

09:57:23 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON**

2 **WEDNESDAY 8TH FEBRUARY, 2006:**

3
4 CHAIRMAN: Good morning.

10:33:58 5
6 MS. DILLON: Morning sir.

7
8 CHAIRMAN: Today the Tribunal commences public hearings in the module entitled
9 Ballycullen Beechill, as its title suggests, the issues which will be examined
10 in this module relate to the rezoning of lands in Ballycullen and Beechill in
11 County Dublin.

12
13 Shortly Ms. Dillon will read an opening statement which will take up most of
14 this morning's session and which will outline in some detail the issues which
10:34:25 15 will be focus of the Tribunal in this module which it is impossible to
16 accurately predict the likely duration of any particular module. We expect
17 this module to run for approximately 3 to 4 weeks. Parties who have an
18 interest in this module may apply for limited representation if they so wish,
19 granted representation is not in itself a guarantee that the costs of that
10:34:51 20 party will be paid or reimbursed.

21
22 A party who does not immediately seek representation may do so at any stage of
23 the public hearings in the module and indeed some may wish to hear the opening
24 statement before making a decision as to whether or not to apply for a grant of
10:35:08 25 representation.

26
27 As has been the practice in the past, any party who wishes to formally reply to
28 the opening statement will be afforded an opportunity to do so either
29 immediately following its conclusion or tomorrow morning if they wish to
10:35:22 30 consider it overnight.

10:35:23 1 We want to emphasise that there is no compulsion on any party to make a reply
2 to the opening statement and the absence of any such reply does not in anyway
3 indicate that that party accepts or acknowledges the accuracy of anything said
4 in the opening statement.

10:35:40 5
6 Finally, and this is predominantly aimed at parties who do not have the benefit
7 of legal advice, it is important that a party who takes issue with, or
8 disagrees with the evidence of any witness, insofar as such evidence might
9 actually or potentially implicate that party in wrongdoing, should take the
10:36:04 10 opportunity which will be provided by the Tribunal, to challenge such evidence
11 by utilising their entitlement in such circumstances to cross examine the
12 witness in question.

13
14 Normally the starting time of the public hearings will be as this morning,
10:36:23 15 10.30 am, normal finishing time each day will be between 4 o'clock and 4.30 pm.
16 Tomorrow, Thursday, will be an exception and tomorrow we'll, we propose to
17 commence at 10 am and to conclude the day's proceedings at 3 pm.

18
19 Now just before Ms. Dillon commences her opening statement I am going to invite
10:36:49 20 any party who now wishes to do so, to apply for a grant of limited
21 representation. As I have said previously, such an application may be made if
22 people prefer or if parties prefer, after the conclusion of the opening
23 statement or in the course of the public hearings over the next few weeks. So
24 is there any application at this stage for representation, for limited
10:37:15 25 representation?

26
27 MS. DILLON: I understand Ms. Helen Kilroy from McCann Fitzgerald has an
28 application for limited representation on behalf of Mr. Derry Hussey,
29 Mr. Christopher Jones and Mr. Brooks

10:37:26 30

10:37:26 1 CHAIRMAN: Right. Is she here?
2
3 MS. DILLON: Immediately behind me sir.
4
10:37:31 5 CHAIRMAN: All right I will grant that.
6
7 MR. KENNEDY: Good morning, Chairman. Martin Kennedy, I appear for Mr. GV
8 Wright and seeking limited representation.
9
10:37:41 10 CHAIRMAN: Granted.
11
12 SOLICITOR: Thank you Chairman.
13
14 MR. O'TOOLE: Seamus O'Toole, senior counsel, instructed by Edge Manning &
10:37:48 15 Company with Gerry Humphreys on behalf of Senator Lydon applying for limited
16 representation which may be necessary.
17
18 CHAIRMAN: Granted. All right?
19
10:37:56 20 MS. DILLON: This morning I will give a brief opening of the module about to
21 commence which is known as the Ballycullen Beechill Module, but before I do so
22 I believe I should give a brief outline of the current position of the Tribunal
23 in its enquiries.
24
10:38:13 25 The following modules of the Tribunal are currently the subject of litigation,
26 namely 1. Fitzwilton 30,000.
27
28 The Tribunal is currently awaiting judgement on a discovery application brought
29 in these judicial review proceedings which seek to challenge the Tribunal's
10:38:30 30 decision to proceed to a public inquiry into an alleged payment by the

10:38:32 1 Fitzwilton Group in 1989. The Tribunal is enjoined from conducting its public
2 inquiry into this payment until the determination of these judicial review
3 proceedings.

10:38:42 5 2. Carrickmines II and related matters Module; The Tribunal is currently
6 awaiting a further judgement from the honourable Mr. Justice Hannah on an
7 application for Judicial Review on its decision to proceed to public inquiry
8 into a number of matters variously referred to as Carrickmines II and related
9 matters. The Tribunal received judgement in its favour on some of the issues
10:39:04 10 which arose in these proceedings earlier last year.

11
12 3. Quarryvale Module; The Tribunal is currently enjoined from proceeding to
13 inquire in public into Mr. Owen O'Callaghan, Mr. John Deane, Riga Limited and
14 Barkhill Limited. These proceedings have been fixed for hearing in the High
10:39:22 15 Court on the 28th of February 2006.

16
17 Following proceedings taking by Mr. Owen O'Callaghan in the High and Supreme
18 Court the Tribunal determined having regard to the judgements of those courts,
19 that it has an obligation to provide to interested parties, all prior
10:39:37 20 statements of witnesses both in relation to past modules and up coming modules
21 of the Tribunal and so put in place the task of identifying prior statements of
22 all relevant witnesses.

23
24 In October 2005 a number of witnesses were provided with copies of their own
10:39:54 25 prior statements to the Tribunal. They were given a list of witnesses who had
26 and would give evidence in modules in which they had been or would be a
27 witness. Witnesses were told that they were entitled to ask for and be given
28 prior statements of all or any witness in their individual modules for the
29 purpose of cross-examining those witnesses as to credibility.

10:40:13 30 By early November 2005 the Tribunal had distributed to witnesses the requested

10:40:19 1 prior statements of relevant witnesses in current or prior modules at that
2 time. These statements were provided for the sole purpose of facilitating a
3 cross-examination as to credit of those witnesses. Some witnesses have
4 objected to the circulation of what the Tribunal deemed to be their prior
10:40:35 5 statements on the basis that when they gave those statements they were unaware
6 or were not advised that notes of those conversations would subsequently be
7 circulated as constituting their prior statements on matters under discussion.

8
9 The Tribunal has received four requests from witnesses in other modules for the
10:40:53 10 return of Mr. Dunlop, for the purposes of cross-examination as to credit in
11 respect of evidence given in prior modules. The following witnesses have
12 sought to have Mr. Dunlop recalled in that regard and are as follows: Mr. Colm
13 McGrath, Mr. Tony Fox, Mr. GV Wright and the estate of the late Mr. Liam
14 Lawlor.

10:41:13 15
16 It is the intention of the Tribunal at this time to allow such
17 cross-examination of Mr. Dunlop to take place in this module. In view however
18 of the injunction of the Tribunal prohibiting an inquiry in public into
19 Quarryvale related matters, the Tribunal will not permit any cross-examination
10:41:31 20 on Quarryvale related matters of any witness, including Mr. Dunlop at this
21 time. The Tribunal would ask counsel, solicitors and witnesses to respect and
22 be mindful of that restriction during the course of the current module.

23
24 The Ballycullen/Beechill Module: 1 the planning history of the lands at
10:41:52 25 Ballycullen and Beechill, I should explain before I go into detail in this
26 there are two parcels of land involved in the module, legally the ownership
27 fell into two different categories with the properties being owned by different
28 legal entities but the person behind the ownership of those are all involved in
29 this module, the Beechill lands are urban lands, in Clonskeagh and the
10:42:12 30 Ballycullen lands were rural lands at the foothills of the Dublin mountains.

10:42:16 1
2 The planning history of both is separate and distinct.
3 The planning history of the lands at Ballycullen: The lands at Ballycullen are
4 situated south east of Tallaght at the foothills of the Dublin mountains and
10:42:27 5 can be seen on page 2668 please. And where the black dot is on page 2668 are
6 the Ballycullen lands are situate there.

7
8 In 1963 these lands amounting at that time to 194 acres were purchased by a
9 company H.A. O'Neill Limited, additional lands amounting to 25 acres
10:42:50 10 approximately were purchased in the late 1960s giving a total acreage of 219
11 acres. The lands were comprised originally in two folios, 2381 and 16077.
12 Ballycullen Farms Limited was incorporated in Ireland on 15th December 1972.
13 On incorporation the directors of this company were Mr. Christopher Jones and
14 Mr. Gerard Jones and it had its registered office at Beechill, Clonskeagh,
10:43:19 15 Dublin 14. These offices were subsequently changed to Waterways House, Grand
16 Canal Quay. In June 1973, Ballycullen Farms Limited became the registered
17 owners of these lands.

18
19 These lands were zoned in the 1983 Development Plan B, agriculture and were
10:43:37 20 farmed by Ballycullen Farms Limited throughout this period and up until the
21 early 1990s as a dairy farm.

22
23 It would appear that over the years leading up to 1983 Development Plan for
24 County Dublin and indeed subsequently that various unsuccessful efforts were
10:43:52 25 made to have these lands rezoned. However, in the review of the 1983
26 Development Plan for County Dublin which was concluded in December 1993 having
27 commenced in 1987, these lands were finally rezoned from B, that is to protect
28 and provide for the development of agriculture, to A1, to provide for new
29 residential communities in accordance with approved action area plans with a
10:44:17 30 specific limitation on density and what that means is the limitation was for

10:44:21 1 360 houses in total.
2
3 The lands, the balance of the lands were rezoned F, that is to preserve and
4 provide for open space and recreational amenities. The specific restriction on
10:44:33 5 the lands zoned A1 restricted development to six houses to the acre or 360
6 houses in total. Page 187 please. The Ballycullen lands are outlined in red
7 and the lands, this is the Development Plan map for 1993, and the Ballycullen
8 lands are outlined in red.
9
10:45:01 10 The lands zoned A1 are coloured yellow, and the lands immediately north and
11 south of those are coloured green and these are the amenity lands which were
12 zoned F open space and amenity in the 1983 plan.
13
14 It would appear that a mapping error occurred to which I will refer later, and
10:45:21 15 this mapping error occurred in 1993. The effect of the mapping error showed a
16 greater acreage of lands rezoned on map 20 of the 1993 County Development Plan
17 than had been intended on the underlying motion voted upon by the councillors.
18
19 The review of the 1983 Development Plan for County Dublin commenced in 1987 as
10:45:45 20 indicated, the Ballycullen lands had the following zoning in 1983 namely B
21 agriculture, with a small portion zoned residential, and this can be seen on
22 the map at page 94. And this was the 1983 zoning of the lands and the blue
23 portion on the map is agriculture and the small yellow portion was residential,
24 and on the map at 95, which shows all of the lands in the 1983 plan, all the
10:46:19 25 lands coloured blue were agriculture.
26
27 In early 1990 the manager and staff of Dublin County Council published a Draft
28 Development Plan for the area of these lands known as map 20 of the Draft
29 Development Plan 1990. The planners proposed in this draft plan that
10:46:36 30 approximately 32 hectares or 77 acres of the Ballycullen lands would be rezoned

10:46:42 1 to objective E, to provide for industry and related uses. Apparently this may
2 have been done at the behest of the Industrial Development Authority.

3
4 Page 106 please, this is the plan that was published by the planners in
10:46:58 5 connection with these lands. And the Ballycullen lands with the word
6 Ballycullen written across it and the darker portion was in fact on the map
7 coloured purple and they were to be zoned industrial at the behest of the
8 planners.

9
10:47:12 10 Prior to the first public display of the Draft Development Plan 1990, three
11 motions from Councillors Muldoon, Cass, Shatter and Fitzgerald were received by
12 Dublin County Council in connection with the Ballycullen lands. And each
13 proposed that the lands be rezoned from E industrial to B agriculture. These
14 motions were ultimately passed without objection by the members of the Dublin
10:47:35 15 County Council and as a result the entire of the Ballycullen lands appeared in
16 the published 1991 Draft Development Plan as having a B zoning, i.e.
17 agriculture. This plan was put on public display from 2nd September '91 to 3rd
18 December 1991 and these lands are coloured blue on the map at page 136.

19
10:48:04 20 The maps are outlined there and this was the plan as published in 1991 and
21 these lands were all proposed B, for agriculture.

22
23 On the 3rd of December 1991 a representation or submission on behalf of
24 Ballycullen Farms Limited was received by Dublin County Council from Murray
10:48:22 25 O'Leary Associates. This sought the rezoning of the Ballycullen lands from B
26 agriculture to A1 residential in accordance with Area Action Plans and F open
27 space and recreational amenities. This representation submission was given the
28 reference number 693 by Dublin County Council.

29
10:48:39 30 By motion dated 28th September 1992, Councillor Tom Hand (deceased) and Don

10:48:45 1 Lydon proposed that these lands be rezoned from B agriculture to A1 residential
2 and F open space and recreational amenities, 152 please.

3
4 This is the original of the motion as signed by Councillors Lydon and Hand,
10:49:03 5 seeking the rezoning of the Ballycullen lands from B agriculture to A1 and open
6 space F. This was accompanied by a signed map at 153, which was also signed by
7 both of these councillors.

8
9 The acreage referred to on this map was 60 acres for A1 residential and 130 for
10:49:34 10 F open space.

11
12 A counter motion signed by Councillor Mary Muldoon and covering the entire of
13 the Ballycullen lands and seeking the retention of the existing B zoning was
14 received by Dublin County Council and this motion is at 155. And 154, that's
10:50:01 15 Councillor Muldoon's motions, so effectively you had two opposing motions
16 placed before Dublin County Council, one seeking to retain the exists zoning at
17 B and one seeking rezoning of the lands.

18
19 Its not in issue that Mr. Frank Dunlop was retained by Mr. Christopher Jones in
10:50:16 20 early 1991 to assist with the rezoning of these lands. According to Mr. Dunlop
21 he prepared the motion to which I have just referred, that is the Councillor
22 Hand and Lydon motion, and he obtained the signatures of Councillors Don Lydon
23 and Mr. Tom Hand on the motion and on the map. Councillor Lydon denies that he
24 had any contact with Mr. Dunlop in connection with this matter.

10:50:36 25
26 These councillors also signed the Beechill motion to which I will refer later.
27 Mr. Dunlop will say that he paid Mr. Lydon 2,000 pounds which he says was
28 requested by Mr. Lydon for his signature in support for the motions i.e. both
29 Ballycullen and Beechill. Mr. Dunlop will say that he paid 2,000 pounds to the
10:50:54 30 late Mr. Tom Hand following negotiations between them as to the amount in

10:51:00 1 return for Mr. Hand's signature and support.
2
3 Mr. Dunlop told the Tribunal in October 2004 that both of these payments were
4 made on the 2nd October 1992 to both Mr. Lydon and Mr. Hand in connection with
10:51:13 5 these lands and that no receipts were furnished. In a further statement
6 received by the Tribunal yesterday, Mr. Dunlop told the Tribunal that it was
7 most likely that he paid Mr. Lydon on the 2nd October 1992. In relation to the
8 late Mr. Hand, Mr. Dunlop said in this statement yesterday, that he had diary
9 entries for the 29th September 1992 and 2nd October 1992 and that it was most
10:51:39 10 likely that Mr. Hand was paid on either of these dates as agreed.
11
12 Mr. Lydon denies he received any improper payment from Mr. Dunlop or that he
13 had any dealings with Mr. Dunlop in connection with Ballycullen. Mr. Tom Hand
14 is deceased.
10:51:53 15
16 In addition Mr. Dunlop told the Tribunal in two written statement dated
17 respectively 9th October 2000 and 15th October 2004, that he made the following
18 payment to the following counsellors for their support in connection with the
19 rezoning of the Ballycullen and Beechill lands namely:
10:52:08 20 Mr. Sean Gilbride 1,000 pounds.
21 Mr. Jack Larkin (deceased) 1,000 pounds.
22 Mr. Cyril Gallagher (deceased) 1,000 pounds.
23 Mr. Tony Fox, 1,000 pounds.
24 Mr. Colm McGrath 1,000 pounds.
10:52:25 25 Mr. Liam T Cosgrave 1,000 pounds.
26 And Mr. John O'Halloran a portion of a 5,000 composite payment that Mr. Dunlop
27 says he made to Mr. O'Halloran over the duration of the review of the 1983
28 Development Plan.
29
10:52:39 30 The meeting of Dublin County Council of the 29th October 1992.

10:52:44 1
2 In relation to Ballycullen there are two critical meetings one was the first
3 rezoning meeting on the 29th October 1992 and the second was the confirming
4 meeting which took place a year later on 28th October 1993.

10:52:58 5
6 By the time the confirming meeting came in October 1993 motions seeking to
7 upturn the zoning that was achieved the previous year were again received, so
8 there are only two critical meetings in relation to Ballycullen. The first is
9 the 29th October 1992.

10:53:14 10
11 The motions including the Councillor Hand and Lydon motions were considered at
12 a special meeting of the Dublin County Council on the 29th October 1992. The
13 manager outlined the zoning history of the Ballycullen lands and recommended
14 that the B zoning, agriculture, not be changed. Councillor Lydon and Hand's
10:53:33 15 motion to rezone the Ballycullen lands was proposed as was Councillor Muldoon's
16 motion seeking to retain the existing B zoning on the lands.

17
18 Councillor John Hannon proposed an amendment to Councillor Hand and Lydon's
19 motion, namely that the density on the residential portion of the land should
10:53:51 20 not exceed six houses per acre or 360 houses in total, obviously this would
21 relate only to the residential lands, i.e. those with the proposed A1 zoning as
22 per the map at 153. And on the map at 153 the words "A1" can be seen and that
23 was the portion on which it was proposed that the residential zoning would
24 attach.

10:54:20 25
26 Councillor Hannon's proposal to amend Councillor Lydon and Hand's motion which
27 had the effect of limiting the departments tea on the proposed A1 lands was
28 passed unanimously. The substantive Lydon/Hand motion as amended was then put
29 and passed with 42 voting in favour and 14 against. The record of the vote is
10:54:41 30 at pages 161 and 162 of the brief and are as follows.

10:54:45 1
2 For the motion: Councillor S Barrett, M Billane, C Boland, P Brady, S Brock, L
3 Butler, B Cass, B Coffey, R Conroy, LT Cosgrave, MJ Cosgrave, L Creaven, M
4 Farrell, T Fox, C Gallagher, S Gilbride, R Green, T Hand, J Hannon, T Hanrahan,
10:55:07 5 C Keane, M Keating, N Kennedy, S Laing, L Lohan, D Lydon, S Lyons, M
6 McGuinness, C McGrath, D Marren, T Matthews, T Morrissey, C O'Connor, A
7 Ormonde, C Quinn, P Rabbitte, T Ridge, N Ryan, S Terry, D Tipping, C. Tyndall,
8 G.V. Wright.

9
10:55:29 10 Against the motion were councillors: F Buckley, E Fitzgerald L Gordon, D
11 Healy, J Higgins, O Mitchell, M Muldoon, M Mullarney, B Reeves, T Sergeant, A
12 Shatter, F Smith and E Walsh.

13
14 It should be noted that while neither the late Councillor Larkin or Councillor
10:55:49 15 O'Halloran are recorded as either being present or voting at this meeting of
16 the council, notwithstanding that Mr. Dunlop alleges that he paid them for
17 their support.

18
19 Accordingly as a result of this motion the Ballycullen lands appeared in the
10:56:03 20 1993 County Draft Development Plan as having been rezoned from B agriculture to
21 A1 residential and F open space. This plan was put on public display for one
22 month from 1st July 1993 to the 4th August 1993 as changes 6A, B, C and D on
23 map 20. Page 163 please. These changes are outlined on this map and the lands
24 coloured green on the map are the open space amenities land, and the yellow
10:56:39 25 lands coloured yellow are the residential lands with the density limitation.

26
27 The attempts to dezone or rezone the Ballycullen lands back to agriculture, the
28 meeting of the 28th October 1993.
29 Dublin County Council received motions seeking rezoning of A1 lands and part of
10:57:00 30 the F lands at Ballycullen back to B agriculture. These motions came to be

10:57:13 1 considered by the members of Dublin County Council at the Special Meeting of
2 Dublin County Council held to consider the changes in the 1993 Draft
3 Development Plan on the 28th October 1993.

10:57:13 5 The four changes proposed to the Ballycullen lands are dealt with as follows.

6 Change 6A from B agriculture to F open space.

7 The manager recommended that this amendment be deleted and Councillor Muldoon
8 proposed that the zoning of these lands revert to B agriculture. This was put
9 to a vote and lost 21 voted in favour of counter Muldoon's motion with 35
10 against one abstention. The voting is recorded at pages 170 and 171 and is as
11 follows.

13 For councillor Muldoon's motion to rezone back to B agriculture:

10:57:53 15 Councillors Billane, Brannock, B Connelly, J Dillon-Byrne, M Doohan, M Elliott,
16 K Farrell, M Gibbons, L Gordon, D Healy, J Higgins, T Kelleher, J Maher, M
17 Muldoon, M Mullarney, G O'Connell, M O'Donovan, A Shatter, F Smith, D Tipping
18 and E Walsh.

10:58:11 20 And against councillor Muldoon's motion to rezone the lands: Councillors S
21 Ardagh, P Brady, S Brock, L Butler, B Cass, B Coffey, LT Cosgrave, MJ Cosgrave,
22 L Creaven, M Farrell, T Fox, C Gallagher, S Gilbride, R Greene, T Hand, J
23 Hannon, F Hanrahan, C Keane, M Keating, M Kennedy, J Larkin, L LOhan, D Lydon,
24 M McGennis, C McGrath, D Marren, T Matthews, C O'Connor, J O'Halloran, A
10:58:29 25 Ormonde, C Quinn, T Ridge, N Ryan, S Terry and GV Wright.

27 And it will be noted that both Councillors O'Halloran and Larkin were present
28 at this meeting.

10:58:42 30 Abstentions councillor S Laing.

10:58:45 1
2 Change 6A on map 20 from B to open space was then declared confirmed.
3 Change 6B from B to A1 with densities limitation, these are the residential
4 lands. The manager recommended that the amendment be deleted and three motions
10:59:03 5 proposing that the zoning of these lands back to agriculture were proposed.
6 The first proposed by Councillor Shatter and seconded by Councillor Muldoon and
7 was put and lost with 19 in favour and 35 against with one abstention the vote
8 is recorded at page 173.
9
10:59:17 10 For the motion to rezone to B agriculture: Councillor Billane, Connolly,
11 Dillon-Byrne, Elliott, Farrell, Gibbons, Gordon, Healy, Higgins, Kelleher,
12 Maher, Muldoon, Mullarney, O'Connell, O'Donovan, Shatter, Smith, Tipping and
13 Walsh.
14
10:59:34 15 Against the motion to rezone the lands were Councillors Ardagh, Brady, Brock,
16 Butler, Cass, Coffey, LT Cosgrave, MJ Cosgrave, Creaven, Farrell, Fox,
17 Gallagher, Gilbride, Green, Hand, Hannon, Hanrahan, Keane, Keating, Kennedy,
18 Larkin, Lohan, Lydon, McGennis, McGrath, Marren, Matthews, O'Connell,
19 O'Halloran, Ormonde, Quinn, Ridge, Ryan, Terry, Wright.
10:59:57 20
21 Abstentions councillor S Laing.
22
23 Both Councillors Larkin and O'Halloran were present on this occasion.
24
11:00:03 25 Change 6B on map 20 from B agriculture to A1 residential with density
26 limitation of 360 houses in total was then declared confirmed.
27
28 Changes 6C and 6D both from B agriculture to F open space amenity.
29
11:00:21 30 The manager recommended that both of these amendments be deleted but both

11:00:26 1 changes were declared confirmed without a vote.
2
3 The 1993 Dublin County Development Plan was adopted on the 10 December 1993 and
4 as a result of the foregoing the Ballycullen lands were zoned A1 with density
11:00:38 5 limitation and F open space and recreational amenity and these lands can be
6 seen outlined in red on page 187. The green portion is zoned F open space and
7 recreational amenities and the yellow portion zoned A1 with density limitation
8 of 360 houses.
9
11:01:01 10 The mapping error.
11 The total Ballycullen acreage was according to Mr. Christopher Jones
12 approximately 219 acre. The manager proposed the rezoning of approximately 32
13 hectares from B agriculture to E industry in the 1990 Draft Development Plan
14 and this can be seen as ready already illustrated on page 106. The map
11:01:20 15 attached to the Lydon/Hand rezoning motion recorded the acreage sought for
16 residential A1 as being 24.3 hectares or 60 acres, and 52.78 hectares or 130
17 acres for F. This map purported to deal with the entire of the Ballycullen
18 lands which amounted according to Mr. Jones to 219 acres but the total dealt
19 with according to the legend attached to the map was 190 acres. In other
11:01:49 20 words, the total acreage referred to in the motion was 190 acres but the map
21 purported to deal with all of the lands.
22
23 According to a later council document the actual amount of land rezoned as per
24 the actual motion map was greater than 60 acres and when the officials of
11:02:08 25 Dublin County Council came to draw the boundaries of the final map 20 on the
26 1993 Development Plan a further mapping error occurred, the southern border of
27 the A1 lands was moved south wards to allow for natural boundaries of hedges.
28 The net effect of both of these "errors" was that the final map 20 of the 1993
29 Development Plan for County Dublin as published, the lands actually zoned for
11:02:31 30 A1 residential amounted to 77 acres approximately as opposed to the 60 acres

11:02:37 1 referred to in the motion and on the map accompanying the motion.
2
3 The limitation or density on the density of 360 houses remained.
4 The planning history of the Ballycullen lands after January 1994.
11:02:52 5 Throughout 1992 Ballycullen Farms Limited sought to remove local opposition to
6 their proposals for the rezoning of the Ballycullen lands by undertaking to
7 limit the housing zoning to 60 acres with a specific local objective limiting
8 housing density to six houses to the acre. They sought to confine the balance
9 of the lands to F zoning namely open space and recreational amenity. The 1993
11:03:18 10 plan confirm this zoning. Documentation discovered to the Tribunal shows that
11 the Ballycullen Farms Limited were advised in May 1994 that these lands were
12 worth 5.5 million pounds and in May of 1996 were worth 10 million pounds. In
13 1989 Lisney had valued the land at 4 million pounds and in November 1992 had
14 valued the land at 1.7 million pounds.
11:03:41 15
16 The planning permission for 600 houses and the material contravention of the
17 1993 Development Plan.
18
19 In April/May 1994 Mr. Christopher Jones discussed the possible purchase by
11:03:56 20 Ballycullen Farms Limited of approximately 8.75 acres of council lands. These
21 lands adjoined the Ballycullen lands and this discussion was with a view to
22 rededicating the lands (8.75 acres) for open space. It had been proposed to
23 construct local authority houses on this site and Ballycullen Farms envisaged
24 that had such a development would negatively impact on the value of their
11:04:17 25 lands. It was hoped that as a quid pro quo for the acquisition and
26 rededication of this land that they would be permitted to increase their
27 densities on the zoned 60 acres, any planning application for increased density
28 would involve a material contravention of the 1993 Development Plan and would
29 require the support of 75 percent of the total council membership which by this
11:04:39 30 time was South Dublin County Council. By the first of September 1994 Mr. Frank

11:04:45 1 Brooks had secured on behalf of the Ballycullen Farms Limited, the support of
2 the Knocklyon Community Council to an increase in density on the Ballycullen
3 site in return for the dedication of the 8.75 acres about to be purchased from
4 the council for sports facilities. This agreement involved the purchase of the
11:05:04 5 8.75 acres from South Dublin County Council and then giving the land to the
6 Knocklyon community by returning it to the Parks Department of the council, and
7 this agreement was dependant on the council increasing the density on the
8 housing lands from 6 houses to 8 houses per acre.
9

11:05:22 10 On the 20 September 1994 council officials presented a report on the Draft
11 Action Plan for the Ballycullen/Ballycragh area to the Planning and Development
12 Committee of the Council. Documentation discovered to the Tribunal suggests
13 that it was the strategy of Ballycullen Farms Limited at this time to make an
14 application to the Council for planning permission in accordance with the
11:05:43 15 existing density and then to seek an increase in the density in return for the
16 dedication of 14 acres including the 8.7 acres for open space.
17

18 The council planners were reported as being insistent that they needed the
19 space and hinted they would include as a condition of any planning grant.

11:06:03 20
21 On the 8th January '95 an application was made by Ballycullen Farms Limited for
22 planning permission for 360 houses at Ballycullen Farm, this was given the
23 planning reference S95A/0033. On the 10th May '94 Ballycullen Farms Limited
24 proposed to the planners they would give 11 acres under the pylons for pitches,
11:06:30 25 create a mountain walkway on the eastern boundary and create a buffer zone
26 along the Ballycullen Road in return for the County manager and Chief Planner
27 supporting a proposal whereby they would get the density on the 77 acres as
28 zoned in the 1993 Development Plan increased to eight houses per acre.
29

11:06:41 30 It appears to have been the belief of Mr. Jones that with the backing of the

11:06:46 1 planners the necessary 75 percent support for material contravention would be
2 obtainable. On 24th August 1995 Ballycullen Farms Limited made a second
3 application for the development for, the erection of the 600 two storey houses
4 with public open space and associated site works. Including the provision of
11:07:03 5 11.2 acres of Class 1 open space, access via a relocated existing entrance off
6 the proposed new link road. There was the provision for 8.75 acres Class 1
7 open space on the north side of the proposed new link road adjacent to
8 Knocklyon. This application was given planning reference number S95A/2327.
9

11:07:26 10 There were now two live applications for development of the site before the
11 council, the second of which contravened the existing Development Plan.
12

13 On the 13th November 1995, the planners presented a report to the meeting of
14 the South Dublin County Council which dealt with the material contravention of
11:07:38 15 the Development Plan in connection with the Ballycullen application. In that
16 report the planners advised the members of the council that the proposals if
17 granted, would represent a significant step forward in achieving the council's
18 objectives for the area. The proposal had secured the objective identified in
19 the Action Plan for the Ballycragh/Ballycullen area for class 1 open space to
11:08:00 20 serve the area and in addition to provide for the deficiency in class 1 open
21 space for the Scholarstown area.
22

23 At a meeting of South Dublin County Council on 12 February 1996 a motion which
24 reflected the recommendation of the planners and officials of the council
11:08:18 25 proposed by Councillor Cass and seconded by Councillor Tipping, namely that "a
26 decision be made to grant planning permission in respect of application for
27 planning permission Register Reference S95A/0436 for the development described
28 to Ballycullen Farms Limited subject to conditions" and this was carried by 23
29 votes in favour with two against.
11:08:33 30

11:08:33 1 The report referred to was the planning officers report updated and this was
2 supportive of the application. On the 21st February 1996 South Dublin County
3 Council by order, made a decision to grant subject to conditions permission to
4 Ballycullen Farms Limited for the development of planning register reference
11:08:51 5 S95A/0436. This decision was appealed to An Bord Pleanala and on the 26th
6 August 1996 An Bord Pleanala granted planning permission for the development
7 subject to 27 conditions.
8
9 The review of the 1993 Development Plan.
11:09:11 10 In September 1997 Fenton Simons acting on behalf of the Maplewood Homes Limited
11 to whom a portion of the land had been sold and Ballycullen Farms Limited made
12 a submission to South Dublin County Council in the context of the 1997 Draft
13 Development Plan that area of land zoned F or open space in the 93 Development
14 Plan be zoned A1 residential, subject to approved Action Plans.
11:09:30 15
16 Now I should say at this point that we are waiting final maps in relation to
17 this portion of the opening statement from the council, so I don't have up to
18 date maps in relation to this section.
19
11:09:42 20 At a special meeting of the South Dublin County Council on the 1st and 2nd
21 December 1997, agreement was reached on the contents of the Draft Development
22 Plan 1997 for Dublin, for South Dublin, including the Ballycullen lands. This
23 went on public display for three months which concluded on the 11th May 1998.
24 Oral hearings on the representations received were concluded by the 30th June
11:10:05 25 1998. In the 1997 South Dublin County Council Draft Development Plan the
26 Ballycullen lands held the following proposed zoning A1 to provide for new
27 residential communities in accordance with approved action plans with a
28 specific local objective to the written statement which provided that no
29 development would issue until the Southern Cross Motorway as far as the
11:10:27 30 Scholarstown Interchange and East/West link to Oldbawn Road were completed.

11:10:33 1 On the 23 September 1998 South Dublin County Council held a special meeting to
2 consider the representations received to the published 1997 draft Development
3 Plan. The council considered a series of motions dealing with the Old Court
4 Ballycullen area. The manager supported the zoning change to A1 residential as
11:10:49 5 sought on behalf of Ballycullen on the basis that it represent a logical
6 extension of the development of the area having regard to the need to provide
7 additional lands for residential development in the county.
8
9 In December 1998 a new South Dublin County Development Plan was adopted which
11:11:04 10 provided for the change in zoning as sought by Ballycullen Farms Limited in its
11 1997 submission, namely from F open space to A1 residential.
12
13 In 2000, planning permission was sought for construction of the 655 houses on
14 the remaining lands at Ballycullen and planning permission was granted in
11:11:23 15 January 2002. The effect of that is that all of the lands south of the yellow
16 lands that are on screen at the moment were rezoned residential.
17
18 The second portion of lands, the lands at Beechill.
19 Now in relation to the lands at Beechill, there was very little issue in
11:11:40 20 relation to the lands at Beechill. And certainly, it was not, did not carry
21 the same level of controversy as the rezoning of the Ballycullen lands had.
22
23 These lands are located in Clonskeagh near Milltown on the map at 2669. Now
24 the red dot indicates in general terms the locality of the Beechill lands.
11:12:14 25
26 These lands were purchased in the early 1970s by Beechill Properties Limited.
27 This was a wholly owned subsidiary of the Jones Group and the lands became the
28 headquarters of the Jones Group. In the 1983 Development Plan for County
29 Dublin the Beechill lands were zoned F to preserve and provide for open space
11:12:30 30 and recreational amenities on map 15, page 11 please.

11:12:35 1 Now outlined in red are the Beechill lands. Which can be increased hopefully.
2 And the zoning for this portion of lands was open space and amenities on the
3 1983 plan.
4

11:12:57 5 In the 1990 Draft Development Plan for County Dublin, the Beechill lands on map
6 23 were zoned E to provide for industrial and related uses and this map was put
7 on public display from 2nd September 1991 to 3rd December 1991, 29 please. And
8 the lands coloured pink on this map which are the Beechill lands, were proposed
9 for an E zoning in the 1990 Draft Development Plan by the councillors.

11:13:29 10 Sorry 1991 Draft Development Plan.
11

12 This proposal for E zoning came from the officials of Dublin County Council,
13 there were no representations in relation to these lands following the first
14 public display. On the 28 September 1992 Dublin County Council received a
11:13:47 15 motion signed by Councillor Tom Hand and Don Lydon proposing that the Beechill
16 lands be zoned for office use, so as to be compatible with the extensive office
17 use of adjoining properties. This motion was prepared by Mr. Frank Dunlop and
18 it and the map were signed By councillors Tom Hand and Donal Lydon who also
19 signed the motion for the Ballycullen lands referred to above, page 39 and 38
11:14:11 20 together please.
21

22 This is the map attached to the rezoning motion and the second document is the
23 rezoning motion dated 28th September 1992 signed by Councillors Hand and Lydon.
24

11:14:30 25 On the 16 October 1992 the members of Dublin County Council came to consider
26 map number 23 and the Beechill lands and the motion proposed by Councillor Hand
27 and seconded by Councillor Lydon. The manager reported that while it was
28 council policy to encourage office development in the town centres of Tallaght,
29 Lucan, Clondalkin and Blanchardstown, office development could be considered at
11:14:51 30 this location given the extent of the development already permitted in the

11:14:55 1 vicinity. He recommended not passing the motion, but recommended including a
2 specific local objective in the written statement to facilitate development of
3 offices at this location and this was agreed.

4 The manager was not really objecting to the proposal.

11:15:09 5
6 The decision to rezone the Beechill lands E and include the specific local
7 objective that office development be permitted on these lands were put on
8 public display as change 23 on map 23 of the 1993 County Dublin Development
9 Plan between July '93 and the 4th August 1993, page 47 please.

11:15:36 10
11 And this is the Draft Development Plan as displayed. And in the centre of the
12 lands you can see written the words 23, that referred to change number 23 on
13 this map which was to amend the draft written statement to provide for office
14 space at this location. On the 2nd November change number 23 on map 23 was
11:16:01 15 confirmed by the members of the Dublin County Council. In the 1993 Dublin
16 County Development Plan the Beechill lands were zoned E industrial with a
17 specific local objective contained in the written statement that office
18 development would be facilitated at this location.

19
11:16:16 20 Paragraph 4.9.23 of the written statement of the 1993 Dublin County Development
21 Plan in relation to map 23 records and I quote "It is an objective of the
22 Council to facilitate the development of the offices at Beechill court". I
23 have no outlined any vote in relation to Beechill lands because no vote in fact
24 took place. The Councillor Lydon/Hand motion was withdrawn when the manager
11:16:42 25 made his significance that it could be accommodated in the written statement.

26

27

28 The parties and payments:

29 When Mr. Dunlop first gave evidence to the Tribunal between 11th April 2000 and

11:16:53 30 9th May 2000, he in the latter part of his evidence identified landowners who

11:16:58 1 had he said an interest in lands and who provided him with monies in the course
2 of and in connection with the review of the 1983 Development Plan, i.e. those
3 that had retained and paid him to get their lands rezoned.
4

11:17:11 5 The list that identified those lands owners was provided by Mr. Dunlop on Day
6 148 and was called "1991-1993 inclusive" 2790 please.
7

8 This is a handwritten list that was made by Mr. Dunlop on Day 148 and it will
9 be noted that the second developer identified by Mr. Dunlop on that is
11:17:39 10 Ballycullen Farms near Rathfarnham.
11

12 Ballycullen Farms near Rathfarnham was identified as number 2 on that list and
13 Mr. Dunlop attributed 17,500 pounds as having been paid to him in connection
14 with the rezoning of the lands owned by Ballycullen Farms. In his public
11:17:56 15 evidence at that time in dealings with this matter, Mr. Dunlop described the
16 personnel involved in the following fashion: "In essence, may I say to you on
17 that particular one that that is a relatively innocent, if anything can be
18 innocent in this matter, a relatively innocent procedure involving one or two
19 very honourable people, who had been completely frustrated by virtue of the
11:18:15 20 fact that they had made application after application and nothing had
21 happened."
22

23 Mr. Dunlop was then asked to identify the name of the company and the directors
24 involved in Ballycullen Farms and he identified the company as Jones Group PLC
11:18:31 25 and the personnel as Mr. Chris Jones senior and Mr. Derry Hussey. 355 please.
26

27 This is Mr. Hussey identifying on Day 148 the persons in Ballycullen Farms,
28 with whom Mr. Dunlop identifying Mr. Jones and Mr. Hussey as the persons in the
29 Jones Group with whom he had dealings in connection with Ballycullen Farms.
11:18:51 30

11:18:51 1 Following Mr. Dunlop's evidence on day 145 and 148 meeting took place between
2 the legal team to the Tribunal and Mr. Dunlop, in the course of these meetings
3 Mr. Dunlop said that he told Mr. Jones and on occasion Mr. Hussey, but
4 certainly Mr. Jones that "The ways of the world would have to apply" and
11:19:09 5 Mr. Dunlop said referring to Mr. Jones that he, Mr. Jones said that he was
6 fully aware of this, and that he had had difficulties in the context of
7 councillors. Mr. Dunlop said that he had arranged a meeting for Mr. Jones with
8 the late Mr. Tom Hand who subsequently signed the motion. Mr. Dunlop also said
9 that Mr. Jones had employees, namely the Brooks brothers, Francis and Oliver,
11:19:29 10 who were interfacing with councillors and in particular Fianna Fail
11 councillors.

12
13 Mr. Dunlop said that after the successful Hand/Lydon motion in October 1992
14 Mr. Jones gave him an extra 2,500 pounds in addition to the original sum of
11:19:44 15 15,000 pounds which had been agreed. He described Mr. Jones as a very
16 respectable nice gentleman and later said he thought that Mr. Jones knew he was
17 going to make disbursement but not specifically to whom.

18
19 In the introduction to the first statement provided by Mr. Dunlop to the
11:20:02 20 Tribunal in October 2000, he indicated that the inclusion of an asterisk beside
21 a particular development denoted that monies were given to him by the developer
22 with the full knowledge that payments to councillors were required to achieve
23 support.

24
11:20:16 25 No such asterisk attaches to the Ballycullen Farm statement in that statement,
26 471 please. This is the Ballycullen farm statement as originally provided by
27 Mr. Dunlop. And in the introduction to the statement in its totality,
28 Mr. Dunlop had indicated that where an asterisk attached in relation to a piece
29 of land it meant that the developer when giving him or paying him knew that
11:20:44 30 monies would be paid to councillors in connection with the rezoning. No such

11:20:48 1 asterisk attaches in relation to the Ballycullen Farm lands.
2 And if that is correct it would mean that the developer, namely Ballycullen
3 Farm, did not make payments to Mr. Dunlop in connection with these lands in the
4 knowledge that Mr. Dunlop would be making payments to councillors.

11:21:05 5
6 In the statement, in the body of the statement however he does say that he told
7 Mr. Jones and Mr. Hussey that the ways of the world would have to apply, and
8 that Mr. Jones senior said that he was fully aware of that, however he later
9 says in the same statement "While Mr. Jones senior may well have respected that
11:21:23 10 I had to make disbursements out of the sum of 15,000 pound he gave me we did
11 not discuss the matter specifically".
12

13 In his extended Ballycullen statement provide to the Tribunal on 15th October
14 2004 Mr. Dunlop now says Mr. Jones indicated to him in the discussions leading
11:21:41 15 up to the agreement about fees that "He (Mr. Jones) was aware that councillors
16 would require to be paid and that if they were not there was no hope for lands
17 such as his to be re zoned".
18

19 Mr. Dunlop concluded that Mr. Jones was aware of the system then pertaining in
11:21:58 20 Dublin County Council and that both Mr. Jones and Mr. Hussey knew that payments
21 to certain councillors would be necessary not only to get the required motion
22 signed but to ensure its passage through the council. He says Mr. Jones agreed
23 this procedure being used in respect of the Ballycullen Farm lands and that
24 Mr. Hussey separately acknowledged that payments to councillors would be
11:22:18 25 required in respect of the lands surrounding the offices of the Jones Group at
26 Beechill.
27

28 Mr. Jones supplied a statement to the Tribunal on the 25th November 2003 and in
29 advance of Mr. Dunlop's more detailed statement, Mr. Jones states in that
11:22:34 30 statement that he does not know whether Mr. Dunlop made any payments or

11:22:38 1 subscriptions to politicians out of the 26,000 pounds paid to him by that
2 Mr. Jones did give Mr. Dunlop a cheque for Mr. Hand.

3
4 And in relation to a statement provided to the Tribunal this morning on behalf
11:22:52 5 of Mr. Jones it is stated in so far as Mr. Dunlop contends that Mr. Jones knew
6 that payments were being made to councillors, Mr. Jones says that that is an
7 untrue statement, which he utterly rejects and that Mr. Dunlop never suggested
8 any such arrangement, so there is a clear conflict between Mr. Dunlop and
9 Mr. Jones on that issue.

11:23:11 10
11 Mr. Hussey's position is that he denies in the strongest possible terms any
12 suggestion that he knew councillors would have to be paid and in a statement
13 provided also in relation to this matter, he says that is he was shocked to
14 read of the allegation, he rejects it utterly and it is without foundation and
11:23:26 15 untrue. So there is an issue there between Mr. Dunlop and Mr. Jones and
16 Mr. Hussey.

17
18 The Tribunal will be anxious to explore with Mr. Dunlop the above apparent
19 inconsistencies and will be anxious to establish if as alleged by him, he did
11:23:42 20 make illicit payment to councillors in connection with their support for
21 rezoning of these lands. The Tribunal will also wish to establish who if
22 anyone within the Jones Group or Ballycullen Farms Limited were aware of
23 Mr. Dunlop's alleged activities in connection with these rezoning.

11:23:57 25 The payment to councillors:
26 Mr. Dunlop also told the Tribunal at his private meetings that the only people
27 i.e. councillor that he would have given money to in relation to Ballycullen
28 would have been Councillor Lydon, Fox and the late Mr. Hand. Mr. Dunlop,
29 however in his statements to the Tribunal in October 2000 and again in October
11:24:18 30 2004 said he had paid 2,000 pounds to councillors hand and Lydon for signing an

11:24:25 1 supporting the Ballycullen/Beechill motions and that in addition he paid a sum
2 over 1,000 each to the following councillors namely:
3
4 Sean Gilbride, Jack Larkin, Cyril Gallagher, Tony Fox, Colm McGrath and Liam
11:24:38 5 Cosgrave.

6
7 In these statements he also says part of the sum of 5,000 pounds which he paid
8 to councillor O'Halloran in the course of the Development Plan related to
9 Councillor O'Halloran's support for Ballycullen. Mr. Dunlop therefore did not
11:24:50 10 mention in his private interviews any payments to councillors Gilbride, Larkin,
11 Gallagher, McGrath, Cosgrave or O'Halloran in connection with the
12 Ballycullen/Beechill lands. Further as set out above, neither Councillor
13 O'Halloran or Councillor Larkin (deceased) were either present or voted on the
14 1992 motion for the Ballycullen lands.

11:25:10 15
16 All of the councillors who admit to receiving monies from Mr. Dunlop deny that
17 any such payments were in return for their support for the Ballycullen lands or
18 any rezoning. And I will give a full outline of these alleged payments later.

19
11:25:22 20 The late Mr. Liam Lawlor:
21 Mr. Dunlop does not suggest that he paid any money to the late Mr. Liam Lawlor
22 in connection with the Ballycullen/Beechill lands. But Mr. Christopher Jones
23 senior will tell the Tribunal that in or around 1991 -- 1990/91 Mr. Liam Lawlor
24 was providing consultancy advice to Ballycullen Farms Limited on the rezoning
11:25:45 25 of the lands at Ballycullen, the late Mr. Lawlor was at that time a member of
26 Dublin County Council the local authority responsible for such rezoning,
27 Mr. Jones will say following a verbal request from Mr. Lawlor to him in late
28 1990 early '91 he, Mr. Jones made a personal contribution of 5,000 pounds by
29 way of cheque to Mr. Lawlor's political fund. Mr. Lawlor in later
11:26:07 30 correspondence with the Tribunal identified the Jones Group as being a

11:26:11 1 subscriber in the amount of 5,000 pounds, 868 please and it was his
2 recollection that he received 5,000 pounds from the Jones Group.

3
4 He also advised the Tribunal that he believed that the donation was in cash and
11:26:24 5 that Mr. Dunlop acted as Mr. Jones' public relations representative, 851
6 please.

7
8 Mr. Jones will also say that Mr. Lawlor made a further request of him for a
9 further payment of 7,500 pounds and at his, Mr. Jones request, for an invoice
11:26:45 10 Mr. Lawlor furnished an invoice dated 29 of July 1991 in the name of Comex
11 Trading Corporation in the sum of 7,500 pounds, which invoice was in error
12 agreed to the Jones Group, 709 please.

13
14 A handwritten note on this document reads "Ballycullen Development --
11:27:08 15 Ballycullen Def Fund" and a further handwritten notes records "Paid, 30/7/91
16 5001130", indicated it was paid on the 30th July 1991.

17
18 This was paid by Ballycullen Farms Limited in the amount of 7,500 pounds by
19 cheque drawn in favour of Comex Trading Corporation and paid to Mr. Lawlor on
11:27:32 20 30 July 1991. Mr. Lawlor, in an affidavit sworn in High Court proceedings
21 between himself and the Tribunal, confirmed that he was asked by Mr. Jones to
22 provide him with an invoice to cover the payment of 7,500 pounds and further
23 stated "I generated an invoice using Comex headed paper for this purpose. Once
24 again I neither have, nor had, any interest whatsoever in Comex Trading
11:27:54 25 Corporation, which was again one of Mr. Quinn's companies"

26
27 Mr. Lawlor then goes on to set out the reasons why he had not previously
28 discovered this to the Tribunal.

29
11:28:04 30 In the same affidavit Mr. Lawlor deposed to the fact that during the early

11:28:08 1 1990s a number of bank accounts in the name of his son Niall had been operated
2 wholly or partly for his benefit. Included in the list of such banks was South
3 Circular Road branch of National Irish Bank. Mr. Quinn, to whom Mr Lawlor
4 referred in his affidavit has told the Tribunal that he was not aware of Comex
11:28:24 5 Ltd or Comex International or Comex Trading Corporation, and did not deal with
6 or endorse any cheques to Comex.

7
8 Mr. Lawlor did, on the 1st May 2002, identify to the Tribunal a list of names
9 used by him for the purpose of creating false or fictitious invoices, including
11:28:40 10 but not limited to Comex Limited. And he also identified the entities or
11 persons who received, or may have received, invoices under such names.
12 Included in the list were Comex Trading Limited and the Jones Group Limited,
13 847.

14
11:28:58 15 Now it won't be necessary to go through this in detail, but the names used to
16 generate the false invoices are in the first portion of the letter and they
17 include Comex. And the second portion of the letter deals with the people who
18 received such false invoices, and it will be seen that Jones Group are item I
19 on that letter and in the first part it will be seen that one of the names used
11:29:24 20 by him at item B was Comex Limited.

21
22 It would appear that the proceeds of this cheque from Ballycullen Farms Limited
23 made payable to Comex was lodged to the account of Mr. Niall Lawlor at National
24 Irish Bank. The Tribunal has also been told by Mr. Jones of a further two
11:29:39 25 payments to Mr. Lawlor in late 1992. One of 2,000 pounds and one of three
26 thousand pounds.

27
28 The Tribunal has been provided with copy cheques in connection with these
29 payments. These payments totalling five thousand pounds now brings to 17,800
11:29:55 30 pounds the amount paid by Mr. Jones or his related companies to the late

11:29:59 1 Mr. Lawlor or his companies. A further some of 300 pounds was paid by
2 Ballycullen Farms Limited to Mr. Lawlor in May of 1993.

3
4 There are certain lodgements to the financial and bank accounts of Mr. Liam
11:30:13 5 Lawlor and those in the names of other parties, but stated to be for the
6 benefit of Mr. Lawlor, and to the bank accounts of members of his family which
7 are the subject of inquiry for the Tribunal. In the course of this module the
8 Tribunal will inquire in public into the source of these lodgements for which
9 there is not yet a satisfactory explanation. Lodgements which are unexplained
11:30:30 10 will be required to be explained by the account holder.

11
12 The Tribunal will inquire into the circumstances surrounding of all these
13 alleged payments, their sources, utilisation and treatments, in the hands of
14 both Mr. Chris Jones and his related companies and that of the late Mr. Liam
11:30:44 15 Lawlor so as to establish the true nature, purpose and amount of payments.

16
17 Further payments:
18 Payments by Ballycullen Farms Limited or Mr. Christopher Jones senior.

19
11:30:56 20 The Tribunal sought information from Mr Jones about various matters including
21 details of payments to public representatives, including county councillors
22 from the 1st of January 1990 onwards. Mr. Jones acknowledged making political
23 contributions personally and corporately.

24
11:31:07 25 In November 2003 Mr. Jones provided a statement to the Tribunal which had an
26 accompanying schedule, called Schedule A, setting out various consultants fees
27 and political donations incurred with the development of the Ballycullen lands.
28 Mr. Jones told the Tribunal in his statement of the 25 November 2003 that many
29 of these payments were made over an extended period while he endeavoured to
11:31:32 30 secure the rezoning of the Ballycullen lands. Some subscriptions were made in

11:31:37 1 response to requests, more generally the subscriptions were for expenses for
2 local or general elections. He describes Appendix A as "A schedule setting out
3 the subscriptions and donations made by him or on his behalf".
4

11:31:47 5 He acknowledges that certain payments were made by Mr. Oliver Brooks and
6 Mr. Frank Brooks and these expenses were reimbursed to them. Included on
7 Schedule A at pages 700 to 704 are payments to Mr. Frank Dunlop, Mr. Liam
8 Lawlor, included the Comex payment already referred to, and other political
9 donations.

11:32:06 10
11 The Tribunal will be particularly but not exclusively concerned with payments
12 made in the period 1991 to 1993.
13

14 These payments fall into two broad categories namely:

11:32:17 15 1. The payments identified by Mr. Jones as constituting political payments.
16 And 2. Payments made by or on his behalf to Mr. Dunlop.
17

18 1. The political payments: An analysis of Schedule A as provided by Mr. Jones
19 reveals the following political payments as having been made to individual
11:32:36 20 politicians as opposed to donations to political parties as follows:
21

22 And this is broken down by year and amount. In 1989 nil. In 1990 -- I will
23 come back to 1990. In 1991, 5,500 pounds, being 5000 to Mr. Lawlor and 500 to
24 Mr. Tom Kitt. There was a local election in June of 1991.

11:33:01 25 In 1992: 20,450 between 16 councillors all of whom were members of Dublin
26 County Council, including a charitable donation of 3,000.

27 In 1993, nil. In 1994 nil. In 1995 nil.

28 In 1996:2,200 between five councillors. In 1997 nil. In 1998 nil. In 1999:
29 3,700.

11:33:26 30

11:33:26 1 It would appear that the greatest number of donations both as to amount and
2 number of recipients was made in 1992 the year the rezoning of the Ballycullen
3 lands was advanced by the successful Hand/Lydon motion referred to above.
4

11:33:40 5 The payments made in 1992 outlined above relate only to those payments
6 disclosed to the Tribunal by Mr. Jones in Schedule A which was attached to his
7 statement in November 2003. The latest information furnished to the Tribunal
8 by Mr. Jones suggests that the following further monies were paid by or his on
9 behalf or that of Ballycullen Farms Limited in 1992 as follows:

11:34:05 10
11 Mr. Lawlor 5,000.

12 Mr. GV Wright 5,000.

13 Mr. Tom Kitt 2,000.

14 Total 12 thousand.

11:34:12 15
16 When these additional payments are taken into account, the total paid by
17 Mr. Jones to named politicians in 1992 amounts to 32,450 pounds. Which is the
18 equivalent of 41,203 euro.
19

11:34:29 20 The following are the total amounts paid by or on behalf of Mr. Jones or his
21 companies between May 1991 and May 1993 to individuals who were members of
22 Dublin County Council within that period as follows:
23

24 Mr. Liam Lawlor (deceased) and including Comex. 17,800 pounds. That is a
11:34:50 25 payment of seven and a half thousand; 5,000, another payment of 5,000 and 300.

26 Mr. Don Lydon; 7,000. A payment of 5,000 and 2,000.
27

28 Mr. John O'Halloran: 3,000 pounds, charitable donation.

29 Mr. GV Wright. 5,500 pounds being a payment of 500 and 5,000 although it may
11:35:17 30 appear ultimately to have been a single payment.

11:35:20 1 Mr. Tom Hand (deceased) 2,000.
2 Mr. Tom Kitt: 2,500 pounds. 500 and 2,000.
3 Mr. Michael Joseph Cosgrave: 1,000 pounds.
4 Mr. Christopher Gallagher (deceased) 1,000 pounds.
11:35:34 5 Mr. Colm McGrath: 500 pounds.
6 Mr. Tony Fox: 250 pounds.
7 Mr. Larry Butler: 500 pounds.
8 Mr. Liam Creaven: 1,000 pounds.
9 Mr. Ned Ryan: 1,000 pounds.
11:35:45 10 Mr. Michael Keating: 500 pounds.
11 Mr. Charlie O'Connor: 500 pounds.
12 Ms. Sheila Terry: 500 pounds.
13 Ms. Marie Hennessy: 500 pounds.
14 Mr. Seamus Brock (deceased): 250 pounds.
11:35:59 15 Ms. Marion McGuinness: 250
16 And Mr. Seamus Brennan: 200.
17 Total aggregate of that list is 45,750 pounds.
18 Mr. Brennan, I should say was not a member of the council but it was an
19 individual payment at that time, and Ms. Marie Hennessy, as I will outline
11:36:16 20 later told the Tribunal that she in fact was not a member of the council at
21 that time. But I will deal with those in sequence.
22
23 The Tribunal will be anxious to establish the precise amounts paid by or on
24 behalf of Mr. Jones and his companies to politicians including councillors
11:36:31 25 during this period, and will inquire into whether or not these payments or any
26 of them amounted to acts associated with the planning process, which in its
27 opinion amounted to corruption or which involved attempts to influence by
28 threats or deception or inducement or otherwise to compromise the disinterested
29 performance of public duties.
11:36:51 30

11:36:51 1 The position of the various parties identified above:
2 The Tribunal wishes to reiterate that Mr. Jones does not say that any of these
3 payments were made in return for support for his rezoning proposals in
4 connection with either Ballycullen or Beechill, although he does say in his
11:37:16 5 statement that many of the political subscriptions which he made were made over
6 the extended period while he endeavoured to secure the rezoning of the
7 Ballycullen lands. He says that some subscriptions were made in response to
8 requests and that he also made charitable donations. The expenses were
9 generally for local or general election.

11:37:33 10
11 1. Mr. Liam Lawlor. The monies allegedly paid to Mr. Lawlor amounted to 17,800
12 pounds. Comprising 7,500 to Comex together with two sums of five thousand each
13 paid directly to Mr. Lawlor, together with a further sum of 300 in 1993. The
14 position in relation to Mr. Lawlor, who lost his seat in the local authority
11:37:56 15 election in 1991, has already been outlined.

16
17 2. Mr. Don Lydon, 7,000 pounds. Five thousand and two thousand. In 1992
18 Mr. Don Lydon was a member of Fianna Fail and an elected member of Dublin
19 County Council representing the Stillorgan ward. In Schedule A referred to
11:38:13 20 above and attached to his statement Mr. Jones alleges that he paid a sum of
21 7,000 to Councillor Lydon on or before the 31 December 1992.

22
23 In the course of his evidence to the Tribunal on the 29 April 2003, Mr. Don
24 Lydon told the Tribunal of the receipt by him of 5,000 pounds in 1992 from
11:38:34 25 Mr. Christopher Jones whom he said he met in the Goat Public House. Mr. Lydon
26 later identified a cheque in the sum of 2,000 pounds dated 27th April 1992 as
27 being another subscription from Mr. Jones.

28
29 There is therefore no dispute between Mr. Jones and Mr. Lydon as to the time or
11:38:50 30 amount of these payments. However, Mr. Lydon has told the Tribunal that the

11:38:54 1 payment of five thousand pounds relates to monies received for professional
2 services provided by him in his professional capacity as a counsellor or
3 psychologist. This was at variance with his earlier public evidence when he
4 identified the sum paid by Mr. Jones as arising when Mr. Jones said "I must
11:39:13 5 send you something for the election" Day 387. In his latest communication to
6 the Tribunal, dated 26 January 2006 in connection with this matter, Mr. Lydon
7 advised that it is his recollection that the overall contribution made by
8 Mr. Jones amounted to 7,000 pounds and that the sum of 5,000 pounds was a
9 donation in the course of the then Seanad campaign.

11:39:35 10
11 According to the record of the Fianna Fail inquiry, Mr. Lydon did not disclose
12 the receipt of this sum of 7,000 pounds from Mr. Jones to that inquiry.
13 Mr. Lydon co-signed both motions for Ballycullen and Beechill. He seconded the
14 Ballycullen motion and voted in favour of that motion on the 29 October 1992.
11:39:55 15 He subsequently voted against the rezoning motion on the 28 October 1993.

16 I have set out below Mr. Dunlop's claim in relation to Mr. Lydon.

17
18 Number 3. Mr. John O'Halloran: 3,000 pounds, charitable donation.
19 In 1992 Mr. John O'Halloran was a member of the Labour Party, and he was
11:40:17 20 subsequently to leave that party, and he was a member of Dublin County Council.
21 According to schedule A attached to Mr. Jones statement, a sum of three
22 thousand pound was paid by him to Mr. O'Halloran on or before the 31st December
23 1992 in connection with a charity walk. This sum was attributed by Mr. Jones
24 to Mr. O'Halloran and was described as a charitable donation. Mr. O'Halloran's
11:40:39 25 position in relation to this matter is not yet known.

26
27 Mr. O'Halloran did not vote on the rezoning motion on the 29 October 1992 and
28 is not recorded as being present. He was present at the rezoning motion on the
29 28 October 1993 and voted against the rezoning motion.

11:40:57 30

11:40:57 1 Mr. GV Wright: 5,500 pounds.
2 In 1992 Mr. GV Wright was a member of Fianna Fail and an elected County
3 Councillor representing the Malahide electoral area. According to the Fianna
4 Fail inquiry he was the whip of the Fianna Fail group within the council
11:41:14 5 between 1991 and 1994. In Schedule A of his statement in November 2003
6 Mr. Jones identifies Mr. Wright as having received 500 pounds in the year ended
7 31 December 1992 in respect of local election donation. It is understood that
8 in fact there may not have been any payment of 500 to Mr. Wright, rather there
9 was a single payment of five thousand pounds. Further information provided to
11:41:39 10 the Tribunal shows that on the 12 November 1992, five thousand pounds was paid
11 by Mr. Jones to Mr. Wright.
12
13 Mr. GV Wright informed the Fianna Fail inquiry of a political donation of 500
14 pounds only from Ballycullen Farms and not one of five thousand pounds. On the
11:41:55 15 31st May 2000 Mr. GV Wright identified to the Tribunal a sum of 500 as having
16 been received by him from Ballycullen Farms, but not one of five thousand
17 pounds. In November 2004, Mr. Wright again identified a sum of 500 from
18 Ballycullen Farms, but not one of five thousand pounds.
19
11:42:14 20 Mr. Wright voted in favour of the rezoning motion on the Ballycullen lands on
21 29 October 1992 and against the dezoning motion on the 28 October 1993.
22
23 Mr. Tom Hand (deceased)
24 In 1992 the late Mr. Tom Hand was a member of Fine Gael and was an elected
11:42:37 25 member of Dublin County Council. The late Councillor Hand died on 29 June
26 1996. According to Schedule A attached to Mr. Jones statement Mr. Hand was
27 paid a sum of 2,000 pounds on or before the 31 December 1992. Mr. Jones says
28 that Mr. Dunlop approached Mr. Derry Hussey seeking a subscription to
29 Councillor Hand's political fundraising after the rezoning of the Beechill
11:43:01 30 lands. Beechill Properties Limited made a payment by cheque in the sum of

11:43:04 1 1,000 pounds. This would have been according to Mr. Jones in or around 1993.
2 Mr. Jones said that he understood from Mr. Hussey that Mr. Dunlop approached
3 Mr. Hussey a second time seeking a further subscription but Mr. Hussey refused
4 his request on behalf of Beechill Properties. Mr. Jones says then Mr. Dunlop
11:43:24 5 asked him to make a subscription and in order to conclude the matter he
6 Mr. Jones personally subscribed a further one thousand pounds to Councillor
7 Hand. He believed he did this in or about 1993 by personal cheque made payable
8 to Mr. Dunlop. Schedule A however records payments on or before the 31st
9 December 1992 to Mr. Hand in the sum of 2,000 pounds. It does not record any
11:43:44 10 payments to Mr. Hand in 1993. Mr. Dunlop confirms he arranged a meeting
11 between Mr. Hand and Mr. Jones.
12

13 Mr. Hand was co-signatory to both the Ballycullen and Beechill motions. He
14 proposed the motion to rezone the Ballycullen lands on the 19 October 1992 and
11:44:02 15 voted in favour of the rezoning. He voted against the dezoning motion at the
16 confirming meeting on the lands on the 28 October 1993.
17

18 Mr. Tom Kitt.
19 In 1992 Mr. Tom Kitt was a member of Fianna Fail and was an elected member of
11:44:19 20 Dublin County Council. According to Schedule A of Mr. Jones statement, a sum
21 of 500 was paid to Mr. Kitt on the 24 May 1991 in respect of what was described
22 in the schedule as Fianna Fail golf outing, Mr. Kitt acknowledges receipt of
23 this sum having been asked specifically about that sum and also having been
24 asked to provide details of all payments or benefits received from
11:44:39 25 Mr. Christopher Jones or the Jones Group. Mr. Jones has identified a further
26 payment in that schedule of 500 pounds to Mr. Tom Kitt towards local election
27 donation. Mr. Jones has provided further documents to the Tribunal which show
28 a further payment of 2,000 pounds to Mr. Kitt on the 16th November 1992. No
29 information has been provided by Mr. Kitt to the Tribunal in connection with
11:45:07 30 this payment.

11:45:08 1
2 Mr. Kitt was not present at the Special Meetings of Dublin County Council when
3 the rezoning motions were being considered.
4

11:45:15 5 Mr. Michael Joseph Cosgrave.
6 In 1992 Mr. Michael Joseph Cosgrave was a member of the Fine Gael party and an
7 elected member of Dublin County Council representing the area of Howth.
8 According to Schedule A attached to the statement of Mr. Jones, a sum of 1,000
9 pounds was identified as having been paid to Mr. Cosgrave, to Mr. Michael
11:45:36 10 Joseph Cosgrave on or before 31 December 1992 as a local election donation.
11 Mr. Michael Joseph Cosgrave denies that he ever received such a payment, he has
12 previously told the Tribunal that it was his practice to support Mr. Dunlop in
13 his endeavours.
14

11:45:52 15 Mr. Michael Joseph Cosgrave voted in favour of the rezoning motion on 29th
16 October 1992 and against the rezoning motion on the 28th October 1993.
17

18 Mr. Liam Creaven.
19 In 1992 Mr. Liam Creaven was a member of the Fianna Fail party and was an
11:46:10 20 elected member of Dublin County Council representing the ward in North County
21 Dublin. It is assumed that the reference in Schedule A to Mr. Jones statement
22 to Mr. Crewven is a reference to Mr. Liam Creaven, if that is correct then
23 according to Schedule A attached to the statement of Mr. Jones a sum of 1,000
24 pounds was identified as having been paid to Mr. Liam Creaven on or before the
11:46:33 25 31st December 1992 as a local election donation.
26 There was no local election in 1992.
27

28 Mr. Liam Creaven has no recollection of receiving 1,000 pounds from Mr. Jones
29 or related or associated parties but acknowledges that it may have been so
11:46:48 30 as he had a long association with Mr. Oliver Brooks, which association arose

11:46:54 1 out of their mutual membership of Fianna Fail. He does not appear to dispute
2 the payment. He has also previously told the Tribunal that it was his practice
3 to support Mr. Dunlop in his endeavours.
4

11:47:04 5 Mr. Creaven voted in favour of the rezoning motion on the 29th October 1992 and
6 against the dezoning motion on the 28th October 1993.
7

8 Mr. Cyril otherwise Christopher Gallagher (deceased).
9 In 1992 the late Mr. Cyril or Christopher Gallagher was a member of the Fianna
11:47:33 10 Fail party and an elected member of Dublin County Council representing Swords.
11 Mr. Gallagher died on 20th March 2000, according to Schedule A attached to the
12 statement of Mr. Jones given to the Tribunal, three years after Mr. Gallagher's
13 death, a sum of 1,000 pounds was identified as having been paid to
14 Mr. Gallagher on or before the 31st December 1992 for what was described as a
11:47:47 15 local election donation.

16 Mr. Gallagher had not prior to his death provided any information to the
17 Tribunal in connection with the Ballycullen lands nor had any such information
18 been sought from him in that regard. He had in a general way, denied knowledge
19 of any impropriety or improper conduct.

11:48:03 20
21 Mr. Cyril Gallagher voted in favour of the rezoning motion on the 29th October
22 1992 and against the dezoning motion on the 28th October 1993.
23

24 Mr. Colm McGrath.
11:48:16 25 In 1992 Mr. Colm McGrath was a member of the Fianna Fail party and an elected
26 member of Dublin County Council represented Lucan. According to Schedule A of
27 Mr. Jones statement a sum of 500 pounds was identified as having been paid to
28 Councillor McGrath on or before the 19th November 1992 for what was described
29 as political democrats golf. Mr. Colm McGrath confirmed receipt of
11:48:39 30 unconditional political donations from the Jones Group Ballycullen Farms

11:48:42 1 Limited, which were typically cheques and which he says were lodged to his bank
2 account.
3
4 Mr. Colm McGrath voted in favour of the rezoning motion on the Ballycullen
11:48:51 5 lands on 29th October 1992 and against the dezoning motion on the 28th October
6 1993.
7
8 Mr. Ned Ryan.
9 In 1992 Mr. Ned Ryan was a member of the Fianna Fail party representing
11:49:06 10 Castleknock. According to Schedule A attached to Mr. Jones' statement a sum of
11 1,000 pound was identified having been paid to him on or before 31st December
12 1992 under the heading Fianna Fail fundraiser. Mr. Ryan's position in relation
13 to that matter is not yet known.
14
11:49:23 15 Mr. Ryan voted in favour of the rezoning motion on the Ballycullen lands on
16 29th October 1992 and against the dezoning motion on 28th October 1993.
17
18 Mr. Larry Butler.
19 In 1992 Mr. Larry Butler was a member of the Fianna Fail party representing
11:49:39 20 Ballybrack. According to Schedule A of Mr. Jones' statement a sum of 500
21 pounds was identified as having been paid to Mr. Butler on of before the 31st
22 December 1992, in respect of what is described as a local election donation.
23 Mr. Butler admits to being lobbied by Mr. Christopher Jones in connection with
24 the rezoning of the Ballycullen Farms, he acknowledges receipt of a cheque of
11:49:58 25 500 pounds towards election expenses. Mr. Butler says that he told Mr. Jones
26 he would have to consult with his Fianna Fail colleagues on the council and
27 that if they were in favour of the proposal he would support it.
28
29 Mr. Butler voted in favour of the rezoning motion of the Ballycullen lands on
11:50:13 30 29th October 1992 and against the dezoning motion on the 28th October 1993.

11:50:18 1
2 Mr. Michael Keating.
3 In 1992 Mr. Michael Keating was a member of the Fine Gael party and was an
4 elected member of Dublin County Council representing Greenhills ward.
11:50:28 5 According to Schedule A to Mr. Jones statement a sum of 500 pounds was
6 identified as having been paid to Mr. Michael Keating on or before 31st
7 December 1992 described as a local election donation. Mr. Keating's position
8 in relation to the matter is not yet known
9
11:50:51 10 Mr. Keating is recorded as having voted in favour of the rezoning motion on the
11 Ballycullen lands on the 29th October 1992 and against the dezoning motion on
12 the 28th October 1993.
13
14 Mr. Charles O'Connor.
11:51:06 15 In 1992 Mr. Charles O'Connor was a member of the Fianna Fail party and was an
16 elected member of Dublin County Council. According to Schedule A attached to
17 the statement of Mr. Jones a sum of 500 pounds was identified as having been
18 paid to Mr. Charles O'Connor on or before the 31st December 1992 for what was
19 described as a local election donation. Mr. O'Connor has now told the Tribunal
11:51:31 20 that he would have received political donations from Ballycullen Farms and that
21 they would have amounted to 500 pounds in 1992, 1994, 1995 and 2002.
22
23 Mr. O'Connor is recorded as having voted in favour of the rezoning motion on
24 Ballycullen lands on the 29th October 1992 and against the dezoning motion on
11:51:56 25 the 28th October 1993.
26
27
28 Ms. Sheila Terry.
29 In 1992 Ms. Sheila Terry was then a member of Fine Gael and was an elected
11:52:00 30 councillor for Castleknock, according to Schedule A, a statement of Mr. Jones a

11:52:04 1 sum of 500 pounds was identified as having been paid to Ms. Terry on or before
2 the 31st December 1992 as a local election donation.

3
4 Ms. Terry's position in relation to the matter is not yet known. She is
11:52:16 5 recorded as having voted in favour of the rezoning motion on the Ballycullen
6 lands on 29th October 1992 and against the dezoning motion on the 28th October
7 1993.

8
9 Ms. Marie Hennessy.

11:52:27 10 In 1992 Ms. Marie Hennessy was not a member of Dublin County Council, she was
11 co-opted onto the council in January 1995 and contested her first local
12 election in 1999, notwithstanding the foregoing according to Schedule A
13 attached to the statement of Mr. Jones, a sum of 500 was identified as having
14 been paid to Ms. Marie Hennessy on or before the 31st December 1992 for what
11:52:52 15 was described as a local election contribution. It is not understood how
16 Mr. Jones was in a position to assert that a payment was made to Ms. Marie
17 Hennessy on or before the 31st December 1992.

18
19 There is no record of Ms. Hennessy voting in connection with any of these
11:53:08 20 matter. Ms. Hennessy denies receiving any such payment from or on behalf of
21 Mr. Jones.

22
23 Mr. Tony Fox.

24 In 1992 Mr. Tony Fox was a member of the Fianna Fail party and was an elected
11:53:20 25 member of Dublin County Council representing Glencullen, according to Schedule
26 A attached to the statement of Mr. Chris Jones, a sum of 500 was identified as
27 having been paid to Mr. Tony Fox on or before the 31st December 1992 as a local
28 election donation. Mr. Fox's position in relation to that matter is not yet
29 known.

11:53:42 30

11:53:42 1 Mr Fox voted in favour of the rezoning motion on the Ballycullen lands on the
2 29th October 1992 and against the dezoning motion on 28th October 1993.

3

4 Mr. Seamus Brock (deceased).

11:53:50 5 In 1992 the late Mr. Seamus Brock was a member of Fianna Fail and was an
6 elected member of Dublin County Council representing Clonskeagh. Mr. Brock
7 died on 17th May 1994 and according to Schedule A attached to the statement of
8 Mr. Jones a sum of 250 pounds was identified as having been paid to the late
9 Mr. Brock on or about the 31st December 1992 for what was described as a local
11:54:12 10 election donation.

11

12 Mr. Brock is recorded as voting in favour of the rezoning motion on the
13 Ballycullen lands on 29th October 1992 and against the dezoning motion on the
14 28th October 1993.

11:54:23 15

16 Ms. Marian McGennis. In 1992 Ms. Marion McGennis was a member of Fianna Fail
17 and was an elected member of Dublin County Council representing Mulhuddard
18 according to Schedule A attached to the statement of Mr. Jones, a sum of 250
19 pounds was identified as having been paid to Ms. McGennis with a note "dinner"
11:54:44 20 on or before the 31st December 1992.

21

22 According to Ms. McGennis in view of the passage of time she has no
23 recollection of meeting or contacts in connection with these lands.

24 She is recorded as having voted in favour of the rezoning motion on the

11:54:58 25 Ballycullen lands on the 29th October 1992 and against the dezoning motion on
26 28th October 1993.

27

28 Mr. Seamus Brennan.

29 In 1992 Mr. Brennan was a member of Fianna Fail although not an elected member
11:55:11 30 of Dublin County Council. According to Schedule A attached to the statement of

11:55:14 1 Mr. Jones a sum of 200 pounds was identified as having been paid to Mr. Brennan
2 on or before the 25th November 1992 for what was described as political
3 donations. Mr. Brennan's position in relation to this matter is awaited.
4

11:55:26 5 John Hannon.
6 In 1992 Mr. John Hannon was a member of Fianna Fail and was an elected member
7 of Dublin County Council for Tallaght, Old Bawn, in his statement to the
8 Tribunal Mr. Hannon says that he received an unsolicited political contribution
9 of 1,000 pounds in November 1992 when he was a candidate in the general
11:55:43 10 election called on the 5th November of that year. This cheque was from
11 Christopher Jones or Ballycullen Farms and was handed to him by Mr. Frank
12 Brooks who called to his house. There is no mention in Schedule A of
13 Mr. Jones' statement concerning any payment to Mr. John Hannon.
14

11:56:07 15 Among the matters the Tribunal will inquire into will be the accuracy of the
16 contents of Schedule A of Mr. Jones' statement and the extent to which if any
17 additional payments may have been made and not recorded in that schedule and/or
18 whether payment allegedly made as in the case of Ms. Hennessy were in fact
19 made.

11:56:20 20
21 With the exception of Mr. Sean Gilbride who says he provided a receipt to
22 Mr. Frank Dunlop in connection with the donation to him there are no
23 suggestions from any of the councillors mentioned above that receipts were
24 furnished in connection with these payments. There are lodgements to most but
11:56:40 25 not all of these councillors which require further explanation and which will
26 be inquired into in the course of this module.
27

28 Payment to from Frank Dunlop by Mr. Christopher Jones and/or his related
29 companies:

11:56:52 30

11:56:52 1 According to Mr. Frank Dunlop the monies paid to him by Mr. Jones and/or his
2 related companies in connection with the rezoning of the Ballycullen and
3 Beechill lands amounted to an agreed fee of 15,000 pounds together with a
4 success fee of 2,500 pounds making a total of 17,500 pounds.

11:57:09 5
6 According to Mr. Jones statement and accompanying Schedule A provided to the
7 Tribunal in November 2003, and including a sum of 1,000 pounds paid by him to
8 Mr. Dunlop for the late Mr. Hand, a sum of 27,000 pounds was paid by him or his
9 related companies to Mr. Dunlop in connection with the rezoning of the
11:57:33 10 Ballycullen/Beechill land. There is no mention of a success fee by Mr. Jones.
11 Further additional documentation provided by Mr. Jones to the Tribunal appears
12 to suggest that this figure could be increased by 8,000 pounds making an
13 admitted total payment of 35,000 pounds to Mr. Dunlop in connection with the
14 rezoning of these lands.

11:57:50 15
16 It I would appear from documentation disclosed to the Tribunal and furnished in
17 the brief including the above information, that Mr. Dunlop may in fact have
18 received at least 60,000 pounds in connection with the rezoning of these lands.
19 A sum of 76,000 euro approximately.

11:58:07 20
21 There are therefore three sets of figures in relation to the amount paid by the
22 Jones entities to Mr. Dunlop, Mr. Dunlop says 17,500 pounds. The latest
23 information from the Jones Group suggests 35,000 pounds, the Tribunal figure is
24 slightly over 60,000 pounds.

11:58:25 25
26 The Tribunal will have to determine the true amount paid or likely to have been
27 paid to Mr. Dunlop in connection with the rezoning of these lands.
28 The alleged payments by Mr. Dunlop to named councillors. In addition to the
29 above payments by Mr. Jones, there are payments alleged to have been made by
11:58:42 30 Mr. Dunlop to which I have alluded briefly. Mr. Dunlop will tell the Tribunal

11:58:47 1 that he had made nine payments to nine councillors in connection with either
2 their signing the motions or their support for the motions in connection with
3 the Ballycullen/Beechill lands. Mr. Dunlop will say that he had paid the
4 following nine councillors in connection with achieving the rezoning.

11:59:01 5
6 Councillor Don Lydon, Councillor Tom Hand (deceased), Councillor Sean Gilbride,
7 Councillor Jack Larkin (deceased), Councillor Cyril Gallagher (deceased),
8 Councillor Tony Fox, Councillor Colm McGrath, Councillor Liam T Cosgrave,
9 Councillor John O'Halloran.

11:59:17 10
11 Mr. Dunlop will say he paid the following amounts in the following
12 circumstances.
13 Councillor Don Lydon. Mr. Dunlop will say he prepared the motions for the
14 Ballycullen and Beechill lands. He will say that the sum of 2,000 pounds was
11:59:32 15 requested by Mr. Lydon in return for his signature and support for the motion.
16 He will say that he believes he paid Mr. Lydon in cash on the 2nd October 1992
17 and no receipt was provided. Mr. Lydon acknowledged that he received a cheque
18 for 1,000 pounds from Mr. Dunlop for election purposes between 1991 and 1992.
19 He later said he believed this was for the 1993 Seanad General Election. He
11:59:54 20 also says he received a sum of approximately 400 pounds for the 1999 local
21 elections

22
23 Insofar as Mr. Dunlop's involvement with Ballycullen and Beechill are
24 concerned, Mr. Lydon will say that he, Mr. Lydon, had no contact with either
12:00:11 25 Mr. Frank Dunlop or the late Mr. Liam Lawlor in connection with these lands.
26 In providing that information to the Tribunal Mr. Lydon had been furnished with
27 copies of the motion together with the accompanying maps on which his signature
28 appeared. It appears to be Mr. Lydon's position subject to correction that he
29 did not have any contact with Mr. Dunlop in connection with these lands.
12:00:31 30 Councillor Lydon seconded the rezoning motion proposed by Councillor Hand on

12:00:37 1 the 29th October 1992 and voted in favour of same and against the rezoning
2 motion on 28th October '93.

3

4

Mr. Tom Hand (deceased).

12:00:42 5 Mr. Dunlop says that he paid a sum of 2,000 pounds in cash to Mr. Hand on the
6 2nd October 1992 and he did so following negotiations between them as to the
7 amount Mr. Hand required for his signature and support for the motions. No
8 receipt was provided. It is a fact that the late Mr. Hand signed both motions.
9 The late Mr. Hand died on the 29th June 1996.

12:01:05 10

11 Councillor Hand proposed the rezoning motion of the Ballycullen lands on the
12 29th October and voted in favour. He voted against the rezoning motion on the
13 28th October 1993.

14

12:01:16 15 Mr. Sean Gilbride.

16 According to Mr. Dunlop he paid Mr. Sean Gilbride a sum of 1,000 pounds for his
17 support in connection with the Ballycullen/Beechill rezonings and he did so at
18 the request of Mr. Gilbride these monies were in cash and no receipt was
19 provided. The monies were paid in or around Dublin County Council.

12:01:33 20

21 Councillor Gilbride voted in favour of the rezoning motion on the 29th October
22 '92 and against the rezoning motion on the 28th October '93.

23

24 Mr. Gilbride has told the Tribunal that he supported the Ballycullen rezoning

12:01:46 25 because of local support and he was lobbied by a developer, he acknowledges
26 receipt of a political donation from Mr. Dunlop in the sum of 2,000 pounds in
27 cash for which he says he furnished a receipt to Mr. Dunlop. He denies any
28 payment or benefit for any planning or zoning matter, it is clear that Mr.

29 Gilbride denies that he received any money from Mr. Dunlop in connection with
12:02:07 30 these lands.

12:02:08 1
2 Mr. Jack or John Larkin (deceased).
3 Mr. Larkin died on 6th May 1998. Prior to his death he had provided the
4 Tribunal with a completed questionnaire dated 23th March 1998 in which he did
12:02:24 5 not disclose any knowledge of any improper payments or benefits or corruption.
6 He had not been specifically asked about Mr. Dunlop or the Ballycullen/Beechill
7 rezonings or the Jones Group prior to his death. Mr. Dunlop advised the
8 Tribunal in his statement of the 9th October 2000 and again on the 14th October
9 2004 that he paid the late Mr. Larkin 1,000 pounds for his support for the
12:02:47 10 rezoning of these lands.
11
12 Mr. Larkin is not recorded as being present at the meeting of the 29th of
13 October 1992 at which the Ballycullen lands were first rezoned. The attendance
14 is recorded at page 1876 and can be seen from these attendances that he is not
12:03:03 15 recorded as being present. The vote is recorded at page 1902 and it is noted
16 that Mr. Larkin was not present. He was present at the confirming meeting on
17 the 28th October 1993 and voted against an attempt to dezone the lands back to
18 agriculture. This vote is recorded at page 2085. If as Mr. Dunlop asserts,
19 Mr. Larkin was paid 1,000 pounds for his support in connection with the
12:03:33 20 rezoning of the Ballycullen lands in October 1992, it is clear that for
21 whatever reason, Mr. Larkin did not attend the critical meeting.
22
23 Mr. Cyril or Christopher Gallagher (deceased).
24 Mr. Dunlop told the Tribunal in his statement of the 9th October 2000 and again
12:03:49 25 on the 14th October 2004 that he paid the late Mr. Gallagher 1,000 pounds for
26 his support for the rezoning of these lands.
27
28 Mr. Gallagher died on the 20th March 2000. Prior to his death he had provided
29 a completed questionnaire to the Tribunal in which he did not disclose any
12:04:06 30 knowledge of any improper payments, benefits or corruption. Mr. Gallagher had

12:04:11 1 attended for interview at the offices of the Tribunal where a stenographic
2 record was kept. He had been asked by letter of the 20th September 1999
3 whether he had ever received any monies from Mr. Dunlop. Whilst that request
4 was made in the context of another development, Mr. Gallagher denied any
12:04:29 5 payment, donation or benefit from Mr. Dunlop. Mr. Gallagher also denied on the
6 15th March 1999, having any account with An Post and following his death on the
7 20th March 2000 it was revealed that there was standing to the credit of
8 Mr. Gallagher (deceased) at An Post the sum of 60, 603.72 pounds.
9 Mr. Gallagher voted in favour of the rezoning motion of the 29th October 1992
12:05:01 10 and against the dezoning motion on the 28th October 1993.

11
12 Mr. Tony Fox.
13 In 1992 Mr. Fox was a member of Fianna Fail and an elected member of Dublin
14 County Council representing Dundrum. Mr. Dunlop told the Tribunal in his
12:05:10 15 statement on the 9th October and again on the 14th October 2004 that he paid
16 Mr. Fox 1,000 pounds for his support for the rezoning of these lands.
17 Mr. Dunlop will tell the Tribunal that he paid the sum of 1,000 pounds to
18 Mr. Fox in return for his agreed support for the Ballycullen/Beechill motions.
19 The payment was in cash, no receipt was provided and it was paid in or around
12:05:33 20 Dublin County Council.

21
22 Mr. Fox has already given evidence to the Tribunal and his consistent position
23 has been that he never received any money from Mr. Dunlop. Mr. Fox voted in
24 favour of the rezoning motion on the Ballycullen lands on the 29th October '92
12:05:47 25 and against the dezoning motion on the 28th October 1993.

26
27
28 Mr. Colm McGrath.
29 Mr. Dunlop told the Tribunal in his statement of the 9th October 2000 and again
12:05:57 30 on the 14 October 2004 that he paid Mr. McGrath 1,000 pounds for his support

12:06:02 1 for the rezoning of these lands. Mr. Dunlop will tell the Tribunal that he
2 paid a sum of 1,000 pounds to Mr. McGrath for his support. He will say these
3 monies were paid in cash, they were not receipted and were paid in or around
4 Dublin County Council.

12:06:17 5
6 Mr. McGrath confirms he did receive a number of unconditional political
7 donations from Mr. Dunlop in response to fundraising efforts to defray election
8 expenses and the cost of running his full time office. These ranged in amounts
9 from 500 to 2,000 pounds in the form of cash and cheques. Cheques were lodged
12:06:35 10 to his bank account and cash was expended by him. Mr. McGrath has previously
11 given evidence about a payment of cash received by him from Mr. Dunlop at a
12 meeting in Mr. McGrath office but denies that it was in return for his support
13 for any matter. He said Mr. Dunlop left 2,000 wrapped in the Irish Times on
14 his desk and he confirms having received several political donations from Mr.

12:06:56 15 Dunlop of these he says "Two or three were cheques associated with golf
16 classics" and he says the others were cash in the amount of 1,000 and 2,000
17 pounds. Also a cheque for 1,000 pounds for printing and photocopying.
18 Mr. Dunlop previously told the Tribunal that he paid 2,000 pounds between 12th
19 and 29th June 1992 to Mr. McGrath in return for his support for the Paisley
12:07:16 20 Park lands. Mr. McGrath also acknowledges unconditional political donations
21 from the Jones Group or Ballycullen Farms Limited.

22
23 Mr. McGrath voted in favour of the rezoning motion on 29th October '92 and
24 against the dezoning motion on the 28th October 1993.

12:07:31 25
26 Mr. Liam T Cosgrave. Mr. Dunlop has told the Tribunal in his statement of the
27 9th October 2000 and again in his statement of the 14th October 2004 that he
28 paid Mr. Liam T Cosgrave 1,000 pounds for his support for the rezoning of these
29 lands. According to Mr. Dunlop he paid this sum in respect for his agreed
12:07:53 30 support for the lands at Ballycullen and Beechill. These monies are alleged to

12:07:56 1 have been paid in or around Dublin County Council.
2
3 Mr. Cosgrave acknowledged receiving payment by Mr. Dunlop by way of political
4 contributions. Initially he told the Tribunal he had received an election
12:08:08 5 donation from Mr. Dunlop. He always denied that he received money from anybody
6 in connection with support for rezoning of any lands. Mr. Cosgrave will say
7 that only people who made representations to him in connection with the
8 Ballycullen lands were a member of the Jones family and the manager of
9 Ballycullen Farms Limited. From this it must be assumed that Mr. Cosgrave will
10 tell the Tribunal he did not have any contact with Mr. Dunlop in connection
11 with the Ballycullen lands.
12
13 Mr. Cosgrave confirmed to the Tribunal in September 2001 that he had received
14 several legitimate political donations from Mr. Dunlop in connection with
12:08:40 15 Mr. Cosgrave being a candidate in the Dail and Seanad Elections of 1992 and
16 1993 and in relation to the Seanad Election of 1997 and the Local Election of
17 1999. He confirmed did he not have records of the donations and most of them
18 were paid by cheque and there was also a cash donation.
19
12:08:59 20 In March 2003 Mr. Cosgrave set out further details of the election donations
21 received by him from Mr. Dunlop and further details were again furnished on the
22 13th May 2003. None of these payments were given in return for any support in
23 respect of any council vote or promise of support. None of these payments were
24 he said were connected to any lands.
12:09:22 25
26 Mr. Liam T Cosgrave voted in favour of the rezoning motion on of the
27 Ballycullen lands on 29th October '92 and against the dezoning motion on the
28 Ballycullen lands on the 28th October 1993.
29
12:09:34 30 Now Mr. Dunlop provided an updated statement a number of days ago in which he

12:09:39 1 was asked, he had been asked sometime ago to provide details of when
2 councillors were paid, to provide specific dates for the payments, and in his
3 latest statement which has been provided to the Tribunal, he does not name
4 either Liam T Cosgrave or Councillor John O'Halloran as having been paid by him
12:09:56 5 in connection with these lands, although in his earlier statement of 2000 and
6 his later statement of 2004 he does name both.

7
8 Mr. John O'Halloran.
9 Mr. Dunlop will tell the Tribunal that he paid a composite sum of not more than
12:10:10 10 five thousand pounds to Mr. John O'Halloran during the course of the
11 Development Plan, by which it is assumed that Mr. Dunlop means between 1990 and
12 1993. He say that that the payments were in small amounts, made to
13 Mr. O'Halloran in connection with support for a number of developments
14 including the Ballycullen lands.

12:10:28 15
16 Mr. O'Halloran denies he received any payment from Mr. Dunlop in the course of
17 the Development Plan in connection with the proposed rezoning of the lands at
18 Ballycullen. He acknowledges that he did receive 2,500 from Mr. Dunlop as a
19 political contribution in the Dail by-election of 1996 which he,
12:10:45 20 Mr. O'Halloran, had requested.

21
22 Mr. O'Halloran later recollected he received a sum of 500 from Mr. Dunlop
23 whilst he was a member of Dublin County Council. He recollected he received
24 this sum between June '91 and December '93 at or near the headquarters of
12:11:00 25 Dublin County Council. The payment was unsolicited and there was no agreement
26 or understanding that it was in return for supporting any matter before the
27 council.

28
29 Apart from this payment of 500 pound made during the review of the 1983 County
12:11:14 30 Development Plan, Mr. O'Halloran is and has disputed Mr. Dunlop's contention

12:11:18 1 that he paid him small sums of amounting to not more than five thousand in all
2 in the course of the Development Plan 1990 to 1993.

3
4 Mr. John O'Halloran did not vote for the rezoning motion on the Ballycullen
12:11:30 5 lands on the 29 October 1992, he is not recorded as being present on the
6 attendance page or at the vote. He did vote against the dezoning motion on 28
7 October 1993 and this is recorded at 2085.

8
9 If, as Mr. Dunlop asserts, Mr. O'Halloran was paid for his support in
10 connection with the rezoning of the Ballycullen lands it is clear that for
11 whatever reason, Mr. O'Halloran did not attend the critical meeting. And in
12 the latest statement provided by Mr. Dunlop where he was asked to provide
13 details of precisely when and where he made payments to the councillors
14 Mr. Dunlop, having previously listed Mr. O'Halloran as a recipient in
12:12:11 15 connection with the Ballycullen lands, does not list him in the latest
16 statement.

17
18 Mr. Pat Rabbitte.
19 Documentation provided to the Tribunal showed there was contact in 1992 between
12:12:20 20 Mr. Dunlop and Mr. Rabbitte in connection with these lands and also contact
21 between Mr. Christopher Jones and Mr. Rabbitte in connection with these lands.
22 After the successful vote in October '92 on the rezoning of the Ballycullen
23 lands, Mr. Jones wrote to Mr. Rabbitte thanking him for supporting the
24 proposals and Mr. Pat Rabbitte is recorded in the record of the rezoning
12:12:42 25 meeting of the 29 October 1992 as having voted in favour of the rezoning of the
26 Ballycullen lands, 161. He was not present at the confirming meeting on the 28
27 October 1993.

28
29 Mr. Dunlop says that he never asked Mr. Rabbitte to act in any improper
12:13:01 30 fashion. Mr. Dunlop says that he made a donation to Mr. Rabbitte in early

12:13:05 1 November 1992 after the calling of the general election. The general election
2 was called on the 5 November 1992, and after this date Mr. Dunlop travelled out
3 to Mr. Rabbitte's home and according to his recollection made a contribution to
4 him for his election campaign in the sum of 3,000 pounds cash. He says that
12:13:28 5 the contribution was readily accepted. Mr. Rabbitte never indicated that he
6 was a supporter of another named development at this meeting and Mr. Dunlop
7 believes that this meeting may have been on the 10 November 1992 and he does
8 not attribute any improper or corrupt purpose to the meeting.
9

12:13:38 10 Mr. Rabbitte was initially asked by the Tribunal whether he had ever received
11 any payment, donation or benefit from any person associated with another named
12 development. Mr. Dunlop was identified in that letter as being an associated
13 person. Mr. Rabbitte initially told the Tribunal that he did not receive any
14 donation or benefit from any person connected with that other development, but
12:14:00 15 now acknowledges he received a donation of 2,000 pounds in cash in an envelope
16 in November 1992 from Mr. Dunlop. Mr. Rabbitte will tell the Tribunal that
17 Mr. Dunlop said that he wanted, on behalf of a small number of clients, to make
18 a small donation towards Mr. Rabbitte's election campaign.
19

12:14:16 20 There is therefore a dispute between Mr. Dunlop and Mr. Rabbitte as to the
21 amount of the donation. Mr. Rabbitte states that he, at the time of the
22 donation, advised Mr. Dunlop that they, Democratic Left, had a procedure in
23 place which would determine whether he could accept the payment or not.
24 Mr. Rabbitte also stated that he resolved as soon as Mr. Dunlop had left to
12:14:38 25 recommend the return of the money to his colleagues, but to do so by cheque for
26 record purposes. Mr. Dunlop says the contribution was readily accepted.
27

28 By letter of the 17 December 1992 a cheque in the sum of 2,000 pounds drawn in
29 favour of Frank Dunlop and Associates on an account of Democratic Left was
12:14:59 30 returned by Mr. Rabbitte to Mr. Dunlop with an accompanying note.

12:15:03 1
2 There is no dispute between Mr. Rabbitte and Mr. Dunlop that money was paid by
3 Mr. Dunlop to Mr. Rabbitte and it was paid in cash but there may be some
4 dispute as to the amount, in so far as Mr Dunlop contends for 3,000 pounds in
12:15:13 5 cash and Mr Rabbitte states that it was for 2,000 pounds.

6
7 Mr. Dunlop I think later states in one of the private interviews which have
8 been circulated, that if the cheque for 2,000 pounds could be produced he would
9 accept that that was the amount, but that is subject again to verification.

12:15:30 10 There is no allegation of corruption in connection with the payment, however
11 Mr. Dunlop has previously told the Tribunal that cash payments by him were
12 improper or corrupt payments and the Tribunal will be anxious to explore this
13 payment with him in that context.

14
12:15:44 15 Further, Mr. Dunlop says that at a chance meeting with Mr. Rabbitte in Brown
16 Thomas, after the establishment of the Tribunal, Mr. Rabbitte informed him that
17 he, Mr. Rabbitte had received a letter from the Flood Tribunal and that he
18 Mr. Rabbitte presumed that "That matter would never come up". Mr. Dunlop
19 understood this to be a reference to what he described as the "Election
12:16:07 20 contribution he had given him in November 1992".

21
22 Mr. Pat Rabbitte voted in favour of the rezoning motion of the Ballycullen
23 lands on 29th October 1992. He was not present at the dezoning motion on the
24 Ballycullen lands on 28th October 1993.

12:16:25 25
26 Ms. Mary Harney.
27 In 1991 and 1992 Ms. Mary Harney was a Minister for State at the Department of
28 the Environment and the lands at Ballycullen were then in her constituency.
29 She was an elected member of Dublin County Council until June 1991 and although
12:16:41 30 the lands at Ballycullen were the subject of a decision in May 1991 she was not

12:16:45 1 at that meeting of Dublin County Council.

2

3 It would appear from documentation discovered to the Tribunal that Mr. Derry

4 Hussey wrote to Ms. Harney at her department in 1991 and 1992 and sought her

12:16:58 5 support for the rezoning of these lands. It would further appear that at least

6 two meetings took place with Ms Harney and Mr. Hussey and Mr. Jones on the 12th

7 February 1991 and again on the 2nd March 1992. Ms. Harney was one of three

8 government Ministers identified by Mr. Dunlop in a report to Mr. Jones in

9 August 1991 that it would be necessary to brief in connection with the

12:17:20 10 rezonings.

11

12 Ms. Harney has advised the Tribunal that she was approached by Mr. Hussey whom

13 she knew socially for many years and she say clearly she met with both

14 Mr. Hussey and Mr. Jones although she is does not recall the detail what was

12:17:34 15 discussed.

16

17 Ms. Ann Ormonde.

18 In 1992 Ms. Ormonde was a member of Fianna Fail party and an elected member

19 Dublin County Council. Ms Ormonde has advised the Tribunal that some time

12:17:49 20 after the Tribunal was established Mr. Dunlop reminded her that he had given

21 her 1,000 pounds in the 1992 General or Seanad Election. She advised the

22 Tribunal that as a result of her close friendship with Mr. Frank Brooks

23 extending back 25 years, he raised 5,000 pound for the purposes of her

24 candidacy in the 1997 General Election through his contact with Ballycullen

12:18:05 25 Farms. She has advised the Tribunal that he also, that's Mr. Brooks,

26 contributed to her golf classics for 1997 General Election. Ms. Ormonde has

27 advised the Tribunal she had no contact with either Mr. Dunlop or Mr. Lawlor in

28 connection with the Ballycullen or Beechill rezonings. She is described as

29 having received 5,000 pound on 30th October 1996 as a political donation in

12:18:28 30 Schedule A accompanying Mr. Jones' statement.

12:18:30 1
2 Mr. Stanley Laing.
3 In 1992 Mr. Stanley Laing was an elected member of Dublin County Council.
4 Schedule A of Mr. Jones' statement shows Mr. Laing as having received 100
12:18:42 5 pounds on the 20th November 1995 in respect of the Templeogue Development Fund
6 as a charitable donation. Documentation suggests that Mr. Jones also provided
7 a television. Mr. Laing has advised the Tribunal he has no memory of meetings
8 taking place with either Mr. Hussey or Mr. Jones and if they did take place
9 there would only have been one or two meetings. As far as he could recall,
12:19:03 10 most of the discussion would have been by phone and he has no notes of any of
11 these conversations.

12
13 Arising from the foregoing outline of the matters to be dealt within module the
14 issues that appear to arise for determination in the forthcoming module are the
12:19:17 15 following:

- 16
17 1. The circumstances surrounding the rezoning of the Ballycullen and Beechill
18 lands during the 1990s and early '90s in particular.
- 19 2. The payments and contact between the owners and developers of these land
12:19:31 20 and persons acting on behalf, including Mr. Dunlop with politicians and council
21 officials.
- 22 3. The amount and purpose of payments made by the owners and developer to
23 politicians during the rezoning process.
- 24 4. Whether and to what extent and to whom Mr. Dunlop made payments to
12:19:48 25 politicians in connection with the rezoning of these lands.
- 26 5. The precise amount of payments made to Mr. Dunlop by or on behalf of the
27 owners and developers.
- 28 6. The knowledge if any by or on any behalf of the owners or developers of
29 payments allegedly made by Mr. Dunlop to politicians in connection with the
12:20:05 30 rezoning of these land.

12:20:06 1
2 There are approximately 40 witnesses who will be called in the duration of this
3 module, while it is normal to commence the evidence with the planning
4 witnesses, these witnesses are not available and have been specially fixed for
12:20:18 5 17th, its proposed therefore to commence taking the evidence of Mr. Dunlop as
6 the first witness.

7

8

That concludes the opening statement.

9

12:20:24 10 CHAIRMAN: Thank you. Does any party wish to make a reply or give a reply to
11 that? As I have indicated before there is no compulsion on anyone to do so.

12

13 MR. KENNEDY: Just one comment, Ms. Dillon in her presentation there made
14 reference to the Dail Report, Fianna Fail report, and she said that in that

12:20:50 15 Mr. Wright acknowledged that he got 500 pounds from Ballycullen Farms. If I
16 could refer you to page 1035 of the brief, the last paragraph on that page
17 where he acknowledges that payment, but in the last three lines of that same
18 paragraph he said the following, its recorded as follows "GV Wright recalled
19 that he may have received a donation from Mr. Chris Jones but was still seeking
12:21:17 20 confirmation of same". We'll obviously be referring to this again, but I don't
21 think that Ms. Dillon made reference to that remark in that report when she
22 addressed you, I am just correcting that and saying that that is going to be
23 quite relevant.

24

12:21:33 25 CHAIRMAN: All right. Thank you Mr. Kennedy anyone else who wishes to say
26 anything?

27

28 MS. SMITH: Chairman, Members of the Tribunal my name is Mairead Smith, I appear
29 on behalf of Mr. Tony Fox. I formally seek representation on behalf of

12:21:50 30 Mr. Fox, in relation to this module, Chairman.

12:21:50 1 I also have a point of clarification really, Chairman, and its in relation to
2 the statement that Ms. Dillon referred to in her opening statement, a statement
3 I believe that was given to the Tribunal by Mr. Dunlop yesterday, and I
4 understand my solicitor received it late yesterday afternoon, so really what I
12:22:06 5 am seeking Chairman is clarification from the Tribunal as to whether or not
6 further documentation in relation to this module is to be provided from the
7 Tribunal essentially, and whether or not we have all the documentation or if
8 documents are to be provided throughout the module?
9

12:22:22 10 CHAIRMAN: Well the usual practice will apply, where if documents become
11 available which haven't been previously available to the Tribunal and they are
12 relevant they will be circulated in the ordinary way and my understanding is
13 that the statement from Mr. Dunlop which Ms. Dillon referred to as yesterdays
14 statement was in fact received yesterday and that was the reason why it was --

12:22:49 15
16 MS SMITH: Just Chairman the statement isn't actually signed or dated
17 effectively, so I was seeking clarification in relation to that.
18

19 CHAIRMAN: My understand something that it was received yesterday.

12:22:59 20
21 MS. DILLON: Yes. I understand it was received by fax on Monday evening and
22 it was circulated yesterday as part of the circulation of documents. Its
23 anticipated there would be some slight further circulation but the majority of
24 the documentation and witness statements are in place.

12:23:16 25
26 MS SMITH: Thank you Chairman, just beyond that in relation to Ms. Dillon's
27 opening statement it is not yet known what Mr. Fox's response to the
28 allegations are, in facts there has been a response sent to the Tribunal, I
29 understand this morning but Chairman as a result of the fact that we received
12:23:30 30 documents yesterday it was late, we were late in taking instructions in

12:23:34 1 relation to this matter but there is a response provided to the Tribunal, so
2 just on, for the record, there is a response before the Tribunal that hasn't
3 been referred to the opening statement.
4

12:23:43 5 MS. DILLON: Just to clarify that, I understand from the instructing solicitor
6 that while I was actually opening this module in the space of the last hour we
7 got a note from the office up stairs to say we have now received immediately,
8 sometime in the course of the last hour and a half a further statement from
9 Mr. Fox and perhaps my friend would clarify precisely when that statement was
10 provided, in case anyone has the misapprehension we withheld information.
11

12 MS SMITH: I don't wish to suggest that there was withholding of information,
13 what I am merely saying to the Tribunal is clearly because we received
14 documents late yesterday afternoon there may have been a delay in our part
15 replying but that is unfortunately the situation, but the documents were faxed
16 this morning. I don't have the exact time, Chairman.
17

18 CHAIRMAN: All right. We can deal with it in this way, when we resume at 2
19 o'clock Ms. Dillon can make a reference to or can summarise Mr. Fox's position
12:24:37 20 insofar as it is dealt with by him in the statement that has apparently just
21 been received.
22

23 MS SMITH: I am obliged Chairman.
24

12:24:48 25 CHAIRMAN: All right we'll give you limited representation as well. All
26 right? Well if that concludes matters for the moment we'll adjourn until 2
27 o'clock and Mr. Dunlop I think will give evidence at 2 o'clock.
28

29 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

12:25:29 30

THE TRIBUNAL RESUMED AS FOLLOWS AFTER LUNCH:

12:25:29 1
2
3 MS. DILLON: Good afternoon sir, before Mr. Dunlop goes into the witness box
4 could I just clarify two matters in relation to two of the witnesses?
14:09:04 5
6 And I didn't have these documents before me this morning. Insofar as
7 Ms. Sheila Terry is concerned you will recollect from the opening that
8 Mr. Jones says that in the year ended December 1992 he paid Ms. Terry a sum of
9 500 pound and I wasn't in a position at the opening to indicate Ms. Terry's
14:09:24 10 position but Ms Terry says that she has no recollection of the payment and
11 therefore cannot confirm or deny it. She makes the point there was a General
12 Election in November 1992 and she was a candidate in that, at that point, she
13 says she never solicited or was offered a financial inducement in return for a
14 vote.
14:09:40 15
16 She confirms that she does know Mr. Oliver Brooks and Mr. Frank Dunlop made
17 representations to her in connection with the lands.
18
19 And insofar as Mr. Tony Fox is concerned, you will recollect this morning it
14:09:53 20 was indicated to the Tribunal that a further statement had been sent in by
21 Mr. Fox and I indicated that I didn't have it at that time. There is an
22 unsigned and undated statement of Mr. Fox in relation to Ballycullen and
23 Beechill and the specific query that was being addressed in this letter would
24 have been the payment from Mr. Jones which he sets out in Schedule A attached
14:10:13 25 to his statement of November 2003 that Mr. Fox received 250 pounds and Mr. Fox
26 says that he has no specific recollection of any payment or benefit from any of
27 the parties mentioned at paragraph 1 above and the paragraph 1 above includes
28 Mr. Christopher Jones, Mr. Oliver Brooks and Mr. Frank Brooks and he confirms
29 that he did know Mr. Oliver Brooks and Mr. Frank Brooks but he has no
14:10:44 30 recollection of any payment from that source.

14:10:44 1 He also confirms that he has no recollection meeting with either Mr. Dunlop or
2 Mr. Lawlor in connection with the lands.

3

4

Mr. Frank Dunlop please.

14:10:51 5

6

MR. COSTELLO: Chairman, I wonder before Mr. Dunlop is called I wonder could I

7

briefly address you? Sean Costello is my name I represent Mr. Tony Fox, I had

8

an opportunity to clear up a number of matters with my colleague for the

9

Tribunal. I would like to just address the Tribunal very briefly not by way of

14:11:21 10

complaint but observation if I would?

11

12

CHAIRMAN: Certainly.

13

14

MR. COSTELLO: Yesterday evening and I accept this came into the possession of

14:11:29 15

the Tribunal yesterday or the day before, we received what is now a narrative

16

statement, it is unsigned by Mr. Dunlop but I am sure the signed version is

17

exactly the same. In relation to specific concerning alleged payments made by

18

our client, by Mr. Dunlop to Mr. Fox. In dealing with the matters as they

19

arise and in an effort to continue cooperation with the Tribunal we received

14:11:52 20

these as effectively what I would respectfully suggest the Tribunal is, a last

21

minute basis, our client was not, when giving the reply which has now been read

22

into the record, addressing this specific allegation, nor was it asked of him.

23

He continues and has continued to deny the payments made by Mr. Dunlop. The

24

observation or the submission is that perhaps these matters should be dealt

14:12:17 25

with by Mr. Dunlop and addressed and provided to the parties in advance of an

26

opening and well in advance of his evidence being given to the Tribunal.

27

28

It leaves us in a difficult position in circumstances where what we want to do

29

is cooperate and that is obviously reciprocal, I understand the Tribunal just

14:12:34 30

received the information, but it is not possible to deal with matters when they

14:12:39 1 are received so late in the day, or indeed to give a substantive reply to the
2 queries, in other words what has been read in now is not a specific reply to
3 what is now or appears to be a specific allegation between particular dates.
4

14:12:52 5 I would just request that if any further information comes to the hands of the
6 Tribunal or that it is requested in advance by the Tribunal of any prospective
7 witness it is given to us with an opportunity to deal with it substantively.
8

9 MS. DILLON: If I could just deal with that so there can be no ambiguity about
14:13:11 10 this. It is stated that this was a substantive query was answered by
11 Mr. Dunlop and circulated in the last two days.
12

13 Mr. Tony Fox's position to the Tribunal has been since the commencement of his
14 involvement here, that he never, under any circumstances, received any payments
14:13:26 15 from Mr. Dunlop for any purpose whatsoever. That position remains unchanged.
16

17 The information of which my friend complains he received late yesterday,
18 relates to the dates on which Mr. Dunlop says he made payments to six
19 councillors, one of whom is Mr. Fox. If Mr. Fox's continued position is that
14:13:45 20 he never received any money from Mr. Dunlop, then it cannot matter when
21 Mr. Dunlop says he made these payments. And therefore there is no substantive
22 issue arising, nor indeed unless Mr. Fox has changed his position, would it be
23 the position that Mr. Fox would be putting in a reply to Mr. Dunlop's narrative
24 statement. Mr. Fox is of course free if wishes, to put in a narrative
14:14:08 25 statement dealing with what Mr. Dunlop has said but that necessity would only
26 arise if Mr. Fox's position has changed.
27

28 MR. COSTELLO: To reply to that, Chairman, with due respect, to say that the
29 information now provided is not relevant or doesn't, or shouldn't be given...
30

14:14:25

14:14:25 1 CHAIRMAN: I don't think that was said. As I understand Ms. Dillon what she
2 has stated was that Mr. Fox's position has been always that Mr. Dunlop has
3 never paid him any monies, so that the extent to which Mr. Dunlop may give
4 information as to or give further detail as to the amounts paid, I mean your
14:14:48 5 client's position still is and the Tribunal takes it as continuing, that
6 Mr. Fox did not receive any payment. Just, Judge Faherty just reminded me,
7 obviously you have a right to cross examine Mr. Dunlop on information, but it
8 is either by way of statement, whether it be early in the proceedings or at a
9 late stage or even in the witness box, but just generally in relation to
14:15:23 10 statements I want to make this clear, the Tribunal can't, doesn't have the
11 power to insist that an individual make a statement.

12
13 Statements are requested of potential witnesses in advance, well in advance of
14 the likely start date of a particular module of public hearing, but it can't
14:15:49 15 compel a witness to make a statement, nor can it in anyway, nor should it I
16 think in anyway, ignore a statement that is made late in the day, even if its a
17 day or two before the start of a module, and if that happens, as has happened
18 with Mr. Dunlop's latest statement, then the Tribunal has an obligation to
19 consider it and to circulate it amongst the interested parties.

14:16:15 20
21 There is nothing we can do about it. We can't be certain that a statement
22 won't come in tomorrow or the next day from some witness that we know nothing
23 about at the moment, and if that happens then we have to deal with it. And
24 circulate it. But insofar as your client or any other individual is concerned,
14:16:34 25 if that happens then clearly your client would have, should have an opportunity
26 to consider it and to deal with it in cross-examination as he sees fit.

27
28 MR. COSTELLO: Thank you Chairman. I made my submission, I simply state that
29 the person who makes this very serious allegation and maintains a certain
14:16:56 30 position, now at the last minute provides us with a statement. We can deal

14:17:00 1 with it now in cross-examination, I simply make the observation nothing
2 further, Chairman. I say and repeat the Tribunal received this only on Monday,
3 there is not a lot they can do, but we should be given the opportunity to
4 respond to specifics if it is there, which will now be dealt with in

14:17:14 5 cross-examination. Thank you indeed, Chairman.

6

7

CHAIRMAN: Okay.

8

9

MS. DILLON: Mr. Dunlop please.

14:17:20 10

11 Frank Dunlop, having been sworn, was examined as follows by Ms. Dillon:

12 Q. 1 Good afternoon Mr. Dunlop?

13 A. Ms. Dillon.

14 Q. 2 Just to explain briefly, the sequence in which we'll deal with the matters

14:18:04 15 relevant to this module, the first matter that I propose to deal with today are

16 the payments that you received from the Jones Group or from Mr. Jones. And the

17 second matter that we'll deal with is the sequence of your disclosure to the

18 Tribunal in relation to the councillors who were involved in this module and

19 then we'll deal with the sequence of disclosure in relation to Mr. Jones and

14:18:25 20 Mr. Hussey and then we'll go into the documentation surrounding the rezoning of

21 the Ballycullen lands?

22 A. Fine, that's fine.

23 Q. 3 So if we can deal first with the first matter then, that I want to deal with, I

24 want to provide you with for ease of reference a book of documents, Mr. Dunlop

14:18:42 25 that relates to the financial matters.

26 A. Thanks.

27 Q. 4 That I am going to deal with, and the first documents that I want you to look

28 at are the documents behind tab 1, I will put these all on screen and they are

29 all in the brief. But they have just been gathered together for ease of

14:18:59 30 reference. I think Mr. Dunlop, that when you provided your statement your

- 14:19:03 1 first statement to the Tribunal on 9th October 2000 you provided, included in
2 that statement was a statement in relation to the Ballycullen lands; is that
3 right?
- 4 A. That's correct.
- 14:19:11 5 Q. 5 And in that statement you identified having been paid a sum of 15,000 pounds
6 and subsequently a success fee of 2,500 pounds?
- 7 A. Correct.
- 8 Q. 6 And was it your position then at that time, in August in October 2000 that you
9 had been paid 17,500 pounds?
- 14:19:28 10 A. October 2000.
- 11 Q. 7 Yes. In October 2000.
- 12 A. In October 2000 sorry, yes correct.
- 13 Q. 8 I think prior to that when you had first given your public evidence in April of
14 2000 and you had prepared your list entitled "1991-1993 inclusive". You had
14:19:45 15 identified the rezoning of the Ballycullen lands as a matter in which you had
16 got paid.
- 17 A. Correct.
- 18 Q. 9 You had identified at that stage a sum of 17,500 pounds as the amount you had
19 been paid?
- 14:19:54 20 A. Correct.
- 21 Q. 10 I think you described those sums as cheques, possibly cashed; isn't that right?
- 22 A. Cheques, mainly cashed.
- 23 Q. 11 Yes.
- 24 A. As I have it here.
- 14:20:06 25 Q. 12 Yes, that's at page 2790.
- 26 A. Correct.
- 27 Q. 13 So on this document, the second transaction in which you were involved in 1991
28 to 1993 is the Ballycullen Farm lands near Rathfarnham and the sum you
29 attribute is 17,500 pounds?
- 14:20:25 30 A. That's right.

- 14:20:26 1 Q. 14 Now your position in relation to that didn't change insofar as your statement
2 was considered on 9th October 2000, isn't that right, page 471?
- 3 A. Correct.
- 4 Q. 15 Because you set out in that, that you met Mr. Jones senior at the Company's
14:20:39 5 Office in Beechill and a fee of 15,000 pounds was agreed between you. Now what
6 else happen at that meeting I will come back to discuss, at the moment we are
7 just looking at the amount of money and you provide an appendix, appendix 1 to
8 that statement and that appears to be a collection of documents that relates to
9 payment you received from Mr. Jones?
- 14:20:57 10 A. Correct.
- 11 Q. 16 Now you then also say in the third last paragraph of that, that Mr. Jones
12 subsequently invited you to lunch, that you met in the Goat in Goatstown and he
13 gave you 2,500 pounds and that was paid by cheque?
- 14 A. Correct.
- 14:21:11 15 Q. 17 That I assume is a reference to the success fee?
- 16 A. Yes.
- 17 Q. 18 And I will revert to that in more detail later when we come to deal with those
18 meetings, but for the moment that is the total of 17,500 pounds?
- 19 A. Correct.
- 14:21:22 20 Q. 19 Now if we look at the documents that you provided initially in appendix A and
21 if we look at 472? And this was your appendix A attached to that statement and
22 behind that there were a series of documents, 473 please, and the first of
23 these is a document dated 7th May 1991, a letter from Mr. Chris Jones and he
24 encloses a cheque for 2,500 pounds to clear up to date fee on Ballycullen as
14:21:53 25 agreed?
- 26 A. Correct.
- 27 Q. 20 A cheque I assume for 2,500 pound was included with that?
- 28 A. Yes.
- 29 Q. 21 So in May 1991 you were paid 2,500. If we go to 474 which is the second
14:22:04 30 document you provided to the Tribunal, this is a letter of the 10th September

14:22:07 1 '91 from Mr. Jones and he is enclosing a cheque of 5,000 pounds which he
2 describes as the agreed first instalment on 15,000 pound fee agreed. I assume
3 the cheque was included?
4 A. Yes.

14:22:19 5 Q. 22 So at this stage you have been paid a sum of 7,500?
6 A. Correct.

7 Q. 23 The next document you provided to the Tribunal under appendix 1 is at page 475
8 and it is a compliment slip from Ballycullen Farms and attached to it is a
9 handwritten note in your writing I think Mr. Dunlop?

14:22:39 10 A. Yes.

11 Q. 24 Dated 20th February '92, 5,000 pounds paid?
12 A. Yes.

13 Q. 25 Do I take it from that then that attached to that compliment slip was another
14 cheque for 5,000 pounds?

14:22:50 15 A. Yes.

16 Q. 26 Yes. That would mean that at that stage you had been paid 12,500 pounds?
17 A. Yes.

18 Q. 27 If you turn then to the next document at page 476 dated 6th November 1992, and
19 this is a letter from Mr. Christopher Jones we'll look I think at the actual
14:23:07 20 cheque in relation to this shortly, but he encloses a cheque as agreed, and
21 there is a handwritten note, 11K, meaning 11,000 pounds is that correct?
22 A. That's correct.

23 Q. 28 That would mean that at that stage you had been paid 12,500 and now you are
24 getting 11,000 so you are paid 23,500 pounds; is that correct?

14:23:24 25 A. Correct.

26 Q. 29 And if you turn to the next document you originally gave the Tribunal in
27 appendix 1 at page 477, this is another compliment slip from Jones Group and
28 written on the handwritten note invoice 968, 9,075 pounds cashed on 20th
29 October 1994, 6,250 given to blank for Navan, is that a note in your
14:23:49 30 handwriting Mr. Dunlop?

- 14:23:49 1 A. Yes it is.
- 2 Q. 30 When you refer to 6,250 pounds there you are describing what you did with some
3 of the money?
- 4 A. Correct.
- 14:23:55 5 Q. 31 From that do I take it you received a sum of 9,075 pounds on the 20th October
6 or before the 20th October 1994?
- 7 A. Yes.
- 8 Q. 32 That would mean then that up to that point in time before you received that
9 payment you had received 23,500 pounds and if you add that to the 9,075 pounds
14:24:13 10 on these documents you have received 32,575 pounds from the Jones Group?
- 11 A. Yes.
- 12 Q. 33 Now bearing in mind Mr. Dunlop that the information you provided in your
13 statement to the Tribunal was 17,500 pounds, can you explain how it is that you
14 were telling the Tribunal in your statement that you had received 17,500 pounds
14:24:32 15 but that the documentation disclosed 32,575 pounds?
- 16 A. No.
- 17 Q. 34 No?
- 18 A. No.
- 19 Q. 35 Well you see Mr. Dunlop, I don't think that's sufficient answer. But if we
14:24:45 20 just analyse that for the moment. You told the Tribunal in May, April 2000 you
21 got 17,500 pounds from the Jones Group?
- 22 A. Correct.
- 23 Q. 36 You maintained that position in the course of private interviews to which I
24 will return?
- 14:24:56 25 A. Yes.
- 26 Q. 37 You were then asked to provide a considered detailed narrative statement and
27 you stayed with the 17,500?
- 28 A. Yes.
- 29 Q. 38 But at the same time you provided to the Tribunal documentation disclosing that
14:25:07 30 you had received almost double that amount; is that right?

14:25:12 1 A. That's correct as you read it, yes.

2 Q. 39 So how is it Mr. Dunlop that you didn't bother to check the invoices that you
3 had attached behind appendix A?

4 A. Well its not a question of whether I didn't bother Ms. Dillon. I think
14:25:32 5 notwithstanding the fact that I have just said to the answer the is no, and
6 while I cannot absolutely and categorically say this to you, but it is obvious
7 that there may well be an explanation in that I conflated two figures,
8 conflated payments from Ballycullen and Beechill together. I don't really have
9 an explanation for you on that basis. I do know, absolutely and categorically,
14:25:55 10 that the payment agreed between Mr. Jones and myself at the meeting that we had
11 initially in 1991 was for 15,000 pounds. And subsequently I received a cheque
12 from Mr. Jones for 2,500 pounds.
13
14 And that was my position at the very outset. It remains my position,
14:26:28 15 notwithstanding the fact that I supplied you with documentation which may well
16 be as I said a conflation of two issues, namely Ballycullen and Beechill. Now
17 I am -- I have reviewed the documents prior to coming here and it would be
18 dishonest of me to say that I have a cogent explanation. I do know that the
19 arrangement with Mr. Jones was as I said, I cannot absolutely say to you that
14:27:06 20 the arrangement with Mr. Hussey in relation to Beechill was similar, but
21 nonetheless the fact remains that I did do work for the Jones Group, vis-a-vis
22 Beechill, via the person of Mr. Hussey, and it was probably not less than the
23 fee agreed with Mr. Jones for Ballycullen.
24
14:27:30 25 But other than that, I have looked at these figures very carefully, I note that
26 I identified the figures that you have outlined amounting to 26,000. I note
27 also that there were, we identified figures to you that were not referred to by
28 Mr. Jones and I just, I cannot give you an explanation other than to say that I
29 have either conflated figures between Ballycullen and Beechill, but I am
14:28:15 30 absolutely certain that the fee agreed between Mr. Jones and myself was 15,000

- 14:28:21 1 Q. 40 That the fee agreed?
- 2 A. With Mr. Jones.
- 3 Q. 41 Was 15,000?
- 4 A. Yes.
- 14:28:25 5 Q. 42 And that is borne out by the letter of the 10th September 1991 at 474.
- 6 A. Yes.
- 7 Q. 43 At 474 that letters says "I enclose herewith cheque for 5,000 which is the
- 8 agreed first instalment of the 15,000 pounds fee agreed" isn't that right?
- 9 A. Yes.
- 14:28:45 10 Q. 44 That's signed by Mr. Jones but that letter appears for whatever reason to
- 11 ignore the previous letter of 7th May '91 at 473 which paid you 2,500. So in
- 12 fact in the letter of the 10th September 1991, it was not the first instalment
- 13 or first payment in any event.
- 14 A. No. It wasn't the first payment, but I am not saying that it is the first
- 14:29:06 15 instalment, Mr. Jones is saying it is the first instalment.
- 16 Q. 45 Yes but you were agreeing with Mr. Jones when you told the Tribunal that the
- 17 fee you agreed with him was 15,000 pounds?
- 18 A. Yes.
- 19 Q. 46 If you are now suggesting to the Tribunal that you were charging a separate fee
- 14:29:21 20 in relation to Beechill transaction or the Beechill lands this is the first
- 21 time on which you have suggested a that a fee other than the fee of 17,500
- 22 pounds was paid is that correct?
- 23 A. That's correct.
- 24 Q. 47 If we turn to look then Mr. Dunlop, at effectively the combination of the
- 14:29:36 25 documents that have been provided both by yourself and Mr. Jones to see can we
- 26 establish approximately how much money passed between Mr. Jones and, by saying
- 27 Mr. Jones I am also including there Beechill Properties Limited and Ballycullen
- 28 Farms Limited?
- 29 A. You are dealing with the totality.
- 14:29:54 30 Q. 48 With the totality, bearing in mind of course, Mr. Dunlop, that you have not up

- 14:29:57 1 to this point in time created any distinction between Ballycullen Farms Limited
2 and Beechill?
- 3 A. Correct.
- 4 Q. 49 If we turn then to look at the first of these documents, which are behind tab 4
14:30:09 5 of the documents that I gave you, in fact its 4A. If we look at again at the
6 first payment which is the 7th May, page 1393?
- 7 A. Yes.
- 8 Q. 50 Now this is, we have seen this already, this is the first letter enclosing a
9 payment to you, is that right Mr. Dunlop?
- 14:30:28 10 A. Correct.
- 11 Q. 51 And if we turn behind that document to 1394 we'll see the copy that has been
12 provided to the Tribunal by the Jones Group?
- 13 A. Yes.
- 14 Q. 52 It contains a note "Paid on its 7th May '91. 1014". Do you see that at the
14:30:45 15 bottom?
- 16 A. Yes, I do.
- 17 Q. 53 If you turn to the next page also provided by the Jones Group at 1395?
- 18 A. Yes.
- 19 Q. 54 A further copy contains the hand written words "Ballycullen cheque number
14:30:58 20 501014". Do you see that?
- 21 A. Yes, I do.
- 22 Q. 55 And the following page at 1396 is a copy of the cheque stub of 2,500 pounds and
23 at page 1397 there is a poor copy of the cheque at 1397 which is the second
24 cheque on that page, the middle cheque. And you can barely make out Mr. Frank
14:31:23 25 Dunlop, but the cheque number is the same that was on the previous document if
26 I could have it on screen again at 1396. You will see the cheque number there
27 is the same number and you will see that has been attributed to development
28 fund.
- 29 A. Yes.
- 14:31:42 30 Q. 56 I think you will be satisfied I think Mr. Dunlop that you were received, you

- 14:31:48 1 received that money and you were paid that money?
- 2 A. Yes.
- 3 Q. 57 Can you tell the Tribunal what you did with it?
- 4 A. I have no idea, I probably cashed it.
- 14:31:56 5 Q. 58 There is a cash lodgement to your Irish Nationwide account on the 8th May 1991,
6 1402 please. This account, Mr. Dunlop, is one of the accounts that you have
7 previously described in evidence as being a war chest account, isn't that
8 right?
- 9 A. Yes.
- 14:32:22 10 Q. 59 This is the 910 account at the Irish Nationwide and if you come down six lines
11 from the top, on the 8th May 1991 there is a cash lodgement of 2,300 pounds?
- 12 A. Mm-hmm.
- 13 Q. 60 Now, you have I think been asked by the Tribunal as indeed has been the
14 solicitors for Irish Nationwide to provide underlying documentation in relation
15 to that lodgement and none has been forthcoming; isn't that right?
- 14:32:42 16 A. I can only supply ones that I have asked for from the bank and they didn't
17 supply me with them.
- 18 Q. 61 Do you think its possible that lodgement of 2,300 pounds on the 8th May are the
19 proceeds of the cheque that you were provided with on the 7th May 1991?
- 14:32:59 20 A. Its quite possible because it says cash lodgement.
- 21 Q. 62 And in lodging the money, if it was that money to that account Mr. Dunlop, you
22 were not lodging it to the accounts of Frank Dunlop and Associates?
- 23 A. No.
- 24 Q. 63 And you were putting it into the account that you have described as one of a
14:33:14 25 series of accounts you used for your war chest, part of which purpose was to
26 pay councillors to secure rezoning?
- 27 A. Correct.
- 28 Q. 64 If we can move to the next payment, which is at page 1531 please?
- 29 A. What tab are you on now?
- 14:33:30 30 Q. 65 Still on the next tab, B, 4B and this we have seen briefly also earlier

14:33:37 1 Mr. Dunlop, this is the letter of the 10th September 1991, enclosing a cheque
2 for 5,000 pounds. If you turn to the next tab at 1532 the documents, the
3 letter provided by Mr. Jones is available at 1532 which contains a cheque
4 number "Ballycullen number 501194". Do you see that in handwriting?

14:34:00 5 A. Yes.

6 Q. 66 And 1533 is the cheque stub provided by Mr. Jones and it attributes this cheque
7 to Frank Dunlop development fund 5,000 pounds?

8 A. Right.

9 Q. 67 The cheque is at 1534. Which is the first cheque on that list. Now can you
10 tell the Tribunal, you accept you got that cheque Mr. Dunlop?

11 A. Yes. There's no doubt about it.

12 Q. 68 Yes. Can you tell the Tribunal what you did with that cheque?

13 A. Again I may well have cashed it or may well have part cashed it and part lodged
14 in one of the accounts.

14:34:42 15 Q. 69 There is a lodgement on the 13th September 1991 page 1539 please, of 9,953.40?

16 A. Yes.

17 Q. 70 Do you think its part -- it is lodged to Dunlop & Associates?

18 A. It could well be, if there is a company --

19 Q. 71 Sorry.

14:35:09 20 A. Sorry I was about to suggest, Ms. Dillon, if there was accompanying
21 documentation in relation to the accounts of Frank Dunlop and Associates it may
22 well indicate that that might be part of a lodgement.

23 Q. 72 Yes. I will come back to that with you, but in relation to that, but what I
24 want to ask you in relation to both of these cheques that we have seen, they
14:35:28 25 are both round figure cheques?

26 A. Yes.

27 Q. 73 Had you issued invoices before you received these cheques?

28 A. I would have imagined so, yes.

29 Q. 74 You would have issued invoices?

14:35:45 30 A. I would have imagined so yes.

- 14:35:47 1 Q. 75 But you have no copies of those invoices?
- 2 A. No.
- 3 Q. 76 And Mr. Jones, when he made his discovery to the Tribunal, he is not in a
4 position to provide any invoices either, would that not suggest to you that you
14:35:58 5 didn't in fact issue any invoices?
- 6 A. I would consider that to be odd that there were no invoices issued in the
7 circumstances, notwithstanding what was done with the money, what account it
8 was put into, whether it was cashed or not, I would consider it odd that no
9 invoices were issued and it would be inconsistent with the practice that
14:36:24 10 invoices were issued to various entities notwithstanding the purpose for the
11 funding.
- 12 Q. 77 Yes. If invoices had been issued would they have been VAT inclusive invoices?
- 13 A. Not necessarily no.
- 14 Q. 78 Can you explain to the Tribunal the circumstances on which you selected some
14:36:46 15 invoices to be VAT inclusive and others not?
- 16 A. Well it might well be that the particular client insisted they be VATed or not
17 as the case may be.
- 18 Q. 79 Do you have any recollection of having any such discussion in connection with
19 these payments?
- 14:36:58 20 A. No.
- 21 Q. 80 If we turn to the next tab at C of 4C at page 1602 please. Now this is a
22 compliment slip which we have seen previously which contains a note "5,000 paid
23 20th February 92" and that is your handwriting?
- 24 A. Yes it is.
- 14:37:19 25 Q. 81 And at page 1603 we see that on 20th February 1992 an invoice was issued to
26 Ms. June Murphy of Ballycullen Farms care of the Jones Group for 5,000 pounds?
- 27 A. Correct.
- 28 Q. 82 And that invoice is zero rated for VAT.
- 29 A. Yes.
- 14:37:34 30 Q. 83 It is the position is it not Mr. Dunlop that subsequently you raised invoices

- 14:37:39 1 to the Jones Group which were VAT inclusive?
- 2 A. That is correct.
- 3 Q. 84 Can you explain how it was that when you raised this invoice in '92 it was not
- 4 VAT inclusive?
- 14:37:47 5 A. No, I cannot give you a cogent explanation for it other than to say what I said
- 6 to you two questions back, that one that it would be unusual for an invoice not
- 7 to be issued, and two, that if VAT was applied or not it may well have been the
- 8 result of a conversation with the particular client.
- 9 Q. 85 Yes but you accept and we will come to see them, that some of the subsequent
- 14:38:15 10 invoices included VAT?
- 11 A. Yes.
- 12 Q. 86 The earlier invoices did not include VAT?
- 13 A. Yes. That's correct.
- 14 Q. 87 Are you telling the tribunal that you have a recollection of either a specific
- 14:38:25 15 conversation with somebody on behalf of Mr. Jones or Mr. Jones himself that VAT
- 16 would not be included in these invoices?
- 17 A. No, I have no recollection of any such conversation.
- 18 Q. 88 Do you have a recollection of any conversation that lead to the later invoices
- 19 being VAT inclusive?
- 14:38:38 20 A. No, I don't.
- 21 Q. 89 So can you offer any explanation as to why this change in practice between
- 22 yourself and Frank Dunlop and Associates on one hand and the Jones Group came
- 23 about?
- 24 A. The only conceivable explanation I can give you is that some professional
- 14:38:56 25 advice was given that VAT should have been added or should be added in future.
- 26 But that's just speculation on my part, I am saying to you quite
- 27 straightforwardly that the answer is no, I don't have a cogent explanation.
- 28 Q. 90 And at 1604 Mr. Dunlop, and at 1605 is the copy of your invoice that was
- 29 provided to the Tribunal by Mr. Jones and a copy of the cheque stub is at 1605.
- 14:39:30 30 A. Yes.

- 14:39:31 1 Q. 91 And that again attributes the cheque to Frank Dunlop, BC Development which I
2 assume stands for Ballycullen Development?
- 3 A. I presume.
- 4 Q. 92 Now insofar as the proceeds of this cheque are concerned, can you -- you have
14:39:53 5 provided information to the Tribunal as to what you did with this cheque
6 Mr. Dunlop and to, its at 1609, we need to turn that document on its side, the
7 fifth line down on that document Mr. Dunlop deals with the lodgement of 4,250
8 pounds to the account 006 at AIB.
- 9 A. Yes.
- 14:40:25 10 Q. 93 And you have provided an explanation that its part lodgement of a cheque
11 501384, which is the cheque number on the cheque we have just seen?
- 12 A. Correct.
- 13 Q. 94 And you retained cash of 750 pounds?
- 14 A. Yes.
- 14:40:41 15 Q. 95 So this was lodged to the account of Frank and Sheila Dunlop?
- 16 A. Yes.
- 17 Q. 96 Is that one of your business accounts?
- 18 A. No, that's a personal account.
- 19 Q. 97 So you weren't returning these monies through Frank Dunlop and Associates?
- 14:40:55 20 A. No.
- 21 Q. 98 Insofar as, sorry at that stage then, Mr. Dunlop, I think as we have already
22 said, you have now been paid 12,500 pound?
- 23 A. According to this list, yes.
- 24 Q. 99 Yes. By February 1992?
- 14:41:11 25 A. Yes.
- 26 Q. 100 At 1722 there is an invoice that issued from Frank Dunlop and Associates of the
27 18th August 1992 in the sum of 7,500 pounds?
- 28 A. Yes.
- 29 Q. 101 I want to draw it to your attention, Mr. Dunlop, that there is no VAT element
14:41:32 30 attached to this invoice?

- 14:41:33 1 A. Correct.
- 2 Q. 102 There is no number on the invoice, isn't that right?
- 3 A. No, there is not.
- 4 Q. 103 If this invoice was paid, Mr. Dunlop, it would bring by August 1992, the amount
- 14:41:45 5 you have been paid by the Jones Group to 20,000 pounds?
- 6 A. Yes, that's correct.
- 7 Q. 104 On the 28TH August 19 -- sorry can I ask you, do you recollect receiving this
- 8 payment?
- 9 A. No. I don't recollect receiving it, I mean I have the documentation in front
- 14:42:11 10 of me that the invoice was issued and its not rescinded, I mean I can only take
- 11 it that the invoice was issued and that the payment was made.
- 12 Q. 105 Yes and that would appear to be so, because on the 28th August 1992 Beechill
- 13 Properties Limited, in a letter signed by Mr. Derry Hussey at 1727 send you a
- 14 cheque, amount unspecified?
- 14:42:29 15 A. Yes.
- 16 Q. 106 Isn't that right?
- 17 A. Re: Beechill Properties.
- 18 Q. 107 No. its headed Beechill Properties, Mr. Dunlop, it doesn't say re: Beechill
- 19 properties?
- 14:42:42 20 A. Sorry I am looking at the wrong page.
- 21 Q. 108 1727.
- 22 A. sorry I beg your pardon.
- 23 Q. 109 The letter on screen beside you.
- 24 A. Yeah.
- 14:42:51 25 Q. 110 That is dated 28th of August 1992, you have issued an invoice on 18 August
- 26 1992?
- 27 A. Yes but this letter, we are on the right page are we 1727.
- 28 Q. 111 Yes.
- 29 A. Right. That's a letter from Derry Hussey.
- 14:43:07 30 Q. 112 Yes.

- 14:43:08 1 A. That's not a letter from Chris Jones.
- 2 Q. 113 What we are dealing with now at the moment Mr. Dunlop is the amount of money
- 3 that passed to you from either Beechill Properties Limited or from Ballycullen
- 4 Farms Limited or from Mr. Christopher Jones?
- 14:43:23 5 A. My apologise you are correct, I had forgotten you said it was a composite, I do
- 6 apologise.
- 7 Q. 114 What we are attempting to endeavour to establish here if it can be done is the
- 8 precise amount of money that you were in fact paid for whatever activities you
- 9 may have been involved in?
- 14:43:38 10 A. Sorry Ms. Dillon I just lost concentration.
- 11 Q. 115 Now we have seen on 18th August 1992 you issued an invoice. Which was
- 12 addressed to the Jones Group at Beechill, and that's at page 1722?
- 13 A. Correct.
- 14 Q. 116 That was in the amount of 7,500 pounds. And on the 28th of August 1992 at 1727
- 14:43:59 15 Mr. Derry Hussey refers to a letter of the 25th August and encloses a cheque in
- 16 respect of your fee?
- 17 A. Yes.
- 18 Q. 117 Right. Now the Tribunal has not been provided with any other information in
- 19 relation to this amount but it would seem that the invoice issues on the 18th
- 14:44:21 20 August '92 and a letter of the 28th August '92 encloses a cheque, it follows
- 21 that its probably one and the same amount?
- 22 A. Notwithstanding the fact that it refers to two different dates. He says thank
- 23 you for the letter of the 25th August.
- 24 Q. 118 Yes.
- 14:44:33 25 A. My letter was 18th August.
- 26 Q. 119 No your invoice was 18?
- 27 A. Oh I see I beg your pardon.
- 28 Q. 120 Its your position so far as the letter of the 25th of August '92 was concerned
- 29 you don't have a copy it have and the Jones Group do not have a copy of it?
- 14:44:47 30 A. No.

- 14:44:47 1 Q. 121 The only thing available is the invoice dated 18th August?
- 2 A. Yes.
- 3 Q. 122 But what is clear unless Mr. Hussey is incorrect in what he state in his letter
- 4 is that you were sent a cheque on 28th of August 1992?
- 14:44:59 5 A. Correct.
- 6 Q. 123 It would appear from the documentation you have discovered to the Tribunal and
- 7 that the Jones Group have discovered to the Tribunal that the only invoice that
- 8 was outstanding to you from the Jones Group was the invoice of the 18th August
- 9 1992?
- 14:45:11 10 A. Yes.
- 11 Q. 124 And that that was in the sum of 7,500 pounds?
- 12 A. Correct.
- 13 Q. 125 And on the balance of probabilities Mr. Dunlop doesn't it follow when you got
- 14 the cheque on 28th August 1992 it was probably for 7,500 pounds?
- 14:45:23 15 A. Yes I absolutely accept that.
- 16 Q. 126 And if that is the case that would mean that by the 18th August 1992 you had
- 17 been paid seven and a half, sorry you had been paid 20,000 pounds?
- 18 A. Correct.
- 19 Q. 127 If you turn to tab E of the document which is information you have provided to
- 14:45:40 20 the Tribunal, Mr. Dunlop, and you were queried about a lodgement of 2,200
- 21 pounds that was made on the 16th of September 1992 at 1932 please, almost
- 22 slightly before halfway down the page Mr. Dunlop you will see?
- 23 A. Yes I have it yes.
- 24 Q. 128 Yes. You will see the explanation you provided there is part lodgement of
- 14:46:08 25 cheque 2,500 pounds. Cheque 500687 which appears to be in the same sequence as
- 26 the earlier Ballycullen Farms cheque?
- 27 A. Yes.
- 28 Q. 129 You have attributed that to C Jones?
- 29 A. Yes.
- 14:46:21 30 Q. 130 Can I ask you, was there any other C Jones with whom you were involved at this

14:46:26 1 particular time who would have been paying you money?

2 A. No. Well you -- for clarification Ms. Dillon, you say I attribute that to C

3 Jones, I mean this is something from the bank.

4 Q. 131 Yes that's correct.

14:46:39 5 A. Is it not. Its the bank who is providing this information.

6 Q. 132 Yes. I think to you.

7 A. Correct.

8 Q. 133 And then from you to the Tribunal?

9 A. Correct yes.

14:46:48 10 Q. 134 Isn't that right?

11 A. So the part lodgement of cheque 2,500, 931071, 1756059 cheque 500687, cash 300

12 C Jones is information from the bank to me for transmission to you.

13 Q. 135 What the information says a cheque number 500687 in the amount of 2,500 pounds

14 out of that cheque 2200 was lodged by you and the balance of 300 was taken in

14:47:22 15 cash and the cheque is signed by C Jones?

16 A. Correct.

17 Q. 136 All right. And that C Jones I assume is Mr. Christopher Jones with whom you

18 had been dealing?

19 A. Yes.

14:47:30 20 Q. 137 I think it follows then Mr. Dunlop does it not on the 16th September 1992 you

21 had been paid a further sum of 2,500 pound?

22 A. Yes.

23 Q. 138 Which would bring to a total at that stage 22,500 pounds that you had been paid

24 by the Jones Group or its various commercial entities?

14:47:46 25 A. The two entities that we are talking about.

26 Q. 139 The two entities that we are talking about today for the first time, isn't that

27 correct?

28 A. Yes.

29 Q. 140 But up to this point time we had been talking about only a single payment of

14:47:59 30 17 --

- 14:47:59 1 A. Ballycullen.
- 2 Q. 141 Ballycullen. And that lodgement is at 3137 and on the bottom bank record, on
3 the 16th of September there is a lodgement of 2,200 and its in connection with
4 that lodgement that the query was raised by the Tribunal and the information
14:48:18 5 provided.
- 6 A. Yes.
- 7 Q. 142 And that brings as of the 16th September the total paid to 22,500 pounds. On
8 6th November at page 1922, tab F, we have seen this already, this is a letter
9 from Mr. Chris Jones and this is after the successful rezoning of the
14:48:37 10 Ballycullen lands; isn't that right?
- 11 A. Yes.
- 12 Q. 143 And the rezoning I think took place on the 28th October 1992, isn't that right,
13 the Ballycullen lands were first rezoned on the 29th?
- 14 A. It was certainly, it was in October yes. There were a number of meetings one
14:48:57 15 on the 16th I think if my memory serves me right.
- 16 Q. 144 Yes that related to Beechill?
- 17 A. Yes Beechill and then one on the 28th yes.
- 18 Q. 145 But on the 6th November 1992 Mr. Jones sent you a cheque for 11,000 pound as
19 agreed?
- 14:49:11 20 A. Yes.
- 21 Q. 146 And the notation of 11,000 I think in fact is your notation; is that right?
- 22 A. Correct, yes.
- 23 Q. 147 And at that stage, you accept that you got that cheque?
- 24 A. Yes, absolutely.
- 14:49:21 25 Q. 148 That would mean that at that stage you had been paid 33,500 pounds?
- 26 A. Correct.
- 27 Q. 149 And I think if you turn to page 1923 you will see this is the same letter from
28 the Jones Group side and this sets out the payment, the cheque number and the
29 cheque itself is at 3138. Now this is a personal cheque signed by Mr. Jones on
14:49:50 30 his account and its made out to you for 11,000 pounds. Is that right?

- 14:49:57 1 A. Sorry? Its a personal cheque by Mr. Jones, yes.
- 2 Q. 150 Yes its made out to Mr. Frank Dunlop, not Frank Dunlop and Associates not
- 3 Shefran?
- 4 A. Yes.
- 14:50:08 5 Q. 151 Okay. And can you say Mr. Dunlop or can you comment on what Mr. Jones says in
- 6 his letter of the 6th November at 1922, where he says "enclosed herewith cheque
- 7 as agreed". Which would suggest that you had a face-to-face meeting with
- 8 Mr. Jones, isn't that right?
- 9 A. Yeah it would suggest that, yes. I have to say to you I don't have any
- 14:50:34 10 recollection of any such meeting or any such conversation.
- 11 Q. 152 Yes. But certainly insofar as Mr. Jones is concerned, he according to this
- 12 letter?
- 13 A. Yes.
- 14 Q. 153 Had agreed a figure of 11,000 pounds with you?
- 14:50:46 15 A. Correct, yes. Its an odd figure Ms Dillon, but I would not dispute for one
- 16 moment that it is the correct figure because of the cheque and also because of
- 17 my own handwriting on foot of the letter of the 6th November 1992.
- 18 Q. 154 And also because we had, luckily have a copy of the actual cheque for 11,000 at
- 19 3138 and you will note that the cheque is in fact typed up I think, 3138
- 14:51:15 20 please, isn't that right?
- 21 A. Yes it is typed, yes.
- 22 Q. 155 Now, I will come back it deal with the meetings that took place between
- 23 yourself and Mr. Jones in more detail as we are going through the sequence of
- 24 events?
- 14:51:27 25 A. Fine.
- 26 Q. 156 But that certainly appears to establish and you don't appear to dispute it,
- 27 that by this stage you have been paid 33,500 pounds?
- 28 A. I would not dispute it because the reverse of the cheque is signed by me.
- 29 Q. 157 Yes and that's at 3138. Now what did you do with that money?
- 14:51:44 30 A. I cannot tell you offhand Ms. Dillon. It was either lodged in one of the

- 14:51:54 1 accounts or part lodged and part cashed but I just cannot, unless I review the
2 documentation I cannot tell you offhand.
- 3 Q. 158 Well if you look at 1609 Mr. Dunlop which is two behind the document in your
4 folder that you are presently looking at, if you go halfway through the page
14:52:23 5 and see a lodgement on 9th of the 11th '92; do you see that?
- 6 A. Yes I have it yes.
- 7 Q. 159 Yes. This is a lodgement again to your personal account the 006 account; isn't
8 that right?
- 9 A. That's correct.
- 14:52:28 10 Q. 160 And the lodgement is 2,500?
- 11 A. Part lodgement and part cash yes.
- 12 Q. 161 And the explanation provided by you through your bank to the Tribunal is that
13 it's part lodgement, part cheque 11,000, 931071, cheque 500715 cash 8500 C
14 Jones?
- 14:52:48 15 A. Yes.
- 16 Q. 162 If that is correct Mr. Dunlop that means when you got this cheque you lodged
17 2,500 and kept back 8,500 pounds?
- 18 A. Correct.
- 19 Q. 163 What necessity would you have had to keep such a sum of money in cash?
- 14:53:03 20 A. For lots of reasons. One of which would be to pay people.
- 21 Q. 164 One of which would be?
- 22 A. Maybe to pay people.
- 23 Q. 165 Are you saying to pay people in connection with these particular lands or other
24 lands or just to pay people in general?
- 14:53:17 25 A. Well just to have the cash available as I explained to the Tribunal previously,
26 I did keep certain amounts of cash personally, for as was described as a war
27 chest for various issues that arose during the course of the Development Plan.
- 28 Q. 166 And have you ever described this account into which its 2,500 was lodged the
29 12909006 as a war chest account?
- 14:53:43 30 A. No, no. That's a personal account.

- 14:53:45 1 Q. 167 Yes. But you certainly were not lodging any part of this cheque into the
2 office account or the working account of Frank Dunlop and Associates?
3 A. No, no.
4 Q. 168 And insofar as you can provide an explanation for what happened to the cheque
14:53:59 5 your explanation says you were retaining funds for ongoing payments?
6 A. Correct.
7 Q. 169 Right. If you turn to the next tab in the folder Mr. Dunlop which is 1960
8 which deals with a letter of the 9th December 1992?
9 A. What tab are you on Ms. Dillon sorry.
14:54:14 10 Q. 170 This tab is G?
11 A. Yes. Sorry I beg your pardon.
12 Q. 171 Now this again is a letter from Mr. Jones to you Mr. Dunlop, which has been
13 provided by Mr. Jones to the Tribunal and he is enclosing as promised a cheque
14 for 2,500 pounds to clear the Ballycullen rezoning account?
14:54:31 15 A. Yes.
16 Q. 172 Now you will re-elect Mr. Dunlop that you told the Tribunal in your first
17 statement in relation to Ballycullen lands that you had been paid a success
18 fee?
19 A. Yes.
14:54:40 20 Q. 173 Of 2,500 pounds?
21 A. Correct.
22 Q. 174 In connection with the Ballycullen rezoning?
23 A. Yes.
24 Q. 175 And do you accept first of all that Mr. Jones would on that occasion have sent
14:54:50 25 you a cheque for 2,500 pounds?
26 A. Well yes. I did tell you if I recollect correctly that I met Mr. Jones in the
27 Goat public house, in Goatstown, where a discussion took place in relation to
28 the success of the venture and that it was agreed that he would give me 2,500
29 pounds. This I attribute to this letter and the cheque I attribute to that.
14:55:21 30 Q. 176 If that is the case Mr. Dunlop, it would suggest that your business with

14:55:25 1 Mr. Jones was at this stage concluded or deemed to be concluded by the two of
2 you?
3 A. Yes, yes.
4 Q. 177 Is that correct?
14:55:31 5 A. Yes.
6 Q. 178 But events did not bear that out; isn't that correct?
7 A. No, correct.
8 Q. 179 But it would mean insofar as the amount of monies are concerned that we are
9 looking at, that you had now been paid 36,000 pounds?
14:55:42 10 A. Yes.
11 Q. 180 If you turn to look at 3139, which is behind the next tab Mr. Dunlop, which is
12 H, this is a cheque that has been provided to the Tribunal by Mr. Jones and its
13 dated the 3rd October 1993?
14 A. Mm-hmm.
14:56:01 15 Q. 181 And this appears on its face to be a cheque made out to Mr. Frank Dunlop?
16 A. Yes.
17 Q. 182 Now do you accept that such a cheque would in fact have been paid to you in
18 October 1993?
19 A. Well yes, let me just -- yes, because the back of the cheque is signed on the
14:56:19 20 back.
21 Q. 183 Yes, and that's your signature?
22 A. Correct.
23 Q. 184 And it follows from that does it not Mr. Dunlop, that you were paid in October
24 1993 a further sum of 2,000 pounds by Mr. Jones?
14:56:29 25 A. Yes.
26 Q. 185 And that brings to 38,000 pounds the amount of money that you have now been
27 paid by Mr. Jones?
28 A. Correct.
29 Q. 186 And his related entities; isn't that correct?
14:56:37 30 A. Correct.

- 14:56:38 1 Q. 187 And if you turn to behind the next tab, which is I, if you look at page 3140
2 there is another cheque?
3 A. Yes.
4 Q. 188 And this is a cheque for 6,000 pounds and this is dated the 21st October 1993?
14:56:51 5 A. Correct.
6 Q. 189 And this cheque is a cheque from Mr. Jones in the amount of 6,000 pounds; isn't
7 that right?
8 A. It looks like five but it is six, yes.
9 Q. 190 Yes if you look at the words, its not as legible perhaps as one would like but
14:57:18 10 I think the amount is 6,000 pounds, is that right?
11 A. That's correct, yes.
12 Q. 191 And if you look at the signature on the reverse of that cheque Mr. Dunlop,
13 which is immediately beneath that, do you confirm that that is your signature?
14 A. Yes it is.
14:57:18 15 Q. 192 That would mean Mr. Dunlop, when you add that 6,000 pounds to the previous
16 38,000 pound that you now accept you were paid that you have in fact by this
17 stage been paid 44,000 pounds by the Jones Group?
18 A. Correct.
19 Q. 193 Right. Now what did you do with that money?
14:57:45 20 A. Again on foot of the documentation supplied to you I either part lodged it and
21 part cashed it or cashed it in total.
22 Q. 194 Yes, I think you are looking at a bank statement at 3141 on your 006 account
23 which is a personal account; isn't that right?
24 A. Yes correct.
14:58:08 25 Q. 195 And there is a lodgement of 1,750 on the 20th August 1993, isn't that right?
26 A. Sorry there is a lodgement of?
27 Q. 196 20th October?
28 A. October yes.
29 Q. 197 20 October 1993?
14:58:21 30 A. Yes.

- 14:58:25 1 Q. 198 Yes, 21st October 1993?
- 2 A. Correct, yes.
- 3 Q. 199 And are you saying that that lodgement of 1,750 pounds, that it is possible
- 4 that that is part of the proceeds of the cheque for 6,000 pounds?
- 14:58:38 5 A. Its possible, yes.
- 6 Q. 200 And if that is not the case then it would follow does it not in the absence of
- 7 any other information that you cashed the cheque for 6,000 pounds?
- 8 A. Correct.
- 9 Q. 201 And similarly with the previous cheque that you had been given for 2,000 pounds
- 14:58:51 10 on the 3rd October 1993, 3139 please, can you tell the Tribunal what you did
- 11 with that cheque?
- 12 A. I have no idea, but again the same circumstances would apply, I either part
- 13 lodged it, lodged it or part lodged and part cashed. There is no documentation
- 14 attached.
- 14:59:24 15 Q. 202 Mr. Quinn reminds me that the cheque at 3140 Mr. Dunlop?
- 16 A. That's the cheque for 6,000 I think, is it.
- 17 Q. 203 Yes, is possibly dated the 21st October?
- 18 A. It is or the 26th.
- 19 Q. 204 Yes. That would mean, Mr. Dunlop, that you have by now been paid 44,000
- 14:59:57 20 pounds?
- 21 A. Yes.
- 22 Q. 205 Can you offer any explanation at this point as to how it was that in your
- 23 initial evidence to the Tribunal in April 2000 and indeed in your later
- 24 statements that your view was that you had been paid 17,500 pounds in relation
- 15:00:12 25 to these matters?
- 26 A. Yes, well I think as you have pointed out yourself. That I was consistent in
- 27 the fact that on the day that I made the statement in this witness box, about
- 28 the names of the people that I got money from, that I without reference to any
- 29 documentation or any bank account, or any previous statement, because there had
- 15:00:36 30 been none, I mentioned 17,500 pounds. That was the 15,000 pounds, the fee

15:00:44 1 agreed with Mr. Jones and my recollection at that time of the 2,500 pounds that
2 Mr. Jones promised me as I have said afterwards, in the Goat. That is as I
3 understood it then, and it is as I understand it by virtue of the agreement
4 that I arrived at with Mr. Jones in early, in February 1991, February or March
15:01:10 5 1991.

6 Q. 206 But leaving aside Mr. Dunlop, the circumstances in which you came to create the
7 document in which you first identified Ballycullen Farms as having paid you
8 17,500 pounds, in October 2000 when you came to prepare your narrative
9 statement?

15:01:23 10 A. Yes.

11 Q. 207 You had available to you a much greater amount of documentary material and you
12 had your own bank records, books, invoices, records, including material in
13 relation to Ballycullen Farms; isn't that right?

14 A. Yes.

15:01:38 15 Q. 208 Right. Notwithstanding that information, you still persisted with maintaining
16 that the sum you had been paid was 17,500 pounds?

17 A. Yes.

18 Q. 209 And yet Mr. Dunlop, today you accept that at an absolute minimum you were paid
19 by October 1993, 44,000 pounds by Mr. Jones, is that right?

15:01:57 20 A. Yes. Correct.

21 Q. 210 Can you offer some explanation now to the Tribunal as to how it was that you
22 got it so dramatically wrong?

23 A. Well I can't is the simple answer. I supplied you with the documentation that,
24 that you requested and that I'd available to me which on its face is original
15:02:18 25 documentation and as I said to you a moment ago, whatever the difference in the
26 figures conflated or otherwise, it doesn't matter, what I said initially and
27 what I say now to you in relation to my agreement with Mr. Jones was as I have
28 said, that it was 15,000 pound and I got 2,500 pounds extra as a success fee.

29
15:02:46 30 Anything else I got I just haven't, didn't compute it into the, factor it into

- 15:02:57 1 the accounts. I can't give you an explanation as to why other than as I said,
2 conflating the figures between the two, even though Beechill wasn't mentioned
3 on day one. And I would have to accept what you say, that there is a dramatic
4 difference in the figures, but I just cannot give you an appropriate
15:03:25 5 explanation.
- 6 Q. 211 What business had you with Mr. Jones in October 1993?
7 A. In October 1993 I would have had very little business with him, in October
8 1993, because by October 1993 or by the end of 1993 certainly, any matter that
9 I would have been dealing with on behalf of Mr. Jones was concluded, to which
15:03:52 10 the issue of Ballycullen and/or Beechill, even though Mr. Jones was not as
11 directly involved in Beechill as he had been in Ballycullen.
- 12 Q. 212 Well you can correct me if I am wrong, because you were the person who was
13 involved in that at the time, the position in relation to Beechill appears to
14 be that there was little or no opposition?
- 15:04:17 15 A. Correct.
- 16 Q. 213 In relation to it, once the matter was brought to the attention of the council
17 and the manager effectively, while he proposed a different route to achieve
18 what you had wanted, you ended up with the same result; isn't that right?
19 A. Yes. Exactly as you said in your opening statement, he put in a proviso in the
15:04:34 20 plan to allow for offices to be built.
- 21 Q. 214 Yes. But insofar as Ballycullen was concerned Mr. Dunlop, this was as you
22 described in correspondence that we'll be dealing with tomorrow, this was going
23 to be a very contentious?
- 24 A. Yes.
- 15:04:50 25 Q. 215 And in fact I think you identify it had as one of the three fairly serious or
26 contentious matters that will be coming up in the review of the Development
27 Plan?
28 A. Correct.
- 29 Q. 216 And you anticipated, I think, that there would be opposition?
15:05:04 30 A. I didn't anticipate it. I knew. If you are taking anticipation in the

- 15:05:10 1 positive sense that I knew, yes I did know by virtue of the fact of the earlier
2 discussions with Mr. Jones and when he outlined what the difficulties he had
3 had and from the conversations that I had with councillors.
- 4 Q. 217 And going through this in detail, I think its fair to say that in October 1992
15:05:30 5 Ballycullen lands achieved an A1 residential zoning on a portion of the lands
6 with a density limitation?
7 A. Correct. Six to the acre.
- 8 Q. 218 But subsequently a motion was brought seeking to revert those lands back to
9 agriculture; isn't that right?
- 15:05:43 10 A. Correct.
- 11 Q. 219 And that came to be debated before the council on the 29th October 1993?
12 A. Yes.
- 13 Q. 220 So would it not be correct to say Mr. Dunlop that you and Mr. Jones had a
14 matter of great mutual interest to you in October 1993?
- 15:05:57 15 A. Yes it would.
- 16 Q. 221 Which was whether or not you would hold on to the lands that you had rezoned
17 the previous year?
18 A. Correct.
- 19 Q. 222 Would it not follow Mr. Dunlop, that the reason that Mr. Jones was paying you
15:06:08 20 in October 1993, is because of the imminence of the rezoning or the confirming
21 meeting in connection with the Ballycullen lands?
22 A. Yes, that is eminently conceivable.
- 23 Q. 223 Right. Doesn't it follow then that you do know and ought to have known and
24 ought to have recollected that you had a continuing relationship with Mr. Jones
15:06:28 25 in 1993 as a result of which in October he paid you 8,000 pound?
26 A. On the face, on its face as you put it as objectively the answer is yes.
- 27 Q. 224 I see. And it would, that would mean Mr. Dunlop that by this stage, by October
28 1993, you accept now that you were in all probability paid a sum of 44,000
29 pounds in total?
- 15:06:52 30 A. In all probability, yes.

- 15:06:54 1 Q. 225 If we turn to look at the later invoices, in February of '94 at 2166 you issued
2 an invoice to Mr. Hussey?
3 A. Yes.
4 Q. 226 Which is described as third payment as per agreement in the sum of 5,000
15:07:11 5 pounds?
6 A. Correct.
7 Q. 227 And in this invoice, it includes VAT?
8 A. That's right.
9 Q. 228 Right. Now some of the previous invoices have not included VAT, isn't that
15:07:21 10 right?
11 A. That's correct.
12 Q. 229 Do you think its the position that the invoices you issued in connection with
13 Beechill or to Mr. Hussey included VAT?
14 A. Yes I would have, I would say so, yes.
15:07:33 15 Q. 230 And that Mr. Hussey was looking for VAT invoices?
16 A. That is quite possible.
17 Q. 231 Right. And this refers to third payment as per agreement, isn't that right?
18 A. Correct.
19 Q. 232 So there would have been at least two other payments amounting to 10,000 pounds
15:07:51 20 plus VAT?
21 A. Logically, yes.
22 Q. 233 Yes. And I think that you lodged these funds to the office account of Frank
23 Dunlop and Associates; isn't that right, on 2168 please?
24 If you look at the fourth entry down on the 3rd February Mr. Dunlop, you will
15:08:12 25 see that that attributes a sum of 6,050 pounds to the Jones Group and with VAT
26 at 1,040 and a sum of 5,000 from the sales invoice and then at 2169 the cash
27 book details for Frank Dunlop and Associates records a payment of 6,050 pounds
28 which became part of a composite lodgement of 11,737?
29 A. Correct.
15:08:36 30 Q. 234 Which was lodged to the account of Dunlop and Associates?

15:08:39 1 A. Yes. 2168 Ms. Dillon there for a moment? You have referred to --

2 Q. 235 Its a sales detail.

3 A. Yes, sales book detail. Number four down.

4 Q. 236 Yes.

15:08:53 5 A. Right.

6 Q. 237 That immediately preceding that there is a reversal?

7 A. That's the point.

8 Q. 238 But we are not looking at reversals where there was credit notes issued

9 Mr. Dunlop because if a credit note is issued that balances out the payment

15:09:06 10 isn't that right, we'll be dealing with the credit note tomorrow?

11 A. Fine. I just --

12 Q. 239 What we are looking at are the receipts?

13 A. Grand I accept that. But I am just making the point, not that I am a

14 mathematician or anything like that, but I am making the point it may well

15:09:21 15 explain some reversals in relation to --

16 Q. 240 Yes but I think what happened Mr. Dunlop, was in December of 1993 you issued an

17 invoice for 7,500 pounds and subsequently issued a credit note for that sum and

18 an invoice for a smaller amount which is this amount and this was paid and it

19 appears to have been paid because of 2169, isn't that right?

15:09:44 20 A. 2169.

21 Q. 241 Which is your cash receipts book for Frank Dunlop and Associate?

22 A. Yes, number five down.

23 Q. 242 It records receipt of sum of 6,050 pounds which becomes part of a composite

24 lodgement to Frank Dunlop and Associates of 11,737?

15:10:02 25 A. Correct.

26 Q. 243 That would establish Mr. Dunlop would it not, that you were paid that invoice

27 of 6,050 pounds?

28 A. Yes it would.

29 Q. 244 Which would bring to a total of 50,050 pounds the amount you had been paid by

15:10:14 30 February of '94 by Jones Group and related interests?

- 15:10:17 1 A. Yes.
- 2 Q. 245 Isn't you don't dispute those figures?
- 3 A. No.
- 4 Q. 246 And if we turn to the next tab on the folder Mr. Dunlop, which is K, and this
- 15:10:29 5 is dated 31st of December 1993 and here you have issued an invoice 968, isn't
- 6 that right?
- 7 A. That's correct.
- 8 Q. 247 And if you turn to the following page at 2274 please, if we can have the two
- 9 documents together on screen, 2151 which is the invoice and that invoice is
- 15:11:01 10 numbered 968 and dated 31st of December 1993?
- 11 A. Yes.
- 12 Q. 248 Right. And if you look at 2274 which we have already seen today which is your
- 13 note on a Jones Group compliment slip referring to invoice 968 and saying the
- 14 cheque was cashed, cheque for 9,075 was cashed on the 20th October 1994 and
- 15:11:30 15 that you had put 6,250 pounds of that to somebody for Navan?
- 16 A. Yes. I am very reluctant to dispute anything with you Ms. Dillon but the date
- 17 on the invoice is 31st of December 1993, it says in my handwriting for a
- 18 similar amount cashed on 20th October 1994.
- 19 Q. 249 Yes.
- 15:11:54 20 A. If an invoice is issued on the 31st of December 1993 --
- 21 Q. 250 You were the person Mr. Dunlop who made the note which you don't dispute?
- 22 A. Yes.
- 23 Q. 251 That says invoice 968?
- 24 A. No the point I am raising, I am not disputing the principle involved, I am just
- 15:12:12 25 questioning whether -- even though it says invoice number 968 why a period of
- 26 ten months would pass between the issuing of the invoice and cashing of the
- 27 cheque.
- 28 Q. 252 Yes. Perhaps you could assist with that Mr. Dunlop?
- 29 A. Well -- I am just, I am just raising it because I don't have an answer myself,
- 15:12:32 30 but I am just raising it in the context of the period of time involved.

- 15:12:36 1 Q. 253 Yes but if you look Mr. Dunlop at what you have done on the Jones Group
2 compliment slip?
3 A. Yes. Oh no I don't dispute that.
4 Q. 254 You have put invoice 968 and that clearly relates to the invoice --
15:12:48 5 A. No I beg your pardon. Invoice 968 on the Jones Group compliment slip is not my
6 writing. The rest of the writing is mine.
7 Q. 255 Yes the 9075 is yours?
8 A. Correct.
9 Q. 256 And the note beneath that cashed on 20th October 1994 and beneath that
15:13:06 10 asterisk, 6,250 given to I think Mr -- Yes, a named individual for Navan?
11 A. Yes.
12 Q. 257 And I think you accept you paid on that date a sum of 6,250?
13 A. Yes I did.
14 Q. 258 To that person and that you attribute the source of that monies to the cheque
15:13:22 15 that you received.
16 A. Yes I did.
17 Q. 259 On that date. So you accept do you not, that for whatever reason the invoice
18 may have issued in December '93, that in October '94 you received another
19 cheque from the Jones Group amounting to 9,075 pounds?
15:13:40 20 A. Yes I don't dispute any of that at all. The only issue I am raising with you
21 is the lack of contemporaneous -- its the 31st of December '93 which is the
22 last day of the year and the 20th of October '94, ten months later.
23 Q. 260 We will come to look at those invoices in their sequence as it were among the
24 documentation, but for the moment Mr. Dunlop, can I take it that you don't
15:14:04 25 dispute that in October 1994 you were paid that amount of money?
26 A. No, no I wouldn't dispute it yes.
27 Q. 261 And that would bring to 59,125 pounds the amount that you were paid, is that
28 correct?
29 A. Correct.
15:14:16 30 Q. 262 I think there is one final matter at L on the tab in front of you in relation

- 15:14:21 1 to these invoices which is a document a cash book detail that you have provided
2 to the Tribunal at 2319 and this relates to a lodgement of 2,693 pounds on the
3 31st of the 7th 1995, and the second component of that apparently is 295.83
4 pounds, if we could enlarge the last three lines on the document please? Do
15:15:08 5 you see that the second last entry there is Jones Group?
6 A. Yes.
7 Q. 263 And that a sum of 295.83 is attributed to the Jones Group?
8 A. Correct.
9 Q. 264 And that that formed part of a composite lodgement to Frank Dunlop and
15:15:21 10 Associates of 2,693?
11 A. Correct, yes.
12 Q. 265 You can see that lodgement at 2,320?
13 A. Yes.
14 Q. 266 On the 2nd August '95. You see, just immediately below halfway 2nd August '95
15:15:39 15 there is a lodgement of 2,693.08 that would appear to suggest in August of '95
16 you were paid a sum of 295.83 pounds by the Jones Group can you explain why
17 that would have happened?
18 A. I have no idea, its a very odd sum and a very small sum, but I have no idea.
19 Q. 267 And I think Mr. Jones in his statement has said that he gave you a cheque of
15:16:06 20 1,000 pounds for Mr. Tom Hand, is that right?
21 A. No.
22 Q. 268 Did he not give you a cheque to give to Mr. Hand?
23 A. I have no recollection. I note in Mr. Jones' statement and in Mr. Hussey's
24 statement, notwithstanding the inherent contradiction between the two, one says
15:16:25 25 that they gave me a cheque for Mr. Hand in my name and the other says they gave
26 me a cheque for transmission to Mr. Hand, without specifying in whose name the
27 cheque was, or the amount was, I have no recollection whatsoever of getting any
28 monies directly from either Mr. Jones or Mr. Hussey for transmission to Tom
29 Hand, by cheque, cash or otherwise.
15:16:53 30

15:16:53 1 It is conceivable, and I would not attempt to discount it, and I will put it no
2 stronger than that, that either Mr. Jones or Mr. Hussey, or both, asked me or I
3 intimated to them, that it might be advisable to give political contribution to
4 Tom Hand.

15:17:23 5
6 The only conceivable circumstances that I can envisage where that would have
7 happened would be in the context of an election. Tom Hand was a councillor and
8 I cannot absolutely recollect whether he ever stood for a, in a General
9 Election. So the only time that the matter would arise would have been in June
10 1991, sorry in June -- yes in June 1991 when there was a Local Election or in
11 November 1992 when there was a General Election. But as far as anyone can be
12 categoric about these things, I am categoric that either Mr. Jones nor
13 Mr. Hussey ever gave me money in the form of a cheque made payable to me for
14 transmission to Tom Hand, or gave me money in the form of a cheque payable to
15 Tom Hand for transmission to Tom Hand, notwithstanding any evidence that they
16 might give, that they gave money to Tom Hand, if they did they certainly didn't
17 do it through me.

15:18:28 18 Q. 269 Leaving aside whatever monies you say you paid Mr. Hand in the course of this,
19 if we just stay with for the moment the totality of the sums that appear to
20 have been paid. Your starting position which you have maintained with the
21 Tribunal up until today?

22 A. Yes.

23 Q. 270 Isn't that right? That you were paid 17,500 pounds?

24 A. Correct.

15:18:58 25 Q. 271 Your position now is that you accept from the documentation that you were paid
26 almost 60,000 pounds?

27 A. Well I can't dispute it as you have outlined the documentation and the receipt
28 of certified cheques, that's, that couldn't be disputed.

29 Q. 272 So if the total amount is 59,420.83 pounds as it appears to be Mr. Dunlop?

15:19:24 30 A. If that's it added up, yes.

- 15:19:26 1 Q. 273 Yes. That that would mean Mr. Dunlop that you were over 42,000 pounds in error
2 when you were providing this information to the Tribunal?
- 3 A. Yes, that's correct.
- 4 Q. 274 And if the position Mr. Dunlop, that you have set out for any reason to reduce
15:19:40 5 the amount of money that you say developers paid to you in the course of the
6 Development Plan?
- 7 A. No. Any attempt that was made in this Tribunal heretofore was to suggest the
8 contrary, that in fact I might be doing the opposite. And I certainly never
9 consciously set out to reduce, there would be no reason to do so. I cannot, I
10 can't think of any conceivable objective reason that anybody, least of all a
11 person in my position, would want to reduce the amount of money that he had
12 received from any client, notwithstanding the objective of the payment, that
13 you would want to reduce it.
- 14 Q. 275 Yes but, insofar as this deals with figures Mr. Dunlop, it would suggest if you
15:20:32 15 are now accepting that the correct figure is of the order of 59, 420 pounds,
16 that insofar as these figures are concerned with this particular developer, you
17 were seriously in error in your calculation as to what amount had been paid?
- 18 A. Well Ms. Dillon I don't want to get into a dispute about it. There is no
19 dispute as far as I am concerned in the context of how you have outlined the
15:20:54 20 matter. I don't dispute it. The only matter in dispute is as you point out,
21 why it is that in circumstances where I was asked by the Tribunal to provide
22 receipt of monies why I under estimated it, and for completion sake, and not to
23 avoid the issue, is to answer your question directly, which was to the effect
24 that I might have deliberately understated the amount for whatever purpose, you
15:21:31 25 haven't made that clear, but whatever purpose, the answer is no. I mean it
26 would not serve anybody's purpose, least of all mine, in fact it might well
27 have been much more to my purpose had I given the figures as you were outlined
28 them.
- 29 Q. 276 Would it not have assisted you, Mr. Dunlop, or assisted you to have reduced the
15:21:57 30 amount that you said that you were paid by developers?

- 15:22:01 1 A. In what way.
- 2 Q. 277 In terms of income received by you?
- 3 A. Yes but it, looking at the matter objectively that is a relevant point, but
- 4 that is not what occurred.
- 15:22:14 5 Q. 278 Yes. I mean the situation would be from a revenue point of view and its not my
- 6 job to do the revenue business, but a person who declares I have an income of
- 7 17,500 pounds is assessed to one amount of tax and a person who says I have an
- 8 income of 59,000 is assessed to a different amount of tax?
- 9 A. Correct.
- 15:22:33 10 Q. 279 And the second amount is much greater; isn't that right?
- 11 A. Yes correct.
- 12 Q. 280 So could it not very well be Mr. Dunlop that you deliberately decided to under
- 13 estimate the amount of money that you received in order to minimise any
- 14 liability you might have?
- 15:22:46 15 A. No that is not the case. That's the only thing I can say to you. It is not
- 16 the case. I have already said quite specifically in relation to your, in
- 17 answer to the question that you asked five minutes ago, it is not the case
- 18 deliberately, I already said at the outset there is a possibility and again I
- 19 put it no stronger than that, a possibility that by virtue of the fact that
- 15:23:16 20 there were two issues involved, namely Ballycullen and Beechill, that I
- 21 conflated the two figures or just for whatever reason forgot about or ignored
- 22 the other. The fact of the matter is that as you present the figures I could
- 23 not dispute it.
- 24 Q. 281 Is there anything else in your statement Mr. Dunlop in relation to Ballycullen
- 15:23:48 25 that you have got wrong?
- 26 A. No, I don't think so.
- 27 Q. 282 Right. This is an error Mr. Dunlop, if error it is, of quite serious magnitude
- 28 isn't that right?
- 29 A. Well it is serious, yes.
- 15:24:00 30 Q. 283 Yes. Because you have under estimated or understated the amount that you

- 15:24:04 1 received in connection with Ballycullen and Beechill, if it did include
2 Beechill, by over 40,000 pounds isn't that right?
- 3 A. Correct. Well if you add, if you say 15,000 pounds for Ballycullen, plus 2,500
4 pound success fee that's 17 and a half, and on foot of the documentation that
15:24:27 5 you brought forward in relation to a payment from Beechill which was the third
6 payment of a schedule of 5,000 each, that's 15,000, that would bring it to 32
7 and a half thousand.
- 8 Q. 284 Today Mr. Dunlop it would bring it to 32,500 pounds because you are now
9 suggesting for the first time that there may have been a separate arrangement
15:24:51 10 in relation to Beechill and you may have been paid a separate amount of money
11 in connection with Beechill, isn't that right?
- 12 A. That's correct yes.
- 13 Q. 285 Now let's, leaving aside what you are now suggesting to the Tribunal, what we
14 are looking at is how it was that you elected for a figure of 17,500 pounds in
15:25:10 15 connection with whatever your activities or agreements were with the Jones
16 Group when you now accept that it was approximately 59,000 pound and that you
17 had forgotten about 42,000 pounds that you had been paid, isn't that right?
- 18 A. Yes.
- 19 Q. 286 Now, what explanation do you offer to the Tribunal for this lack of memory in
15:25:31 20 connection with these payments?
- 21 A. None. I mean I can't, I don't want to be offensive, but I have just -- we can
22 traverse this ground for as long as anybody wishes to do so, but I just do not
23 have a cogent explanation. Other than what I said to you at the outset, that
24 from day one and it is supported by the documents might I add, in relation to
15:25:55 25 the agreed fee, in relation to Ballycullen, which was 15,000 plus a 2,500
26 success fee which brought it to 17 and a half.
- 27 Q. 287 Which was your starting position?
- 28 A. Correct.
- 29 Q. 288 But its not your finishing position today Mr. Dunlop?
- 15:26:09 30 A. No it is not, no.

- 15:26:11 1 Q. 289 If I could turn to move now Mr. Dunlop to the sequence of disclosure in
2 relation to the County Councillors who are involved in this module.
3 I'd like to recap briefly Mr. Dunlop if I can with you, the sequence in which
4 you made disclosures to the Tribunal in relation to councillors and I want to
15:27:10 5 look particularly at the councillors that are involved in this particular
6 module.
7
8 I think do you not dispute when you were first asked to make discovery to the
9 Tribunal that you provided a very limited affidavit with disclosing very
15:27:25 10 limited payments to councillors.
11 A. Yes correct.
12 Q. 290 And I think if we look at the documentation that you initially provided to the
13 Tribunal at page 332, this was a list of political contributions which we'll
14 look at that cover the years 1991 to 1993; isn't that right?
15:27:46 15 A. Yes.
16 Q. 291 And if we can have the two next pages on screen together please, 333 and 334?
17 A. Are these in this booklet Ms. Dillon.
18 Q. 292 No you are finished with that for the moment Mr. Dunlop. Now this is the first
19 discovery that you made and in this you are disclosing political contributions
15:28:10 20 at page 333 by Mr. Frank Dunlop between the period 1st of the 9th '91 and 1st
21 of the 9th '93 and this would cover the period within which you say you made
22 payments in connection with Ballycullen?
23 A. Yes.
24 Q. 293 And/or Beechill; isn't that right?
15:28:24 25 A. Yes correct.
26 Q. 294 And you have disclosed there three payments in the year ended the 31st of the
27 12th '92; isn't that right?
28 A. That's correct yes.
29 Q. 295 And you do not allege that those payments were corrupt, isn't that right?
15:28:36 30 A. No that's correct.

- 15:28:37 1 Q. 296 You say they were bona fide political donations?
- 2 A. They are listed as political contributions.
- 3 Q. 297 Yes but you do not there identify any of the councillors whom you now alleged
- 4 received money in relation to Ballycullen as having received monies in that
- 15:28:52 5 period is that right?
- 6 A. Correct.
- 7 Q. 298 On that first page there you identified Councillors Ridge, Barrett and Mitchell
- 8 and Richard Green as having received fund; isn't that right? On the first
- 9 page, 33?
- 15:29:03 10 A. Sorry yes.
- 11 Q. 299 You do not identify Councillors Hand, Lydon, McGrath, Fox, Gilbride, Gallagher
- 12 Larkin, Mr. Liam Cosgrave or Councillor O'Halloran as having been in receipt of
- 13 monies from you in that period?
- 14 A. Correct.
- 15:29:16 15 Q. 300 And if you look at page 334 which is the second page that was on screen, and
- 16 this is dealing with payments for the year end 31st December 1993 and allowing
- 17 for the fact that the rezoning motion was dealt, confirming motion was dealt
- 18 with in October 1993. We see that there are five payments listed there,
- 19 Councillor Don Lydon, Liam Cosgrave, Ann Ormonde, Michael Cosgrave and Larry
- 15:29:45 20 Butler. You do not say that any of those were corrupt payments, you do not say
- 21 they were anything other than bona fide political contributions?
- 22 A. Correct.
- 23 Q. 301 You point in fact and have previously pointed in the Tribunal to the fact that
- 24 these payments were made by cheque through Frank Dunlop and Associates?
- 15:30:01 25 A. Yes.
- 26 Q. 302 But you do not say Councillor Hand, McGrath, Fox, Gilbride, Gallagher Larkin or
- 27 O'Halloran were paid in that period?
- 28 A. No.
- 29 Q. 303 When you came to give evidence to the Tribunal Mr. Dunlop on day 146 and 147,
- 15:30:15 30 148 in April and May of 2000 you prepared a number of lists?

- 15:30:19 1 A. Correct.
- 2 Q. 304 Now the first list that you prepared was prepared on the 18th April 2000 and
3 this is at page 336. Now this list was called preliminary list and it
4 identified from your then position the members of Dublin County Council whom
15:30:41 5 you say requested monies from Frank Dunlop?
- 6 A. Yes.
- 7 Q. 305 Now I think it is fair to say that at this particular point in time in your
8 evidence you are not alleging you had ever made any improper or corrupt
9 payments?
- 15:30:53 10 A. What date was this.
- 11 Q. 306 Day 146?
- 12 A. Yes, correct.
- 13 Q. 307 The first day of your evidence?
- 14 A. Yes, correct.
- 15:30:59 15 Q. 308 You had been asked to provide a list of people who had requested monies from
16 you?
- 17 A. Correct.
- 18 Q. 309 And what was being discussed at the time of the legitimate political donations?
- 19 A. Correct.
- 15:31:09 20 Q. 310 And on that list you did identify various people who had asked you for money;
21 isn't that right?
- 22 A. Yes.
- 23 Q. 311 And you identified Councillor Tom Hand (deceased), Councillor Don Lydon, Larry
24 Butler, Colm McGrath, Marian McGennis, Liam Lawlor, Ann Ormonde, Michael
15:31:28 25 Cosgrave and Liam Cosgrave and on the following page at 14, Mr. Jack Larkin?
- 26 A. Yes.
- 27 Q. 312 On the next page at 337 if I can have them side by side. Now what you are
28 being asked here Mr. Dunlop by the Tribunal is simply a list of people who
29 asked you for money, isn't that right? And at that stage your position was
15:31:51 30 that you had not made any improper payments and any payment you had made were

15:31:55 1 legitimate political donations?

2 A. Correct.

3 Q. 313 You have already moved from your first position which is these seven people are

4 the only people I ever gave these donations to and you are now producing a list

15:32:07 5 itemised 1 to 16 and saying these people asked me for money but it was bona

6 fide political donations; isn't that right?

7 A. Correct.

8 Q. 314 What I want to ask you about, Mr. Dunlop, is you do not identify Councillor

9 Tony Fox, Councillor John or Sean Gilbride, Councillor Cyril Gallagher or

15:32:24 10 Mr. John O'Halloran as being anybody who had asked you for money?

11 A. Yes.

12 Q. 315 On this list, and can you explain to the Tribunal how in the light of your

13 subsequent position that these people sought money from you, when you came to

14 compile that list you didn't include them?

15:32:38 15 A. Well are we talking here on the 18th of the 4th 2000 in relation to requests

16 for monies?

17 Q. 316 Yes.

18 A. Regardless -- I am not suggesting that any of these payments were corrupt.

19 Q. 317 Correct.

15:32:51 20 A. These were requests for monies.

21 Q. 318 Yes.

22 A. Political contributions.

23 Q. 319 Yes.

24 A. Right. And can I ask you Ms. Dillon why 7, 8, 12, 13, 15 and 16 are --

15:33:10 25 Q. 320 Because they are councillors not involved in this module?

26 A. But they do not include the names mentioned.

27 Q. 321 No I am dealing with councillors involved in this module, I will double check

28 again to see those do not include any of those names, but assume for the moment

29 what we are dealing with councillors involved in this module and my question to

15:33:28 30 you is this, you are being asked to identify any councillor who ever asked you

- 15:33:32 1 for money?
- 2 A. Yes.
- 3 Q. 322 Now you provide a list of 1 to 16 of councillors.
- 4 A. Yes.
- 15:33:38 5 Q. 323 You are saying to the Tribunal these people asked me for legitimate political
6 donations; isn't that right?
- 7 A. Yes.
- 8 Q. 324 Now a significant number of the people on this list you now say asked you for
9 improper payments or corrupt payments?
- 15:33:50 10 A. Correct.
- 11 Q. 325 Right. But you do not include Councillors Fox, Gilbride, Gallagher or
12 O'Halloran on a list as people who had ever asked you for money?
- 13 A. Or that had in, as I regarded the matter at the time, had asked me for money
14 but it was for a different reason, not for political contributions.
- 15:34:10 15 Q. 326 Well are you saying that Mr. Liam Lawlor asked you for political donations?
- 16 A. Oh, yes he did.
- 17 Q. 327 Are you saying that everybody on this list asked you for legitimate political
18 donations?
- 19 A. Yes they did. And if you go back into your own documentation, you will find
15:34:25 20 that there are "Legitimate political contributions" to a number of those
21 people.
- 22 Q. 328 Well let's look at Mr. Tom Hand for a moment. Did you ever pay Mr. Hand by
23 cheque?
- 24 A. No, never.
- 15:34:40 25 Q. 329 Every payment you made to Mr. Hand according to your evidence to day in the
26 Tribunal was cash?
- 27 A. Correct.
- 28 Q. 330 Your evidence to the Tribunal in relation to cash payments was that they were
29 improper?
- 15:34:50 30 A. Correct.

- 15:34:50 1 Q. 331 Right so insofar as Mr. Hand ever looked for money from you and you ever paid
2 money to Mr. Hand it was an improper payment?
3 A. Correct.
4 Q. 332 Okay. What's he doing on this list?
15:35:00 5 A. He asked me for money.
6 Q. 333 Right so what you are saying here is then that Councillor Fox never asked you
7 for money?
8 A. No, no I am not saying that.
9 Q. 334 Are you saying that Mr. Hand asked you for legitimate political donations?
15:35:12 10 A. He may well have asked me for a political legitimate donation in the context of
11 the 1991 Local Election, yes.
12 Q. 335 Are you saying when you came to prepare in list notwithstanding what you now
13 say you paid to Mr. Hand and what he sought from you, what was in your mind was
14 a donation in relation to the 1991 election?
15:35:32 15 A. No I cannot, it would be wrong of me to suggest that to you. He is on the list
16 because he asked for money.
17 Q. 336 No. No, Mr. Dunlop, he is not on that list because he asked for money. He is
18 on that list because he asked according to your evidence for legitimate
19 political donations?
15:35:52 20 A. Fine sorry, I beg your pardon.
21 Q. 337 That's why you made that list. This is when you are still maintaining your
22 position that you never made an improper payment?
23 A. Yes.
24 Q. 338 Now the first name on that list is a person you now told the Tribunal you only
15:36:06 25 ever paid in cash and any cash payments were improper?
26 A. Yes.
27 Q. 339 Now in order to put him properly on that list according to your evidence
28 Mr. Hand would have had to have asked you for legitimate political donation?
29 A. Yes he would.
15:36:19 30 Q. 340 Now you outline to the circumstances in which you recollect Mr. Hand looking

- 15:36:24 1 for legitimate political donation?
- 2 A. Sorry would you repeat that again.
- 3 Q. 341 Would you outline to the Tribunal the circumstances in which you recollect
- 4 Mr. Tom Hand seeking from you a legitimate political donation?
- 15:36:36 5 A. In the context of the 1991 Local Election, that is the only time I could
- 6 possibly say that he ever asked for a contribution, which could be described as
- 7 a legitimate political contribution.
- 8 Q. 342 Did Mr. Sean Gilbride ever ask you for contribution for an election?
- 9 A. He, in the context of the 1991 Local Election he -- let me put in another way,
- 15:37:18 10 he received monies from me in the context of the 1991 Local Election,
- 11 applicable to a specific item, but how, whether you describe that as a
- 12 legitimate political contribution or not, it was in cash.
- 13 Q. 343 Did Mr. Sean Gilbride ever ask you for a legitimate political contribution for
- 14 an election as you have just described Mr. Hand did in 1991?
- 15:37:42 15 A. I don't think he did, no.
- 16 Q. 344 Right. So you are saying that the absence of Mr. Gilbride's name from that
- 17 list is that you never had regarded him as having made a request to you for
- 18 legitimate monies?
- 19 A. I think that is correct yes.
- 15:37:55 20 Q. 345 Insofar as Mr. Tony Fox is concerned, did Mr. Fox ever ask you for a legitimate
- 21 political contribution?
- 22 A. I would probably have to say no.
- 23 Q. 346 That's why his name does not appear on that list?
- 24 A. No because any monies he got were got in the, in another context,
- 15:38:17 25 notwithstanding the fact that they would have been paid not always, but on
- 26 certain occasions, in the context of an election.
- 27 Q. 347 As you have previously described?
- 28 A. Correct yes.
- 29 Q. 348 And this is the smoke screen?
- 15:38:29 30 A. The happy coincidence.

- 15:38:30 1 Q. 349 That you would use the existence of either a General Election or Local Election
2 to hide the fact that payments were being made; is that right?
3 A. Yes.
- 4 Q. 350 Now Mr. Cyril Gallagher or Christopher Gallagher his name does not appear on
15:38:44 5 that list but I think subject to checking that you have told the Tribunal that
6 Mr. Gallagher looked for money, mentioned elections to you on one previous
7 occasion?
8 A. Yes.
- 9 Q. 351 Isn't that right?
15:38:54 10 A. Yes that is correct.
- 11 Q. 352 Yes.
12 A. But again context is everything in relation to what might have been happening
13 or not happening as the case may be in the context of and the only one in
14 relation to Cyril Gallagher would have been the 1991 Local Election, he never
15:39:14 15 stood in a General Election as far as I can recollect, so therefore the context
16 again is applicable, and that is it was the happy coincidence of a local
17 election and various items taking place at Dublin County Council.
- 18 Q. 353 But I thought that you had told the Tribunal that Mr. Gallagher mentioned to
19 you that elections were expensive?
15:39:32 20 A. Oh, yes, yes.
- 21 Q. 354 Yes. And that you paid him monies; isn't that right?
22 A. Yes, correct.
- 23 Q. 355 Are you saying that you did not regard that as a request for legitimate
24 political donation?
15:39:42 25 A. Yes I am.
- 26 Q. 356 You are saying you regarded it as improper request?
27 A. Correct.
- 28 Q. 357 That's the reason why Mr. Gallagher's name doesn't appear on this list?
29 A. Correct.
- 15:39:51 30 Q. 358 And in relation to Mr. O'Halloran whose name doesn't appear on this list?

- 15:39:54 1 A. Yes.
- 2 Q. 359 Is it your position that Mr. O'Halloran never sought from you a legitimate
3 political donation?
- 4 A. No I don't think he ever did.
- 15:40:02 5 Q. 360 Did you ever make what you now describe as a legitimate political donation to
6 Mr. O'Halloran?
- 7 A. I made a contribution to him, I can't remember the exact amount, during the
8 course of one election where he stood in a general election.
- 9 Q. 361 In 1996 I think for two and a half --
- 15:40:18 10 A. In 1996 for 2,500 pounds yes.
- 11 Q. 362 Are you saying that was not solicited from you by Mr. O'Halloran?
- 12 A. It wasn't solicited from me.
- 13 Q. 363 Yes did he ask you for the money, for the election?
- 14 A. As I recollect the matter there was another party involved and the sum was
15:40:37 15 5,000 and it was halved between both of us.
- 16 Q. 364 Do you regard that contribution to Mr. O'Halloran as a legitimate political
17 donation?
- 18 A. On balance, no.
- 19 Q. 365 Right. You are saying it was an improper payment?
- 15:40:53 20 A. Yes.
- 21 Q. 366 Are you saying that Mr. O'Halloran, when he asked you for that money, did so in
22 the context of a specific matter?
- 23 A. May well not have asked me in the context of a specific matter, may well have
24 asked me in the context of support that he had provided, on an ongoing basis.
- 15:41:12 25 Q. 367 So the distinction that you create now in relation to this document, and the
26 councillors who were involved in this module, are that the reason councillors
27 Fox, Gilbride, Gallagher and O'Halloran do not appear on this list is because
28 they never asked you for a legitimate political donation?
- 29 A. Correct.
- 15:41:29 30 Q. 368 And that this list includes people who asked you for improper payments and

15:41:35 1 legitimate political donations but at that particular point in time on the 18th
2 April you were not making that distinction apparent to the Tribunal?

3 A. Correct.

4 Q. 369 If I could ask you to look at the second list you provided on the 19th April at
15:41:49 5 page 339? And this list is items 1 through to 16. And you are being asked I
6 think here to explain withdrawals from your Rathfarnham account which is the
7 042 account; isn't that right?

8 A. Yes.

9 Q. 370 And a series of withdrawals had been put to you by Mr. Hanratty who was dealing
15:42:15 10 with the matter the total amount of which came to 112,000 pounds, and you were
11 asked to explain how you had spent that money or some of that money?

12 A. Correct.

13 Q. 371 Isn't that right? Now I think you prepared the list in that context; isn't
14 that right?

15:42:29 15 A. Yes. I am -- if you fore give me for saying so Ms. Dillon, I don't dispute
16 this but I take it as you outline it to be correct, I mean its five or six
17 years ago, but I am taking it quite specific and definite that the way you
18 outline it is the way it is on the day.

19 Q. 372 All right. If we look at page 340 please? This is an extract from the
15:42:53 20 transcript Mr. Dunlop?

21 A. Yes.

22 Q. 373 And you will see, what is being discussed here are the withdrawals from the
23 Rathfarnham account the 042 account. And at question 97 Mr. Hanratty says
24 "Have you established that they were all withdrawn in cash?"

15:43:10 25 Answer: I haven't established that they were all withdrawn in cash. I am
26 endeavouring to assist and I am presume, maybe wrongly that they were all
27 withdrawn in cash, but that is a presumption I am making.

28 Question. Is it your present belief that they were all withdrawn cash.

29 Answer: It is my present beef.

15:43:28 30 Question: Are you in a position to identify the parties or entities to whom

15:43:32 1 those payments were made.

2 Answer: Yes I am.

3 Question: Perhaps you could make the list now please. (paper handed to

4 Mr. Dunlop and Mr. Dunlop proceeds to make lists, list handed to solicitor and

15:43:42 5 then handed to Mr. Hanratty and Mr. Dunlop, Mr. Hanratty says, you have

6 written a list of names numbered 1 through to 16 and opposite each name you

7 have written a number, does the number opposite a name represent thousands of

8 pounds?

9 Answer: Yes."

15:43:49 10 Now we go back to 339 and we see 339 is entitled 91 local elections listed 1

11 through to 16 and is therefore is the document we have just looked at in the

12 transcript?

13 A. Correct.

14 Q. 374 And here what you are doing, you are identifying amounts totalling 112,000

15:44:05 15 pound which you say were paid to councillors?

16 A. Yes.

17 Q. 375 In the course of the 1991 local election?

18 A. Yeah.

19 Q. 376 Now --

15:44:11 20 A. In cash.

21 Q. 377 In cash. Nothing at this particular point in time it would seem, Mr. Dunlop

22 subject to any correction to be made, none of these payments could relate to

23 Ballycullen, because the Ballycullen motion did not become lodged until 28th of

24 September 1992 and vote was October 1992?

15:44:30 25 A. Correct.

26 Q. 378 Isn't that right?

27 A. This is 1991 yes.

28 Q. 379 1991.

29 A. Yes.

15:44:35 30 Q. 380 So nothing here can relate, isn't that right, to the Ballycullen lands?

- 15:44:40 1 A. Correct.
- 2 Q. 381 But what you are identifying on this list are those people whom you say shared
3 in 112,000 pounds?
- 4 A. Yes.
- 15:44:49 5 Q. 382 And that list includes Councillor Gilbride?
- 6 A. Yes.
- 7 Q. 383 Now that sum of 12,000 pound that's attributable to Councillor Gilbride you
8 have separately told the Tribunal relates to a separate development?
- 9 A. Correct.
- 15:45:01 10 Q. 384 So at this stage what you are identifying are improper payments?
- 11 A. Yes.
- 12 Q. 385 Out of the Rathfarnham account. You identify GV Wright, Mr. Jack Larkin,
13 Mr. Cyril Gallagher, Mr. Liam Lawlor, Mr. Tom Hand, Mr. Tony Fox, Mr. Colm
14 McGrath; isn't that right?
- 15:45:22 15 A. Yes.
- 16 Q. 386 You don't identify Mr. Cosgrave?
- 17 A. No.
- 18 Q. 387 Right. But you identify these people who have received payments in 1991?
- 19 A. Correct.
- 15:45:27 20 Q. 388 And following the preparation of that list you are then asked to prepare a list
21 of people who got paid in 1992?
- 22 A. Correct.
- 23 Q. 389 And that list is at 357. And you are continuing your evidence, so what you are
24 explaining to the Tribunal are the disbursements you have made in 1992 that
15:45:52 25 relates to withdrawals from the Rathfarnham account?
- 26 A. Yeah.
- 27 Q. 390 You have at this stage conceded that certain payments you made were what you
28 described as improper or corrupt payments, but what you are identifying here
29 first of all are those people whom you say you paid in 1992; isn't that right?
- 15:46:07 30 A. Correct.

- 15:46:09 1 Q. 391 Right. So the first name on the list is number 17 and you will recollect the
2 previous list ended at 16?
- 3 A. Just on a small point Ms. Dillon, this relates to 1992, the 1992 general
4 election or 1992, because these payments are in relation to the 1992 general
15:46:35 5 election.
- 6 Q. 392 You were being asked to account for a withdrawal of 55,000 pounds?
7 A. Yes.
- 8 Q. 393 In November 1992 from the Rathfarnham account?
9 A. Yeah.
- 15:46:46 10 Q. 394 And included in these payment, we'll look at that withdrawal and other
11 withdrawals that were made in October and November 1992, but what you are being
12 asked to identify Mr. Dunlop, are the people whom you paid in 1992?
- 13 A. Correct, okay.
- 14 Q. 395 All right. Now you are continuing the previous list which was the 1991 list
15:47:05 15 which ended at 16, this list commences at 17 and goes through to 30 on the next
16 page?
- 17 A. Yes.
- 18 Q. 396 So the first name is Ms. Marian McGennis who is a witness in this module and
19 you allege a sum of 1,400 pounds and she had the use of a phone and a sum of
15:47:21 20 3,000 was paid?
- 21 A. Yes.
- 22 Q. 397 By way of electioneering and poster and matter of that sort?
23 A. We paid for bus stop posters if my recollection is correct.
- 24 Q. 398 At 18 you are saying in relation to Mr. GV Wright, 5,000?
15:47:37 25 A. Yes.
- 26 Q. 399 I think it was your previous evidence that was paid early in November of 1992
27 and you were accompanied by somebody else?
- 28 A. To Mr. Wright's office.
- 29 Q. 400 To Mr. Wright's office is that right, that was in the first week of November
15:47:50 30 1992?

- 15:47:50 1 A. Yes there is a specific date.
- 2 Q. 401 So in fact even though the 55,000 pound withdrawal takes place later you are
3 still talking about payments you made in early November '92?
- 4 A. Yes.
- 15:48:00 5 Q. 402 Mr. Colm McGrath Fianna Fail, 2,000. Mr. Pat Rabbitte at 3,000 cash payment
6 isn't that right. On the following page Mr. Liam Lawlor, 35,000 pounds --
7 sorry beg your pardon, 25,000 pounds. And Mr. Liam Cosgrave 5,000 pound and
8 that 5,000 pound I think was the subject Mr. Cosgrave of evidence in the
9 Carrickmines module, Newtownpark Avenue payment?
- 15:48:25 10 A. The famous funeral, yes.
- 11 Q. 403 Isn't that right. And Mr. Lawlor's payment was 25,000 pounds. Now you don't
12 identify Mr. Tom Hand as having been in receipt of monies around this time?
- 13 A. No.
- 14 Q. 404 You don't identify Mr. Don Lydon as having been in receipt of monies around
15 this time?
- 16 A. No.
- 17 Q. 405 You don't identify Mr. Tony Fox as having been in receipt of monies around this
18 time?
- 19 A. No.
- 15:48:48 20 Q. 406 You don't identify Mr. Cyril Gallagher as having been in receipt of monies
21 around this time. You don't identify Mr. Sean Gilbride as having been in
22 receipt of monies at the time?
- 23 A. Correct.
- 24 Q. 407 You don't identify Mr. John O'Halloran as having been in receipt of monies at
25 this time?
- 15:49:03 26 A. Sorry we did have Sean Gilbride at the top of the list did we not.
- 27 Q. 408 Not on the 1992 list Mr. Dunlop?
- 28 A. Sorry.
- 29 Q. 409 What we are talking about are 1992 list and people you identified as having
15:49:15 30 received monies in 1992 specifically in late 1992; isn't that right?

- 15:49:20 1 A. Yeah.
- 2 Q. 410 Now on that list and what's redacted out are people not directly concerned with
3 this module and you make take it from me that the names of Mr. Hand, Mr. Lydon,
4 Mr. Fox, Gallagher, Gilbride, Halloran and Larkin do not appear. You don't
15:49:35 5 identify Mr. Halloran or Larkin as having been paid monies at this time?
- 6 A. Yes.
- 7 Q. 411 Isn't that right? So of the councillors whom you now say were paid monies in
8 late October 1992 in connection with Ballycullen, seven of them are not
9 identified by you on this list as having been in receipt of those funds?
- 15:49:52 10 A. Correct.
- 11 Q. 412 Why is that?
- 12 A. Well because I think I alluded to earlier on, I am looking -- while I accept
13 the question that was asked of me on the day, as you outlined it in the
14 transcript, you reprised it in the transcript, is that the vast majority of
15:50:12 15 these payments here if not all of them, including as I look for example in
16 relation to Marian McGennis, relates to the general election of 1992.
- 17 Q. 413 Sorry are you saying that that list when you compile it had related only to the
18 general election?
- 19 A. No I am not saying that. I am saying in the context of the preparation of the
15:50:33 20 list in the box, in the charged atmosphere of the day in relation to payments
21 as I recollected them at that point, without any reference to any
22 documentation, that these were to the fore front of my mind in the context of
23 contributions made at a time of an election in 1992. That's the only
24 explanation I can give you.
- 15:51:00 25 Q. 414 You are not talking with respect, Mr. Dunlop, about election contributions that
26 you make when you compile the 1992 list, you are explaining to the Tribunal the
27 withdrawals from your Rathfarnham account?
- 28 A. Yes.
- 29 Q. 415 You are not talking about election contributions?
- 15:51:14 30 A. No I fully accept that.

- 15:51:16 1 Q. 416 Isn't that right?
- 2 A. We are not at cross purposes I fully accept that and I have already accepted
3 it.
- 4 Q. 417 Right okay?
- 15:51:23 5 A. You asked me for an explanation, with due respect and what I am saying to you
6 is that in the context of preparing the list on the day in the box, in the
7 specific circumstances you will find that the vast majority of those, if not
8 all, relate to payments made to people mostly in cash except for one or two
9 cheques, at the time of the election of the 1992 election. You asked me for an
10 explanation as to why certain names are not on them in the context of 1992, and
11 that's my explanation as I sit here.
- 12 Q. 418 Is it still your position Mr. Dunlop that when you make a cash payment that
13 that's an improper payment?
- 14 A. In the vast majority of cases yes. I cannot as I sit here conceive of a
15 situation where I would make a cash payment that was not improper.
- 15:52:12 16 Q. 419 Well you say there you made a cash payment of 3,000 pounds to Mr. Pat Rabbitte?
- 17 A. Yes.
- 18 Q. 420 Are you saying that that's an improper payment?
- 19 A. No it is not an improper payment and I specifically said that in my evidence
15:52:29 20 previously and in a statement I made which you read out in your opening
21 statement.
- 22 Q. 421 But you have also Mr. Dunlop with the greatest respect to you, have also told
23 the Tribunal in a previous module that it was your invariable practice that
24 cash payments were improper payments, you were asked could it be taken that
15:52:46 25 that was without exception and I think you confirmed, did you not?
- 26 A. Yes. Well virtually without exception, but I stand to correction as to the
27 exact words I used, but I have to say in the context of the one that you have
28 now alluded to in relation to Pat Rabbitte, I did say probably at the same
29 time, if not in a written statement, that I did not attribute any impropriety
15:53:09 30 to that payment.

- 15:53:09 1 Q. 422 And that is your statement in relation to Mr. Rabbitte, I have outlined that
2 this morning?
- 3 A. Yes.
- 4 Q. 423 But if we look at this list Mr. Dunlop and the purpose for which it is created,
15:53:18 5 it is now being created at the time you gave evidence to explain withdrawals
6 from a particular account, and its also identifying payments to the Tribunal
7 that were made in 1992?
- 8 A. Correct.
- 9 Q. 424 You now say that your particular focus in relation to these payments were
15:53:35 10 people being paid around the time of the general election in November 1992?
- 11 A. Yes. I offer that in the context of the type of question that you asked. I
12 mean you reprised the copy of the lead up to the question in the transcript and
13 the background as to why the withdrawals were made from the account. And these
14 are the people that were to the forefront of my mind in relation to payments.
- 15:54:05 15 Q. 425 You see Mr. Dunlop, you brought that list prepared with you on that particular
16 day's evidence, isn't that right?
- 17 A. Yes.
- 18 Q. 426 You were asked to prepare a list in the witness box and you asked the Tribunal
19 to accept a list you had prepared earlier?
- 15:54:19 20 A. Yes.
- 21 Q. 427 You do not write out this list numbered 17 through to 30 in the witness box,
22 isn't that right?
- 23 A. Yes.
- 24 Q. 428 You had prepared it earlier before you ever came down to the Tribunal?
- 15:54:29 25 A. The previous evening or something, yes.
- 26 Q. 429 Right. So where ever you are doing it you are not doing in the hurly burly of
27 the witness box, isn't that right?
- 28 A. Well the hurly burly didn't end with leaving the witness box.
- 29 Q. 430 But you are writing in the witness box?
- 15:54:44 30 A. No, I am not writing in the witness box.

- 15:54:46 1 Q. 431 You have in this module seven councillors whom you now say you paid in late
2 October 1992?
- 3 A. Yes.
- 4 Q. 432 Who do not appear on this list as having been paid in 1992 at a time when you
15:55:04 5 are talking about corrupt payments to the Tribunal in 1992, isn't that right?
- 6 A. Yes. Now I am making, giving an explanation to the Tribunal as to why
7 withdrawals were made from the, my bank account. That was the genesis of the
8 question at the time. Why were these amounts withdrawn? Was that not correct?
- 9 Q. 433 Yes. And I will open the page 359 please?
- 15:55:20 10 A. Yes.
- 11 Q. 434 And the actual question that leads up to you producing this list is question 72
12 and Mr. Hanratty asks you "And some of the debits may be accounted for" this is
13 your answer "by some of the personal expenditure that I indicated to you
14 before. The object of this exercise, again I hesitate to be using this word
15:55:45 15 every five minutes, but Mr. Hanratty, but without disingenuity, the object of
16 the exercise was to ensure that, I think the colloquial term is that there was
17 a stash of cash. That there was plenty of cash available. That I have to,
18 however publicly embarrassing for me to do so personally and professionally I
19 used it for personal purposes and for dispersals?
- 15:56:10 20 A. Correct.
- 21 Q. 435 You're asked "to councillors?" You answer "to politicians". You're asked "to
22 politicians?" You say "to politicians, yes". Then it says, "just dealing with
23 it in a general way without trying to make any connection between particular
24 withdrawals" and on the following page, page 360 "Particular payments. The
15:56:15 25 amount of the payments which you have indicated so far amount to 112,000"
26 That's the first list, isn't that right, 1991?
- 27 A. Yes.
- 28 Q. 436 Then the question is "We know by the end of 1992 all but 2,500 of the
29 lodgements of that account had been withdrawn. You say yes. And the total
15:56:33 30 figure for that amount of lodgements was 240,000 pounds.

15:56:36 1 A. Yes.

2 Q. 437 You are then asked are you in a position to indicate where the remaining
3 dispersals went, albeit perhaps not be reference to any particular lodgement
4 and you say yes?

15:56:45 5 A. Yes.

6 Q. 438 You are asked -- you say yes. You are asked at question 79 "could I ask you
7 to" and you say "Are we now talking about further to the list I gave you last
8 time?
9 Question: Yes, the list you gave us last time amounts to 112,000, as I
10 understand it related to 1991.
11 Answer: You are now talking about 1992.
12 Question: Yes.
13 Answer: Fine.
14 Question: If I could just ask you to make out a list or have you already done
15:57:10 15 so?
16 Answer: Will you accept this" And a list is handed in to the Tribunal?

17 A. Yes.

18 Q. 439 Now where there do you indicate to the tribunal you are talking about the
19 general election of 1992?

15:57:19 20 A. No, I don't.

21 Q. 440 Okay, when is the first time you indicate that in the preparation of that list
22 you are limiting the information you were providing to people who might have
23 been paid in or around the time of the general election in 1992?

24 A. No, sorry Ms. Dillon language is very important. I did not say I was
15:57:36 25 exclusively referring to the 1992 election. You asked me five minutes ago for
26 an explanation as to why certain names didn't appear on the list. I have given
27 the answer to you in relation to 1992 and I have drawn your attention to the
28 fact that the vast majority of those were to people who were involved in the
29 1992 general election, including one to Mr. Pat Rabbitte which was the genesis
15:58:01 30 of the payment to Mr. Pat Rabbitte because there was a general election in

15:58:04 1 1992.

2 Q. 441 We don't need to talk about Mr. Rabbitte, Mr. Dunlop. Let's talk about the

3 absent councillors whom you now say got paid in late October in 1992 in

4 connection with the rezoning of Ballycullen lands. It's quite clear from the

15:58:17 5 extract that I have opened that you were asked to prepare a list detailing

6 withdrawals from your Rathfarnham account in 1992 and to prepare a list of

7 people who were paid by you in 1992?

8 A. Yes.

9 Q. 442 Isn't that right?

15:58:28 10 A. That's correct.

11 Q. 443 And your first comment or reference or explanation to the general election in

12 1992 is this afternoon in the witness box, isn't that right?

13 A. Correct, in the context of you asking for an explanation.

14 Q. 444 What I want you to explain to the Tribunal, Mr. Dunlop, is how it is that you,

15:58:43 15 when you prepared this list which you prepared the night before at home or

16 where ever, you did not include six councillors whom you now say you paid in

17 late October '92?

18 A. Yes, because you are ignoring another aspect of the totality of what happened

19 and that is that I asked for the various documentation in relation to the

15:59:11 20 Development Plan in Dublin County Council so that I do prepare a road map on

21 the basis that I would be able to provide in the context of each proposal that

22 I was involved in, who was involved in it and whether or not they got paid.

23 Q. 445 So the position now is, is that the 1992 list at page 357 is not prepared in

24 the context of the November 1992 general election?

15:59:36 25 A. Well put the list up again.

26 Q. 446 Page 357 and 358. Now we can provide you with a copy of the full list.

27 A. That's okay. Just for the purpose of the exercise, not in anyway trying to

28 discount the orientation on the matter that you are putting, is I am pointing

29 to the people who are involved. They are all virtually all election candidates

16:00:16 30 in 1992, and it's specifically in relation to one of them, a payment is made in

- 16:00:26 1 relation to activities during the course of the 1992 general election. That is
2 number 17 and the payment to number 23.
- 3 Q. 447 Yes. But the -- that's not the question Mr. Dunlop. The question, the first
4 time that you have suggested to the Tribunal that these payments were payments
16:00:48 5 that were made solely in the context, or around the time of the November 1992
6 election, is today?
- 7 A. No, I did not say solely. You must not do that Ms. Dillon.
- 8 Q. 448 I said in the context of.
- 9 A. No, I did not say solely. You asked me for an explanation in relation to the
16:01:02 10 payments of 1992. You have put up the list. The question specifically is why
11 people whom I now allege, not now, have alleged in the past, in relation to
12 statements that I made to the Tribunal, who got monies in 1992 are not on this
13 list. That is the nub of the issue, is it not?
- 14 Q. 449 I think it goes further than that Mr. Dunlop?
- 16:01:25 15 A. Let's deal with that as a first step.
- 16 Q. 450 Yes. No, let's deal with this list first?
- 17 A. So --
- 18 Q. 451 So looking at this list Mr. Dunlop, you have seven councillors that you now
19 tell the Tribunal you paid in October 1992?
- 16:01:39 20 A. Correct.
- 21 Q. 452 In connection with the rezoning of the Ballycullen lands, isn't that right?
- 22 A. Yes.
- 23 Q. 453 You were asked by the Tribunal to provide a list detailing payments you made in
24 1992?
- 16:01:48 25 A. I don't have any issue with that.
- 26 Q. 454 You do not identify on the face of that document, any limitation in relation to
27 where or when in 1992 the payment occurs, is that right?
- 28 A. I don't have any issue with that either.
- 29 Q. 455 It is a fact that you do not include the names of seven councillors?
- 16:02:01 30 A. Correct.

- 16:02:02 1 Q. 456 Whom you now say you did pay?
2 A. Not now, have said for some time.
3 Q. 457 Yes. When you came to meet with the Tribunal in private session Mr. Dunlop?
4 A. Yes.
- 16:02:11 5 Q. 458 And the Tribunal were reviewing with you the developments that you were
6 involved in and the payments that you said were made to councillors in
7 connection with them, you discussed the Ballycullen lands, isn't that right?
8 A. Yes we did, in the absence of any documentation or, and discussed with them,
9 yes, generally.
- 16:02:31 10 Q. 459 Yes. Can you outline to the Tribunal, in the course of those private
11 interviews, whom you said; sorry which councillors you said you paid in
12 connection with these lands?
13 A. Either in relation to Ballycullen/Beechill?
14 Q. 460 Yes?
- 16:02:45 15 A. Lydon, Hand, Fox.
16 Q. 461 Yes. Isn't that right?
17 A. That's right, yes.
- 18 Q. 462 Now I think that from the transcripts of the private interviews that certainly
19 on the 18th of May 2000 and previous to that, I think on the 11th May 2000, you
20 were discussing the Ballycullen lands?
21 A. I won't dispute the dates with you.
- 22 Q. 463 On two occasion?
23 A. Yes.
- 24 Q. 464 You were in a position to tell the Tribunal or tell the legal team to the
25 Tribunal that the motion had been signed by Councillors Lydon and Hand?
26 A. Yes.
- 27 Q. 465 You had recollected that and you were also in a position to say that you
28 recollected that Mr. Fox got money in connection with it?
29 A. Yes.
- 16:03:21 30 Q. 466 You did not indicate at that time in May of 2000 in private session that

16:03:27 1 Councillors Fox, Gallagher, Gilbride, O'Halloran, Larkin, had been --

2 A. Fox, yes.

3 Q. 467 Sorry not Mr. Fox, I beg your pardon, had received any money, isn't that right?

4 A. Yes, that's correct. Subject to review of the private session transcript, but

16:03:42 5 I accept your word because I have received documentation of the private

6 transcript, so that is accurate.

7 Q. 468 And the first time that you told the Tribunal the full list of people whom you

8 say were paid in connection with the Ballycullen lands was in October 2000 when

9 you provided your first written statement to the Tribunal?

16:04:02 10 A. Correct.

11 Q. 469 Isn't that right? On that occasion you told the Tribunal at page 471 that you

12 had paid Messrs Hand, Lydon and Fox and that you had also paid Mr. Gilbride,

13 Mr. Larkin, Mr. Gallagher, Mr. McGrath, Mr. Liam Cosgrave and Mr. John

14 O'Halloran?

16:04:21 15 A. Yes.

16 Q. 470 Isn't that right?

17 A. Correct.

18 Q. 471 And up to that point in time Mr. Dunlop, there is nothing to suggest that you

19 were making any suggestion or allegation that you had made payments to those

16:04:33 20 councillors in connection with these lands?

21 A. That is correct.

22 Q. 472 Now I want you to outline to the Tribunal what it was between May of 2000 and

23 October of 2000 that caused you to recollect that you had in fact made those

24 payments to those councillors?

16:04:51 25 A. Yeah, I think we have traversed this ground on another issue, but its -- let me

26 go back again to the genesis of witness box, private sessions, absence of

27 documentation, in other words talking and I don't mean this in any offensive

28 way, but talking in general terms notwithstanding, the fact that I produced

29 lists here in the box and outside the box in relation to payments that were

16:05:16 30 made, I specifically asked Mr. Hanratty for all of the relevant documentation

16:05:26 1 in relation to the Development Plan on foot of which I would provide him with a
2 road map, I don't think you were with us at the time Ms Dillon but that was the
3 phrase that I used. I will provide you with a road map, specifically in
4 relation to each development that I was involved in where people had given me
16:05:46 5 monies, outlined the circumstances in which the particular issue was dealt
6 within Dublin County Council, either on a lobbying basis, straightforwardly, or
7 on the basis of making payments. That Tribunal kindly provided me with all the
8 necessary documentation and as a result of that I made the statement that I
9 made in October of 2000.

16:06:13 10 Q. 473 Yes, what documentation Mr. Dunlop do you say you looked at that caused you to
11 remember that you had in fact paid councillors other than Councillor Fox, Lydon
12 and Hand in connection with the Ballycullen lands?

13 A. Notwithstanding the fact that -- I wouldn't wish to immodestly say that I
14 should have remembered making the payments, the fact of the matter is nothing
16:06:36 15 could have happened unless the payments were made because as I explained to the
16 Tribunal both in private session and public session, the geographic imperative
17 applied. You just did not get the local councillors which was the first issue
18 that you did, get the local councillors to support you and on foot of that, you
19 needed the support of others outside of the area and that was not forthcoming
20 unless monies were paid.

16:07:01 21 Q. 474 I am obviously not making myself clear Mr. Dunlop. Between May of 2000 and
22 October of 2000 when you told the Tribunal for the first time that all of these
23 councillors were paid, what documentation did you consider that caused you to
24 recollect that councillors Gallagher, Gilbride, O'Halloran, Larkin had been
16:07:21 25 paid?

26 A. I considered the documentation in relation to the Development Plan, the maps,
27 the motions, the votes, recollection of how I had gone about it, who I had
28 spoken to, what was said, whether or not payments were demanded, whether they
29 were given and in what circumstances.

16:07:42 30 Q. 475 You knew certainly in May at the private interviews, that the motions had been

- 16:07:47 1 signed by Councillor Hand and Lydon; isn't that right?
- 2 A. Yes I specifically gave that information.
- 3 Q. 476 Yes. And you also were able to recollect that Mr. Fox you thought, had been
4 paid in connection with the Ballycullen lands; isn't that right?
- 16:08:01 5 A. Yes.
- 6 Q. 477 And the votes of the council or the list of the council, the record or the
7 minutes would have been available to you; isn't that right?
- 8 A. When.
- 9 Q. 478 At any stage?
- 16:08:13 10 A. Not at the private sessions.
- 11 Q. 479 Yes but you knew who the councillors were in 1992?
- 12 A. Yes sorry.
- 13 Q. 480 These weren't strangers to you Mr. Dunlop?
- 14 A. No I am not suggesting that.
- 16:08:23 15 Q. 481 Yes. So you knew who all these councillor were?
- 16 A. Yes.
- 17 Q. 482 Are you saying you that you needed to see a record of a meeting at which the
18 Ballycullen lands were voted on before you were in a position to state which of
19 the councillors recorded as being present you paid?
- 16:08:36 20 A. Not specifically in those terms. What I undertook to do was that on foot of a
21 review and on an issue by issue basis in the course of the Development Plan I
22 would provide the Tribunal with as much detail as I possibly could in the
23 context of any payments, and this was the core issue, any payments to anybody
24 in relation to those issues and as I reviewed them, that is how the statement
25 was prepared and produced.
- 26 Q. 483 If we look very briefly, Mr. Dunlop, at Mr. Larkin and Mr. O'Halloran?
- 27 A. Yes.
- 28 Q. 484 It is clear from the record of the vote on the 28th of October 1992 that
29 Mr. Larkin and Mr. O'Halloran were not present and did not vote on the rezoning
16:09:25 30 of the Ballycullen lands?

- 16:09:26 1 A. Yes.
- 2 Q. 485 Do you maintain that prior to that meeting taking place you had made an
3 arrangement with Mr. O'Halloran and Mr. Larkin for their support?
- 4 A. Yes.
- 16:09:34 5 Q. 486 And that you paid them then or shortly after that meeting?
- 6 A. Then or shortly after, I cannot specifically say which.
- 7 Q. 487 Well if they didn't turn up to the meeting would you have paid them?
- 8 A. You see the term is, the circumstances and the time frame. I remember, I
9 cannot answer you in relation to Jack Larkin unfortunately I just cannot
16:10:00 10 recollect the circumstances with Jack Larkin. I do remember having a
11 discussion with John O'Halloran in relation to that as to why he was not
12 present at the vote. I can't answer you in the context of Jack Larkin other
13 than to say both of them obviously were present later for, at a much later date
14 for reaffirmation or to vote against the rezoning motion I think it was.
- 16:10:25 15 Q. 488 Yes. They were present at the confirming meeting in October 1993 but according
16 to you Mr. Dunlop you made all of your payments in late October 1992 around
17 that time?
- 18 A. Yes. In the context of O'Halloran and I think it is fair that I should mention
19 this, that you should mention it, that is that I have already said that the
16:10:45 20 amount of monies that I gave to O'Halloran were composite in relation to
21 various things that he supported and that I gave him monies during the course
22 of the Development Plan for things that he supported.
- 23 Q. 489 Amounting to not more you say than 5,000 in total?
- 24 A. 5,000.
- 16:11:03 25 Q. 490 How much specifically did you pay him in connection with Ballycullen?
- 26 A. That I cannot tell you.
- 27 Q. 491 So you recollect you spoke to Mr. O'Halloran, you sought his support?
- 28 A. Yes.
- 29 Q. 492 Did you agree a fee with him or figure?
- 16:11:14 30 A. I don't think I did, no not in advance.

- 16:11:17 1 Q. 493 And after the meeting took place, he hadn't turned up?
2 A. Yes.
3 Q. 494 And he didn't vote?
4 A. Yes.
- 16:11:21 5 Q. 495 Did you pay him?
6 A. I paid him some time afterwards on foot of his undertaking that he would, you
7 know, he would support that and other issues.
8 Q. 496 But why would you pay him that he would, in relation to Ballycullen when he
9 hadn't turned up for the meeting?
- 16:11:41 10 A. Well I don't know if you have ever met Mr. O'Halloran, he can be quite
11 persuasive and demanding, but he was supportive of other issues, I cannot deny
12 that, he was continuously supportive.
13 Q. 497 You appear to be suggesting Mr. Dunlop that you paid Mr. O'Halloran after the
14 meeting of the 28th October 1992?
- 16:12:00 15 A. Yes.
16 Q. 498 And you would have known that the confirming meeting was some considerable
17 period of time away?
18 A. Quite a long time away.
19 Q. 499 Yes. Are you suggesting to the Tribunal that when you paid Mr. O'Halloran in
16:12:12 20 late October 1992, early November 1992 it was then in connection with his
21 support for the confirming meeting which happened in October '93?
22 A. I can't say to you that I would put it in those specific terms but that, yes.
23 It would have been alluded to in the conversation that I had, I raised the
24 issue with O'Halloran as to where he was and why he hadn't been there and it
16:12:37 25 would have been in the general context that he would continue to support. He
26 would do -- whatever explanation he gave, which escapes me, I can't remember
27 what he said.
28 Q. 500 Accepting Mr. Dunlop, that in May of 2000 you had not recollected the names of
29 Councillors Gallagher, Gilbride, Mr. Liam Cosgrave, Mr. McGrath, Mr. Larkin or
16:12:59 30 O'Halloran as having been paid in connection with Ballycullen, can you identify

16:13:03 1 now the precise documents that you considered that lead you to the conclusion
2 that you had in fact paid them for the Ballycullen lands?
3 A. The review, the totality of the Development Plan including all of the
4 references to meetings, diary references, meeting attendances, voting,
16:13:25 5 etcetera.
6 Q. 501 Are you talking about the minutes of the meetings of Dublin County Council?
7 A. Whatever documentation the Tribunal supplied to me, yes.
8 Q. 502 They were the minutes of the meetings?
9 A. Yes. I think in the vast majority of cases she supplied minutes of the
16:13:44 10 meetings. Yes.
11 Q. 503 And the motions but you already knew who signed the motion?
12 A. Yes.
13 Q. 504 And then you considered your observe diary; is that correct?
14 A. And my diary yes.
16:13:53 15 Q. 505 And in looking at your diary you considered dates and people who were present
16 at meetings?
17 A. Yes.
18 Q. 506 Isn't that right? Can you indicate diary references for Mr. Larkin in late
19 October/November 1992?
16:14:07 20 A. I don't have my diary, I don't have the diaries with me. Hold on.
21
22 CHAIRMAN: Ms. Dillon this might be a good time to break.
23
24 MS. DILLON: May it please you sir. 10 o'clock in the morning.
16:14:19 25
26 CHAIRMAN: 10 o'clock.
27
28 MS. DILLON: Thank you sir
29
16:14:21 30 CHAIRMAN: All right? 10 o'clock.

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THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY
THURSDAY 9TH FEBRUARY 2006 AT 10 AM