 Q 628 In what circumstances did you meet with Mr. O' Callaghan?
- 5 A He would have sought to look to meet me --
- 6 Q 629 He would have sought to meet with you or did you seek to meet with him?
- 7 A I assume he sought to meet with me.
- 8 Q 630 Why do you assume that?
- 9 A Because that's what people coming, lobbying, looking to meet you, to put their
10 case, explain what they were doing.
- 11 Q 631 OK, so did he meet you face to face?
- 12 A I think so, yes.
- 13 Q 632 Where would that meeting have taken place?
- 14 A I don't know what day it is, Tuesday or Wednesday?
- 15 Q 633 It's Wednesday.
- 16 A The Dail. Just you were in voting situations from 10.30 till about ten o'clock
17 at night, so you were in the Dail if you were in town.
- 18 Q 634 This is somebody you had spoken to the previous September in relation to the
19 Cooldrinagh site, isn't that right?
- 20 A A couple of months earlier, yes.
- 21 Q 635 Now he says "Lawlor told me that Flynn and McSharry asked him to look after
22 Gilmartin". Was that true?
- 23 A Well --
- 24 Q 636 Had Flynn asked to you look after Mr. Gilmartin?
- 25 A No, McSharry I can't recall, Flynn, what's he doing, has this project any hope,
26 what do you think, well it's contrary to the Development Plan, unless he gets
27 sorted out with the other fella, O'Callaghan, there's going to be problems,
28 etc, that would be the extent of looking after Mr. Gilmartin. It's not -- I
29 was never asked by Minister Flynn to look after Mr. Gilmartin.
- 30 Q 637 There are two things here, Mr. Lawlor. Firstly, did you tell Mr. O' Callaghan

1 that you had been asked by Mr. Flynn to look after Mr. Gilmartin?

2 A No, I would have said to Mr. O' Callaghan the Minister for Environment spoke to
3 me about Mr. Gilmartin's scheme and possibly Mr. Gilmartin had said that he has
4 met McSharry about it or something to that effect, their names would have been
5 mentioned but not in the context as it's there.

6 Q 638 "And would have preferred if nothing happened on the Clondalkin site." Did
7 you say that to Mr. -- first of all, did you say it to Mr. O' Callaghan?

8 A I would have been saying that the Minister Flynn seemed to be very supportive
9 of Mr. Gilmartin's project.

10 Q 639 Did you say or could you have conveyed to Mr. O' Callaghan the impression that
11 Minister Flynn and possibly Minister McSharry were anxious that nothing happen
12 on the Clondalkin site?

13 A Well I think my views were being coloured by Mr. Gilmartin telling me that
14 there was nothing going to happen and Mr. Flynn was behind his project and
15 supporting it etc. so I could well have conveyed that impression, yes,
16 absolutely.

17 Q 640 "And was under the impression like everybody else that the site was going
18 nowhere".

19 A Well we were having that regular debate about the lack of the Fonthill Road was
20 a major impediment to the site, yes.

21 Q 641 The Fonthill Road presumably would have been rectified with a grant from the
22 Department of the Environment?

23 A Well yes, but they would have levied the town centre site, I think you saw the
24 documents, a million pounds to build it and they were going to look for 300,000
25 in a levy from O'Callaghan or Gubay so infrastructure of a second rate nature
26 to national primaries were funded by local contributions, by levies and by
27 transfers from DoE every year.

28 Q 642 You go on to say -- Mr. O' Callaghan goes on to say, "Lawlor is quite confident
29 that Gilmartin will get his permission but that we are not driving seat for the
30 time being." Did you tell Mr. O' Callaghan that you were confident that

1 Mr. Gilmartin would get his permission at this time?

2 A I couldn't be that specific because at this stage there was still zoned lands
3 and it was going to be a review of the County Development Plan so I would have
4 said that look, you know, Gilmartin puts up a scheme that's much more viable,
5 it has better a chance of getting support because the zoning was wrong at that
6 stage so I couldn't be saying that, no.

7 Q 643 You didn't --

8 A Not in that context.

9 Q 644 You didn't say that nor did you convey that impression to Mr. O' Callaghan, I
10 assume he is mistaken.

11 A I would have said look, the Gilmartin site has a lot of support, it's in a
12 better strategic location but to get his permission, it's a step far too far to
13 suggest that I would have said that.

14 Q 645 "He also feels the provision of the road is essential to our scheme and
15 suggests that we write to Paddy Morrissey and George Redmond immediately to
16 establish the situation with the road." Did you say that to Mr. O' Callaghan?

17 A That's exactly what I'm trying to convey to you, Mr. Quinn. I was trying to
18 make sure that if this Gilmartin project wasn't going to succeed, that this man
19 was about getting the road built to build the Balgaddy site.

20 Q 646 But the Balgaddy site was only in circumstances where the Gilmartin development
21 wasn't going ahead, is that right?

22 A No, the reverse.

23 Q 647 I see.

24 A The reverse is if that road was built, the Balgaddy scheme could go ahead very
25 quickly.

26 Q 648 Was there any reason why you didn't take Mr. O' Callaghan to meet Mr. Redmond
27 in the way that you had taken Mr. Gilmartin to meet Mr. Redmond?

28 A I don't think he asked. I said write to him, sure, write to him or meet him is
29 all the same to me. I hadn't time to be nursemaiding these fellas, go and get
30 on with writing to him, ask him is he going to build the road or can he

1 contribute to it.

2 Q 649 And you made a suggestion, I think, that he meet Mr. Gilmartin, is that right?

3 A Yes, I would have said, well you know if you want to sort this thing out, you
4 better go and try see can you sort it out with this man Gilmartin, he wants a
5 build a project, you want a build a project, so for God's sake get your heads
6 together and see can you agree something.

7 Q 650 Now we know that the corporation decided to sell the land to Mr. Gilmartin in
8 or around this time, we know the county council decided to sell the land to
9 Mr. Gilmartin, did you know of either of those sales or that they were going
10 through?

11 A Not in the detail.

12 Q 651 In a general way, did you know they were being sold?

13 A All I can say, Mr. Quinn, it would have come to the elected council for
14 approval.

15 Q 652 Ultimately it would have come to the Dublin City Council for the corporation
16 lands and the county council?

17 A Yes, so it would have been on our agenda under the heading of disposals which
18 was a regular monthly headed item and probably it was on that agenda coming
19 into the office monthly and one of my staff would go down the agenda and tick
20 off anything that would be applicable to the constituency so I would try and be
21 aware of what was going on.

22 Q 653 If we could have 3309 please. I think you did have a meeting with Mr. O'
23 Callaghan in the Dail on the 17th May 1989, do you recall that meeting or what
24 it was in connection with?

25 A 17th May 1989?

26 Q 654 Yes, that's right.

27 A No, maybe you can help me. What stage was everything at at that stage?

28 Q 655 Well the tender was being considered at that stage.

29 A Unless he asked for an update or something.

30 Q 656 The final date for the tender is the 19th April. He might have come to you to

1 ask you for an update on the tender?

2 A I don't know, on what the hell was going on, the tender, I don't know if he
3 would have been aware of I was aware what stage it was at unless Tom Gilmartin
4 was keeping him informed.

5 Q 657 I think Mr. Corcoran has given evidence that you also came to see him, I think,
6 in 1988, isn't that right, before December 1988 and you accept that you did go
7 to see him and you advised him about --

8 A I saw him seven, eight, ten times.

9 Q 658 Do you recall that specific meeting?

10 A Well I recall going to his offices on the way into the Dail the odd time but I,
11 you know, can't be specific but I would have met him yes, I am absolutely
12 certain I met him. Yes.

13 Q 659 Would it be fair to say that in November, December, 1988, you were supportive
14 of Mr. Gilmartin in his endeavours in Quarryvale?

15 A Well, I was trying to be as helpful to both parties. I was asking O'Callaghan
16 to get on to the management to see could he get the road built and I was
17 encouraging Mr. Gilmartin if he wanted to do what he was claiming he was doing
18 and he had all this ministerial support to try and see how I could be of
19 assistance that between all of this, and I had Mr. Corcoran over in
20 Blanchardstown in the other half of my constituency who had another town centre
21 that he wanted to start.

22 Q 660 Would Mr. Gilmartin be mistaken in believing in November/December 1988, you
23 were supportive of his proposals, of his endeavours?

24 A Mr. Quinn, I was supportive down to zoning the land for him in 1991, so I was
25 supportive of the man from day one to day 20. He doesn't appreciate it but
26 that's what happens.

27 Q 661 He would have understood that in November/December 1988, you were supporting
28 him?

29 A Yes but not in the context of 1.5 million square feet, unfortunately I must
30 keep making that distinction because there's support and support for a project.

- 1 Q 662 Did you give him the name of councillors, local councillors who might be of
2 assistance to him?
- 3 A I would have thought that my office would have faxed him the extract from the
4 council diary, but he was saying it was short eight names or ten names, I don't
5 believe I ever gave him that.
- 6 Q 663 You don't believe you gave him that.
- 7 A I would have told my girl to fax him the full printed list of the council at
8 the time.
- 9 Q 664 Would you have identified for him the key councillors in the local area that
10 would be of assistance?
- 11 A There was only myself and Hanrahan, Mick Gannon and Brian Fleming. We were the
12 four local councillors. A Labour councillor and a Fine Gael and myself and
13 Finbar Hanrahan. So you had two Fianna Fail councillors, one Labour and one
14 Fine Gael.
- 15 Q 665 You say Mr. Gilmartin's evidence in relation to his meeting with Mr. Hanrahan
16 insofar as you are concerned did not occur; in other words, you weren't at the
17 Buswells Hotel on the 28th December 1988?
- 18 A And --
- 19 Q 666 Yes or no, Mr. Lawlor.
- 20 A I wasn't at the meeting, to think that Finbar Hanrahan came in, a black
21 stranger and asked in front of me.
- 22 Q 667 That's a comment and a matter for submission but your evidence is that you
23 weren't there?
- 24 A No, I was not, that meeting never took place.
- 25 Q 668 And I think your evidence is you didn't know Mr. Kelly at that stage?
- 26 A No, I first met Mr. Kelly when Mr. O' Callaghan came out to the constituency to
27 start making community presentations in --
- 28 Q 669 That's in 1991.
- 29 A After the council had voted to zone the lands and Mr. Gilmartin was still very
30 much a part of the team at that time.

- 1 Q 670 Now in relation to the meeting with with the Taoiseach and other ministers, you
2 say that never occurred. If we could have 2118.
- 3 A Yes, if the Taoiseach could've asked me to arrange a meeting.
- 4 Q 671 Did he ask you?
- 5 A No.
- 6 Q 672 Did you arrange a meeting?
- 7 A No, absolutely not.
- 8 Q 673 Do you see the entry in Mr. Gilmartin's diary for the 1st February, meet
9 Mr. Lawlor at Buswells Hotel, you would have met Mr. Gilmartin from time to
10 time in Buswells Hotel, I take it?
- 11 A Yeah, yeah, not very often, more likely in the Dail but yes of course I could,
12 yes.
- 13 Q 674 And there's no doubt but that you were in the Dail on the 31st January and
14 indeed on the 1st February, isn't that right?
- 15 A Oh I would have been, yes.
- 16 Q 675 If we could have 4050, I think you were there that evening and there were
17 people signed in to meet with you, do you see at the top there, you accept
18 that, you see the first two entries, Deputy Lawlor?
- 19 A That was a health delegation, Mr. Brett from the Eastern Health Board, yes.
- 20 Q 676 Can I ask you Mr. Lawlor when was the first time you discovered Mr. Gilmartin
21 was making allegations against you?
- 22 A When Noel Smyth the solicitor told me.
- 23 Q 677 So you had no idea throughout from 1988 until 1998, that Mr. Gilmartin was
24 making allegations against you?
- 25 A No, sure he was making allegations that week. And he is asking Charlie Haughey
26 the boss says is Liam a looking after you, he is making allegations the next
27 day.
- 28 Q 678 No, I don't want you to comment on his evidence, Mr. Lawlor, I would prefer if
29 you would answer my question, your positive evidence to the Tribunal is that
30 you did not know that Mr. Gilmartin had made any allegation against you until

- 1 you were told so by Mr. Noel Smyth, solicitor, sometime in --
- 2 A I don't know, whenever it was to do about the Bailieborough business I was in
- 3 his office because I brought him into the Goodman empire.
- 4 Q 679 Can he can he we put a year of it?
- 5 A I can get you the date of the Bailey borough deals if I can.
- 6 Q 680 If we say that the Tribunal was established in 1997, would it have been before
- 7 the Tribunal was established?
- 8 A I think it would have been the Sunday Business Post was writing about it
- 9 regularly before the Tribunal was ever established.
- 10 Q 681 So are we talking about '92, '93?
- 11 A Maybe even later.
- 12 Q 682 '94, '95? We know Mr. Smyth acted in 1994 for Mr. Gilmartin.
- 13 A Yes, well then.
- 14 Q 683 So, that's when you discovered.
- 15 A Which would have been two or three years after this.
- 16 Q 684 It was long after there was an inquiry that you discovered that you had been
- 17 the subject of --
- 18 A He never had any words with me or was unhappy or criticised me or said what are
- 19 you doing this, or asking for that for. How can you get from --
- 20 Q 685 Sorry just answer the questions Mr. Lawlor. So your evidence to the Tribunal
- 21 is that notwithstanding Mr. Gilmartin's complaints to Mr. Sean Haughey,
- 22 Mr. Frank Feeley, Mr. Willie Farrell, in three telephone conversations with the
- 23 Gardai, Mr. Flynn, Mr. Ahern, and others, that you never knew that
- 24 Mr. Gilmartin was making any complaint against you?
- 25 A No, and --
- 26 Q 686 And that you were the subject of a Garda investigation in 1989?
- 27 A Well no, I was --
- 28 Q 687 You had no idea that any of that was going on?
- 29 A I think I recall getting a letter from the guards asking for some comment at
- 30 the time and the then chairman, Pat Rabbitte stated at a meeting that we all

1 got a letter and we would appreciate if everybody cooperated or something but
2 that was all.

3 Q 688 But that's a letter that every councillor would have got, is that what you are
4 saying?

5 A 78 of us, yes.

6 Q 689 That was I think maybe after 1991, would it have been?

7 A I can't be certain.

8 Q 690 The allegations, the specific allegation made against you by Mr. Gilmartin,
9 you were not aware of any of those or indeed that they were the subject of a
10 Garda inquiry?

11 A No. I was aware of the Garda inquiries because when I went to Gerry Brady to
12 get the documents to sort out -- well that would have been a long time after.
13 To make sure that --

14 Q 691 So can the Tribunal take it, prior to 1994 at the earliest and possibly later,
15 you were not aware that you were the subject of a Garda inquiry?

16 A No I wasn't and --

17 Q 692 Can you give any reason to the Tribunal as to why Mr. Dadley or Mr. Mould would
18 have denied making payments to you when approached by the guards?

19 A No, I think they should have been honest with the guards and tell them what
20 they had agreed.

21 Q 693 Are you surprised that they would have denied that they had made any payments
22 to you?

23 A Absolutely, yes.

24 Q 694 This was in November 1989.

25 A Yes.

26 Q 695 Did Mr.--

27 A I can't believe these two senior executives would have misled the guards, I am
28 sure they weren't used to being regularly interviewed by senior Garda officers.

29 Q 696 Now in relation to the complaint concerning Mr. Brady, it is a fact that for a
30 period between 1989 and 1990, you did owe money on that car, is that right?

1 A I think it's absolute scandal that -- indulging in hearsay.

2 Q 697 I don't want you to comment?

3 A I'll do it on Wednesday next for you.

4 Q 698 You will have another day out Mr. Lawlor?

5 A Yeah, I owed Gerry Brady the balance and I shook hands with Gerry and I did my
6 business and I paid him as per my agreement with him.

7 Q 699 A year later.

8 A Yes, because I told him at the time, I said I would be accumulating the
9 expenses on the mileage and when I have the sums put together I'll drop it in
10 and give it to you, Gerry.

11 Q 700 Mr. Gilmartin has alleged that you sought a 20 percent interest on two separate
12 occasions on his Quarryvale development?

13 A Well when you try to tell a man that his project has no chance of success, I
14 don't know how you get around to looking for 20 percentages. And hundreds of
15 thousands of pounds when you are telling a man that his scheme is not going to
16 be successful and more work.

17 Q 701 Thank you, Mr. Lawlor.

18
19 CHAIRMAN: Just on that last question, can we take it that you deny that any
20 such request was made?

21 A Yes, Chairman, it never arose as far as I was concerned.

22
23 CHAIRMAN: Thank you. Now, can you indicate, Mr. O'Neill how long you are
24 likely to be with Mr. Lawlor?

25
26 MR. O'NEILL: I think I will be more, I see it's half past three now, I think I
27 will be more than half an hour, I would say I would finish within an hour or
28 so.

29
30 CHAIRMAN: I think there's a problem with the temperature.

1 A Is it too cold or too hot, chairman?

2

3 CHAIRMAN: Too hot. Would you prefer to wait -- what's the list tomorrow?

4

5 MR. QUINN: Mr. Lawlor and Mr. Redmond are due to give evidence tomorrow.

6

7 CHAIRMAN: We might let Mr. O'Neill start Mr. Lawlor.

8

9 MR. O'NEILL: I can certainly do that if you so wish, I did discuss this with
10 the Tribunal counsel and I understand that Ms. Dillon thinks she's another half
11 hour with Mr. Redmond in direct examination, and in fact I anticipated and
12 Mr. Quinn anticipated he may proceed into tomorrow with Mr. Lawlor but
13 certainly I will well finish with Mr. Lawlor and Mr. Redmond by tomorrow, even
14 taking into account Ms. Dillon's statement of half an hour or indeed even if it
15 goes on hour.

16

17 CHAIRMAN: I think we might adjourn until tomorrow, if that's alright.

18

19 MR. QUINN: I think we will resume with Mr. Lawlor's evidence in the morning
20 then and his cross-examination.

21

22 CHAIRMAN: Is that all right?

23 A Certainly, yes chairman.

24

25 CHAIRMAN: Half ten

26

27 MR. QUINN: I should say, sir, before you rise, that Mr. Lawlor's solicitor
28 has been in contact with the Tribunal and has indicated that his counsel has a
29 difficulty in re-examining Mr. Lawlor and subject to the consent of the
30 Tribunal, it is anticipated that the matter might be dealt with on Wednesday,

1 in other words that Mr. Lawlor's re-examination by his own counsel will take
2 place on Wednesday, if that's agreeable.

3
4 CHAIRMAN: That's fine.

5 A Thank you, chairman.

6
7 MR. REDMOND: Your worship, can I confirm that Mr. Gallagher will be here to
8 question me pro bono.

9
10 MS. DILLON: No, that's not going to happen, Mr. Redmond did indicate that he
11 wanted to be in a position to have certain matters put to the Tribunal. He was
12 written to by the Tribunal and he was asked to provide a list of those matters
13 that he wished drawn to the Tribunal's attention. In other words, effectively
14 Mr. Redmond's re-examination of himself because he is not represented. There's
15 no difficulty in doing that but in fact Mr. Gallagher won't be doing it but
16 some other member of the team, possibly myself will be doing it but we are
17 awaiting the details in any event from Mr. Redmond as I understand it of the
18 matters that he wants put on his own behalf.

19
20 MR. REDMOND: My understanding from the letter, your worship, was that when
21 other people had finished my cross-examination, that there would be adjournment
22 and at that stage I would hand over the list, it would be vetted by, it would
23 be vetted by the --

24
25 CHAIRMAN: Tribunal counsel.

26
27 MR. REDMOND: Lawyers and they would decide.

28
29 CHAIRMAN: All right.

30

1 MR. REDMOND: But I was hopeful that it would be Mr. Gallagher.

2

3 CHAIRMAN: Well we will see, that can be arranged tomorrow, you will be given
4 an opportunity to write out the list.

5

6 MR. REDMOND: I hope I don't have to object to anyone who is appointed.

7

8 CHAIRMAN: Sorry.

9

10 MR. REDMOND: I said I hope I haven't to object to anyone who is nominated.

11

12 CHAIRMAN: There will be no question. It's a straightforward -- you will be
13 given an opportunity tomorrow.

14

15 MS. DILLON: I don't think there will be any difficulty with that but it can't
16 be done in any event until we get the information from Mr. Redmond.

17

18 CHAIRMAN: Thank you, half ten tomorrow.

19

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

21 **THURSDAY, 15TH JULY 2004 AT 10.30.**

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