

**THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,**  
**15TH JANUARY 2008, AT 10: 00 A.M:**

09:30:51 1

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10:08:43 5

CHAIRMAN: Good mornings, Ms. Dillon.

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MS. DILLON: Good morning, Sir.\_

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The Tribunal will resume taking the evidence of mr. dunlop today. Mr. dunlop,  
please.

10:08:51 10

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CHAIRMAN: Good morning, Mr. Dunlop

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A. Good morning, good morning. Happy New Year to everybody.

10:09:07 15

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CHAIRMAN: And to you too.

17

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MS. DILLON: Thank you Mr. Dunlop. You will remember Mr. Dunlop, on the last  
occasion on which you were before the Tribunal we had been looking at the  
sequence of events as they unfurled in 1998, do you remember that?

10:09:17 20

21

A. Yes.

22

Q. 1 And we had seen that on the 27th of September which was a Sunday that there had  
been four articles in the newspapers detailing effectively that the Tribunal  
was enquiring into events surrounding Quarryvale and in the course of those  
articles Mr. Gilmartin had been named, Quarryvale had been named Mr.  
O'Callaghan had been named and Mr. Liam Lawlor had been named, isn't that  
right?

10:09:38 25

26

A. Correct.

27

28

A. Correct.

29

Q. 2 There was in fact no direct reference to you in those articles isn't that  
right?

10:09:51 30

- 10:09:51 1 A. Yes.
- 2 Q. 3 But I think that you had agreed with me on the last occasion that you would
- 3 have read those articles, you would in all likelihood have discussed their
- 4 content with Mr. O'Callaghan and you would have been aware of the fact that
- 10:10:04 5 Quarryvale was going to be the subject of inquiry by the Tribunal, isn't that
- 6 right?
- 7 A. Yes.
- 8 Q. 4 And by that stage in late September 1998 you had not been in communication with
- 9 Mr. McGowan or with the Revenue Commissioners in relation to your financial
- 10:10:22 10 affairs, isn't that right?
- 11 A. Correct.
- 12 Q. 5 Now, in the week commencing the 28th of September 1998 a number of various
- 13 events occurred, isn't that right? And if I just outline them to you briefly
- 14 first. At 13291 if you look at your diary. And I'm going to take you through
- 10:10:42 15 the documents that detail the matters that I'm going to ask you questions about
- 16 Mr. Dunlop.
- 17
- 18 The first matter that occurred was on the 28th of September, the Irish Times
- 19 ran an article saying that Mr. Gilmartin might not testify. I will take you
- 10:10:57 20 through that article I don't believe that anything turns on it.
- 21
- 22 On the 29th of September it would appear that you arranged to have a meeting
- 23 with Mr. Hugh McGowan, your accountant, and that was arranged for the 30th,
- 24 isn't that right
- 10:11:13 25 A. Yes, it's in the diary on Wednesday the 30th, yes.
- 26 Q. 6 On Wednesday the 30th that you have a meeting with Mr. McGowan. And is it
- 27 correct that at that meeting you make disclosure to Mr. McGowan for the first
- 28 time of the true activities of Shefran insofar as Shefran had been in receipt
- 29 of funds?
- 10:11:31 30 A. Yes, as I recollect matters, yes, that was the meeting in which I told

10:11:36 1 Mr. McGowan.

2 Q. 7 And I'll come back to discuss with you exactly what you told Mr. McGowan. On

3 the 1st of September 1998 Mr. Hanratty and Mr. Gallagher I think went to, sorry

4 on the 30th of September 1998 Mr. Hanratty and Mr. Gallagher went to Luton to

10:12:00 5 meet Mr. Tom Gilmartin. Were you aware of that?

6 A. At that time, no.

7 Q. 8 No. And were you aware that on the 2nd of -- 2nd of October as it was, that

8 Mr. Gilmartin provided a sworn affidavit to the Tribunal and included in that

9 affidavit he made allegations about you. Were you aware of that at that time?

10:12:21 10 A. At that time, no.

11 Q. 9 When did you become aware of the fact that the Tribunal had gone to Luton to

12 meet with Mr. Gilmartin and that an affidavit had been furnished by Mr.

13 Gilmartin to the Tribunal?

14 A. I couldn't specifically date that. I did become aware of it at some stage but

10:12:43 15 I couldn't specifically put a date on that.

16 Q. 10 Well let me see if I can assist you?

17 A. Uh-huh.

18 Q. 11 Mr. Dunlop. If you look at the Sunday Independent article at 16361.

19

10:12:57 20 And this is published on the 4th of October

21 A. Uh-huh.

22 Q. 12 So it is on the Sunday the 4th of October the Tribunal went to meet with Mr.

23 Gilmartin on the 30th of September. The Tribunal received the affidavit from

24 Mr. Gilmartin on the 2nd. And on the 4th of September there is an article at

10:13:19 25 16361 by Mr. Jody Corcoran of the Sunday Independent in which at paragraph, in

26 the first paragraph which it states "the businessman Mr. Tom Gilmartin who is

27 alleged to have given a cheque for 50,000 Pounds to EU Commissioner Padraig

28 Flynn has signed his statement to the Flood Tribunal and is now reluctantly

29 prepared to co-operate fully with its inquiry." Would you in all likelihood

10:13:51 30 have read that article?

- 10:13:51 1 A. Oh, yes.
- 2 Q. 13 And therefore by the 4th of October of 1998 may the Tribunal take it that you  
3 would have been aware of the fact that Mr. Gilmartin had signed an affidavit.
- 4 A. As a result of this story if this story was accurate yes.
- 10:14:01 5 Q. 14 Well assuming for the moment that the story is accurate. At that stage some  
6 two days after the event had occurred you were aware of the fact that Mr.  
7 Gilmartin had made a signed statement which he had provided to the Tribunal if  
8 Mr. Corcoran's article was accurate, isn't that right?
- 9 A. Sorry, Ms. Dillon I beg your pardon, that is correct yes. No the point had  
10 just impinged on me that it was only two days after Mr. Gilmartin had met  
11 representatives of the Tribunal that it was in the front page of the Sunday  
12 newspaper but you are quite correct in what you said, yes.
- 13 Q. 15 And if you go down to the third, fourth paragraph in the first column where in  
14 it is stated in the paragraph beginning "Mr. Gilmartin signing of his statement  
10:14:49 15 would be regarded as crucial by the Tribunal. He had earlier been reluctant to  
16 sign it and had only made an unsigned statement through his Dublin solicitor.  
17 His change of mind followed a meeting with the Tribunal team in Britain on  
18 Wednesday." It would follow from that that when you read that article you  
19 would have been aware of the fact that the Tribunal had travelled to meet with  
10:15:09 20 Mr. Gilmartin on the Wednesday, isn't that right?
- 21 A. Yes, I would have read the story and contingent on what I said to you earlier,  
22 if it was accurate I would have been so aware, yes.
- 23 Q. 16 Right. And the balance of that story which doesn't refer to you Mr. Dunlop  
24 goes on to deal with certain matters and also Quarryvale and Mr. Gilmartin,  
10:15:30 25 isn't that right?
- 26 A. As I see it on the screen, yes. I don't recollect in any great detail what was  
27 in the story when I read it but just perusing it fairly quickly on the screen  
28 here, yes.
- 29 Q. 17 The article is headed "reluctant builder agrees to testify on Flynn cheque". in  
10:15:48 30 the body of the article it goes on to say in the third column in the second

10:15:53 1 last paragraph, indeed the last paragraph it states "the Tribunal is understood  
2 to have independently corroborated many of the allegations contained in Mr.  
3 Gilmartin's statement. Furthermore as part of its general enquiry it has  
4 amassed a substantial volume of information from unrelated individuals which in  
10:16:10 5 the words reliable source indicate that institutionalised fraud and corruption  
6 was endemic in this country through the 1980's. The Sunday Independent  
7 understands the Tribunal possesses information which would be highly damaging  
8 to several leading political figures, past and present, as well as unelected  
9 figures closely associated with the political system".

10:16:29 10  
11 So what the article is suggesting is that the Tribunal has amassed information  
12 independently of that of Mr. Gilmartin but it has also received Mr. Gilmartin's  
13 statement, isn't that right?

14 A. That's what it is saying, yes.

10:16:42 15 Q. 18 Yes?

16 A. What the article is saying is that representatives of the Tribunal have met Mr.  
17 Gilmartin two days previously and significantly two days later it's in the  
18 front page of the Sunday newspaper and significantly also that the Independent  
19 alleges that it has had it confirmed that the Tribunal has received independent  
10:17:00 20 corroboration of some of the things that Mr. Gilmartin has said.

21 Q. 19 Yes.

22 A. Which would go to the widespread belief at the time, that existed at the time  
23 consonant with my remark earlier before Christmas as to the estimation of this  
24 institution by certain people that the Tribunal itself was the source of  
10:17:22 25 leaking at that time.

26 Q. 20 And to go back then to the previous four articles which we had looked at on the  
27 27th of September 1998 which had been published. It must have been clear to  
28 you by now, Mr. Dunlop, when you considered the four earlier articles together  
29 with this now apparent story that Mr. Gilmartin had signed a statement that  
10:17:43 30 matters had now become very very real insofar as Tribunal, the Tribunal was

10:17:48 1 investigating Quarryvale. Mr. Gilmartin had been complaining about Quarryvale  
2 and Mr. Gilmartin had signed a statement to the Tribunal, isn't that right?

3 A. Yes.

4 Q. 21 Right?

10:17:57 5 A. As time moved on I became aware of all of those matters independently of any  
6 correspondence that I had with the Tribunal itself.

7 Q. 22 To this point in time, Mr. Dunlop, you had not had any correspondence?

8 A. No.

9 Q. 23 From the Tribunal, isn't that the position?

10:18:12 10 A. This is 1998.

11 Q. 24 Yes. Isn't the position?

12 A. Yes.

13 Q. 25 You didn't receive any correspondence from the Tribunal to this point in time?

14 A. Until October 1998.

10:18:19 15 Q. 26 Yes. But in the events as they were unfolding in the newspapers and from your  
16 consideration of the four articles that had dealt with Mr. Gilmartin and his  
17 complaints about Quarryvale on the 27th of September 1998 it was surely clear  
18 to you that the matter was not going to go away and that there was going to be  
19 an inquiry of some sort into Quarryvale, Mr. O'Callaghan and matters  
10:18:42 20 surrounding it, isn't that right?

21 A. Yes, contingent on the accuracy of anything that was in the newspapers at the  
22 time the answer to that question is yes.

23 Q. 27 Yes. And it would also have become clear to you that you were in a somewhat  
24 precarious position, isn't that right?

10:18:57 25 A. I wouldn't have described it as precarious but I mean obviously if I was taking  
26 anything that appeared in the newspapers in any way as accurate that if they  
27 were going to be investigating Quarryvale well then certainly it would impact  
28 on me.

29 Q. 28 Because taken at a minimum there were any number of people who knew that you  
10:19:16 30 had acted as the public affairs expert or lobbyist on behalf of Riga and

- 10:19:23 1 Barkhill in Quarryvale, isn't that right?
- 2 A. That's correct, yes.
- 3 Q. 29 And that information wouldn't have been confined to Mr. O'Callaghan and the
- 4 people who worked directly to him but would have been known widely to a wide
- 10:19:31 5 number of elected representatives including local councillors and indeed
- 6 Mr. Bertie Ahern, Mr. Albert Reynolds and other senior politicians, isn't that
- 7 right?
- 8 A. Well I can't account for other senior politicians but certainly anybody that I
- 9 had been in contact directly in relation to the matter, yes.
- 10:19:45 10 Q. 30 And you had made -- arranged meetings had you not with Mr. Albert Reynolds on
- 11 behalf of Mr. Owen O'Callaghan?
- 12 A. Yes but not in relation to Quarryvale.
- 13 Q. 31 But in relation to the stadium which was a connected project, isn't that right?
- 14 A. Correct. Sorry. Connected project. It is a project which arose out of a
- 10:20:04 15 specific element of the land confirmation in North Clondalkin. But that was
- 16 the only point that I ever brought Mr. O'Callaghan to see Mr. ... who?
- 17 Q. 32 Mr. Reynolds?
- 18 A. Reynolds, yes. And indeed Mr. Ahern.
- 19 Q. 33 Yes. So that your involvement with Mr. O'Callaghan whether it was in
- 10:20:26 20 connection with Quarryvale or in connection with the Neilstown site was known
- 21 to a wide number of people, isn't that right?
- 22 A. That's right.
- 23 Q. 34 And it was not any secret that you acted on behalf of and your company acted on
- 24 behalf of Mr. O'Callaghan and Barkhill and Riga, isn't that right?
- 10:20:41 25 A. No and I never kept it a secret.
- 26 Q. 35 No. And you would have known I think and must have certainly had a high degree
- 27 of suspicion that you were going to come under the scrutiny of the Tribunal's
- 28 inquiries and you must have had that view in September of '98 Mr. Dunlop?
- 29 A. Yes. I would go this distance with you Ms. Dillon on that yes certainly at
- 10:21:03 30 some stage during the course of the development of this scenario that at some

10:21:11 1 stage it became evident to me that if the Tribunal were going to start  
2 investigating Quarryvale that inevitably I would be a participant in that.

3 Q. 36 No, I think it's a little more than that, Mr. Dunlop. I think that Mr.  
4 Gilmartin was making allegations about Quarryvale, isn't that right?

10:21:32 5 A. Correct, yeah.

6 Q. 37 You knew from 1992 and 1991 that Mr. Gilmartin would not entertain your  
7 participation in Quarryvale, isn't that right?

8 A. Correct, yes.

9 Q. 38 And you say that as a result of Mr. Gilmartin's refusal to have you on board  
10:21:48 10 you entered into your arrangement with Mr. O'Callaghan for the payment of  
11 monies through Shefran, isn't that right?

12 A. Yes.

13 Q. 39 And you say you did so to keep your involvement a secret from Mr. Gilmartin,  
14 isn't that right?

10:22:00 15 A. That was the original intent between Mr. O'Callaghan and myself yes.

16 Q. 40 So you knew from the very beginning that Mr. Gilmartin had not wanted you and  
17 indeed objected to your participation in anything to do with Quarryvale?

18 A. Yes.

19 Q. 41 All right. And I suggest to you that you must at the very least have been  
10:22:16 20 suspicious that Mr. Gilmartin might make allegations about you and about your  
21 conduct?

22 A. Well in the context of my contact with Mr. Gilmartin which was minimal, I  
23 couldn't anticipate anything that Mr. Gilmartin might say other than that he  
24 didn't want me and I have said consistently as well as in my statement that Mr.  
10:22:44 25 Gilmartin told me himself by telephone that he didn't need me and that I have  
26 always suspected that his view was based on two things. One, that a connection  
27 that I had with Liam Lawlor and secondly that he was so advised initially by  
28 Colm McGrath, I think that's in my statement.

29 Q. 42 I think when you went to see Mr. McGowan first, Mr. Dunlop  
10:23:08 30 On the 30th of September 1998, what did you tell Mr. McGowan?



- 10:23:21 1 A. I can't actually categorically state to you what I told him. I told him that I  
2 had a problem in relation to tax, that he didn't know about, and that I wanted  
3 the matter resolved.
- 4 Q. 43 Well what exactly were the concerns that you disclosed to Mr. McGowan?
- 10:23:37 5 A. Well there will obviously be an attendance note by Mr. McGowan on this and I  
6 think you did allude to it on the last occasion that we were here. But I told  
7 him about receipts of monies other than monies through Frank Dunlop &  
8 Associates. And that I wanted these matters dealt with.
- 9 Q. 44 Yes. Did you disclose to Mr. McGowan the existence of the Irish Nationwide  
10 Building Society account?
- 11 A. I can't actually tell you whether I did or not. I probably didn't at that  
12 stage.
- 13 Q. 45 Did you disclose to Mr. McGowan the existence of the Rathfarnham account?
- 14 A. I can't say whether I did or not at that stage.
- 10:24:21 15 Q. 46 Did you disclose to Mr. McGowan the extent of the funds that were standing to  
16 the credit of Xerxes in the Isle of Man, in Jersey?
- 17 A. Well that would have been known to Mr. McGowan anyway because Mr. McGowan was  
18 one of the people who established Xerxes.
- 19 Q. 47 Yes. The question I asked you was did you disclose to him the extent of the  
10:24:40 20 funds that had been received by Xerxes?
- 21 A. I think it's probably likely that I did because he would have known of the  
22 existence of Xerxes. I cannot exactly say to you that I did because he would  
23 have been aware of and had been participant in setting up Xerxes he probably  
24 asked me about it.
- 10:24:57 25 Q. 48 Did you disclose in detail the monies you had received from Mr. O'Callaghan.  
26 Sorry. The monies you had received to Shefran that had been paid by either  
27 Riga or Barkhill?
- 28 A. That I cannot specifically say to you.
- 29 Q. 49 You had been paid 175,000 Pounds?
- 10:25:20 30 A. Yes.

- 10:25:21 1 Q. 50 Mr. Dunlop, isn't that right?
- 2 A. And I am virtually certain that I would have indicated to him that Shefran had
- 3 been in receipt of monies.
- 4 Q. 51 And indeed in the information provided to the Revenue Commissioners on the 8th
- 10:25:37 5 of October 1998 by Mr. McGowan on your behalf at page 25316. You will see
- 6 there a list of receipts by Shefran totalling £175,000 which are attributable
- 7 to Riga and Barkhill, isn't that right?
- 8 A. Yes.
- 9 Q. 52 Did you disclose the receipt of the monies you had received from Monarch
- 10:25:58 10 Properties in a similar fashion?
- 11 A. Specifically, probably not.
- 12 Q. 53 Did you disclose the monies you'd received from Mr. Jones?
- 13 A. Again probably not.
- 14 Q. 54 What other company did you identify as having been the source of funds about
- 10:26:17 15 which you were now making voluntary disclosure to the Revenue Commissioners
- 16 other than Barkhill and Riga?
- 17 A. That I cannot say to you other than that globally I indicated to Mr. McGowan
- 18 that I had been in receipt of these monies or receipt of monies other than
- 19 through Frank Dunlop & Associates and that I needed him to compute the relevant
- 10:26:38 20 tax implications.
- 21 Q. 55 Yes. But the one receipt that you were making absolute disclosure about isn't
- 22 that right was Shefran?
- 23 A. Yes.
- 24 Q. 56 And specifically the receipt of £175,000 paid by Barkhill and Riga isn't that
- 10:26:53 25 right?
- 26 A. Yes.
- 27 Q. 57 So that at an absolute minimum the information that was provided to the
- 28 Tribunal by your accountant on the 8th of October 1998 included a full
- 29 disclosure of the receipt of the £175,000, isn't that right?
- 10:27:05 30 A. Yes.

- 10:27:05 1 Q. 58 And in addition in the computation that was made on your behalf at 25311. Of  
2 the receipt of the -- for the year ended April 92 and April 93. That included  
3 the 70,000 Pounds that had been paid on foot of the stadium invoice isn't that  
4 right and the 25,000 pounds paid in September 1993?
- 10:27:30 5 A. Yes.
- 6 Q. 59 So that in fact you made full disclosure to the Revenue Commissioners of all  
7 previously undisclosed income that you had received from either via Shefran or  
8 via Frank Dunlop & Associates which was attributable to either Riga or Barkhill  
9 or received through Mr. O'Callaghan, isn't that right?
- 10:27:50 10 A. Yes correct.
- 11 Q. 60 You did not do so in relation to any of the other developments, isn't that  
12 right Mr. Dunlop?
- 13 A. Other than in amounts in subsequent years, yes.
- 14 Q. 61 On this occasion when you are making your first apparently voluntary disclosure  
10:28:02 15 to the Revenue Commissioners, the only matter that you give full and detailed  
16 particulars to the Revenue Commissioners about relates to Quarryvale, isn't  
17 that right?
- 18 A. Shefran.
- 19 Q. 62 Isn't that right?
- 10:28:15 20 A. Yes.
- 21 Q. 63 The development is Quarryvale, isn't that right?
- 22 A. Yes.
- 23 Q. 64 You do not do so in relation to any other development, isn't that right?
- 24 A. Not that I can recall no.
- 10:28:26 25 Q. 65 Notwithstanding that you were retained by a number of other developers and from  
26 whom you had received monies which you had put in to your war chest accounts,  
27 isn't that right?
- 28 A. That's correct.
- 29 Q. 66 Now why was it Mr. Dunlop that you selected Quarryvale as the development about  
10:28:36 30 which you would make full disclosure to the Revenue in October of 1998?

10:28:40 1 A. Because that is what I wanted to do at that particular time in all of the  
2 circumstances prevailing.

3 Q. 67 And what were those circumstances Mr. Dunlop?

4 A. I mean.

10:28:50 5 Q. 68 I'm asking you to deal with now here is why it was that you selected the  
6 Quarryvale development as the development about which you would make full  
7 disclosure?

8 A. Yes because this was something that I cannot say when in particular as I've  
9 said to you earlier but at some stage if this matter was going to be looked  
10:29:13 10 into this was a matter that was going to impact on my relationship with the  
11 Revenue.

12 Q. 69 I don't understand that Mr. Dunlop?

13 A. You see.

14 Q. 70 I'm asking you --

10:29:22 15 A. Received into Shefran which had not been disclosed, the vast majority of which  
16 related to Quarryvale would, could possibly become disclosed and thereby  
17 damaging my relationship with the Revenue.

18 Q. 71 Are you telling the Tribunal that the reason you elected to make full  
19 disclosure in relation to the Quarryvale related receipts in connection with  
10:29:47 20 your income was because you anticipated there would be a full inquiry into  
21 Quarryvale?

22 A. At some stage, yes.

23 Q. 72 So that the true reason that you made the disclosure that is made on your  
24 behalf by Mr. McGowan on the 8th of October 1998 was because of your  
10:30:03 25 apprehension that there would be a full inquiry into Quarryvale and that it was  
26 likely that that inquiry would commence with the Tribunal?

27 A. Well I cannot say that it was the sole and specific reason.

28 Q. 73 Uh-huh?

29 A. But I can absolutely attest to the fact that it was probably a large component  
10:30:19 30 yes.

- 10:30:19 1 Q. 74 And do you accept Mr. Dunlop that in that initial disclosure that was made to  
2 the Revenue Commissioners notwithstanding what further disclosure may have  
3 been made by you at a later date that on the 8th of October 1998 in the  
4 correspondence at 25311 which is on screen, there is no disclosure of the funds  
10:30:37 5 held in the INBS account?  
6 A. Probably not no. Certainly not detailed.  
7 Q. 75 No. And that there is no disclosure of the funds received into the Rathfarnham  
8 account over and above the Shefran monies having been acknowledged or received  
9 in connection with Quarryvale?  
10:30:52 10 A. Correct.  
11 Q. 76 Right. And that there is no reference for example to Xerxes or funds held  
12 offshore in this correspondence with the revenue?  
13 A. Not specifically in relation to Xerxes no, notwithstanding the fact that in any  
14 conversation I would have with Mr. McGowan he would have been aware of Xerxes.  
10:31:09 15 Q. 77 Mr. McGowan will answer to the Tribunal for what he knew and when he knew it.  
16 What I am asking you now in this correspondence that is sent to the Revenue  
17 Commissioners as part of your apparent disclosure of your previously  
18 undisclosed income to the revenue, you do not disclose the funds that are held  
19 in the INBS. You do not disclose the funds held in the Rathfarnham account  
10:31:29 20 save and except those that were received in connection with Quarryvale and you  
21 do so indirectly and you do not make any reference to the fact that you have an  
22 offshore account held in the name of Xerxes?  
23 A. Correct.  
24 Q. 78 So notwithstanding what Mr. McGowan might or might not have known. The  
10:31:44 25 recipient of this information when they read it, which is the Revenue  
26 Commissioners, dealing with your apparent disclosure is not going to know of  
27 the other funds that you held and the fact that you had an offshore account,  
28 isn't that right?  
29 A. Correct.  
10:31:56 30 Q. 79 Right. Can I ask you for example is there anywhere in this documentation do

- 10:32:00 1 you disclose the monies that you had received from National Toll Roads under  
2 the name of Barry McCarthy?
- 3 A. That I cannot say to you. Certainly I do recollect that that matter had been  
4 discussed between Mr. McGowan and myself but I cannot say that it pertains to  
10:32:16 5 this date.
- 6 Q. 80 Right. And in fact you may take the opportunity between today Mr. Dunlop and  
7 the next day on which you give evidence to satisfy yourself that in fact there  
8 is no such disclosure of the funds paid to you by National Toll Roads in this  
9 information supplied to the Revenue and you may confirm to the Tribunal when  
10:32:36 10 you come back whether or not you agree that that is the case. That would  
11 suggest, Mr. Dunlop, that your decision in September of 1998 to make disclosure  
12 to the Revenue was predicated upon a desire to disclose the monies that you'd  
13 received in connection with Quarryvale?
- 14 A. Certainly it would, it was predicated on a belief or a belief that I had come  
10:33:06 15 to at some stage that if this matter was going to be investigated by the  
16 Tribunal that this matter would become public knowledge.
- 17 Q. 81 And indeed at 16206 in the attendance which is dated the 2nd of October but  
18 which in the fourth paragraph refers to your first meeting with Mr. McGowan on  
19 the 30th of September?
- 10:33:26 20 A. Sorry which paragraph Ms. Dillon?
- 21 Q. 82 It is the third paragraph beginning "explained to him if it could be increased  
22 please"?
- 23 A. Yeah.
- 24 Q. 83 This is Mr. McGowan talking to the Revenue Commissioners and this is the  
10:33:38 25 initial verbal disclosure. And in this Mr. McGowan says "explained to him that  
26 client had brought something to my attention within the past 48 hours which  
27 required disclosure to Revenue, explaining family circumstances of client and  
28 the fact that he wishes to make disclosure now before anything becomes public?"
- 29 A. Uh-huh.
- 10:33:57 30 Q. 84 "He asked that the Revenue asked if it was likely to come into the public arena

- 10:34:01 1 and I explained that I did not know and I gave him some detail of circumstances  
2 and an idea of amount involved and the fact that there was a previous audit  
3 which appeared to have withered on the vine".  
4
- 10:34:12 5 Now, the first thing I want to draw to your attention there is Mr. McGowan is  
6 telling the Revenue Commissioners that you wish to make disclosure now before  
7 anything became public, isn't that right?
- 8 A. Yes.
- 9 Q. 85 I suggest to you the only material that could have remotely come within your  
10 consideration as entering the public arena was the matters in the newspaper in  
11 connection with Quarryvale?
- 12 A. That is likely yes.
- 13 Q. 86 Isn't that the reality Mr. Dunlop?
- 14 A. As I say I cannot specifically tell you what I told Mr. McGowan on that  
10:34:41 15 occasion. Mr. McGowan, as you quite rightly say, can answer for himself but  
16 certainly if Mr. McGowan is saying that I said that I would accept it.
- 17 Q. 87 And was there any other matter at that time in September October 1998 that you  
18 apprehended would come into the public arena other than Quarryvale?
- 19 A. No I don't think so.
- 10:35:03 20 Q. 88 Right. So that the Tribunal?
- 21 A. Nothing that impacts on me now anyway.
- 22 Q. 89 So that the Tribunal may take it then that the matter about which you  
23 apprehended would come into the public arena was Quarryvale?
- 24 A. If there was going to be an investigation into Quarryvale that the likelihood  
10:35:17 25 was that my receipts into Shefran would become public knowledge.
- 26 Q. 90 And that would explain why in your disclosure to the Revenue and to Mr. McGowan  
27 the matters that are detailed in detail to the Revenue are the receipts you got  
28 for which you didn't account but which were connected to Quarryvale, isn't that  
29 right?
- 10:35:32 30 A. Correct yes.

10:35:33 1 Q. 91 And that is why you didn't make disclosure in relation to all of the other  
2 developments, isn't that right?  
3 A. At that time yes.  
4 Q. 92 At that time, isn't that right?  
10:35:41 5 A. Correct.  
6 Q. 93 Now, the attendance goes on to say that there had been a previous audit which  
7 appeared to have withered on the vine. What was that about?  
8 A. That, that struck me when I saw this on the screen the last day as well. I  
9 had -- there was an audit of my company many years previously. I mean it  
10:36:03 10 wasn't, it was three or four or five years previous to that. I don't know what  
11 withered on the vine means. Nothing came from the audit.  
12 Q. 94 Was there an actual audit Mr. Dunlop?  
13 A. Oh, yes there was, yes.  
14 Q. 95 And did Mr. McGowan act on your behalf in connection with that audit?  
10:36:21 15 A. Yes, I believe he did.  
16 Q. 96 So Mr. McGowan will have all the information in relation to the audit that was  
17 carried out?  
18 A. Correct yes.  
19 Q. 97 Now the Tribunal may take it then Mr. Dunlop that your motivation in going to  
10:36:34 20 Mr. McGowan on the 30th and your subsequent disclosure via Mr. McGowan on the  
21 8th of October related to the facts that you were -- you had an apprehension  
22 that Quarryvale and the matters surrounding Quarryvale were going to come into  
23 the public arena?  
24 A. Yes and that receipts of monies into Shefran vis-a-vis Quarryvale would become  
10:36:53 25 public.  
26 Q. 98 And it would appear Mr. Dunlop that on the 4th of October 1998 you were  
27 mentioned in public for the first time. At 19901. And in this article which  
28 is headed, it's an article by Mr. Frank Connolly in the Sunday Business Post  
29 and it's headed "Lawlor Fees now Donations." There is a photograph of you and  
10:37:22 30 a photograph of Liam Lawlor, isn't that right?



- 10:37:24 1 A. Yes that is correct.
- 2 Q. 99 And this is the first time I think in which you are mentioned in public isn't  
3 that right?
- 4 A. I will take your word for that but yes I think that's probably correct.
- 10:37:38 5 Q. 100 Yes. So that while there had been references to other parties who were  
6 involved in Quarryvale this is now you being named as a player as it were for  
7 the first time, isn't that right?
- 8 A. Yes.
- 9 Q. 101 And in the course of that article if you look at the third paragraph commencing  
10 in the first column commencing "the Sunday Business Post has separately learnt  
11 that public relations consultant Frank Dunlop was paid 500,000 Pounds in fees  
12 for his assistance in acquiring rezoning and planning permission on the  
13 Quarryvale site owned by developer Owen O'Callaghan and the Duke of Westminster  
14 in West Dublin over the past seven years. Dunlop has confirmed that a part of  
10:38:11 15 this sum was used to make political donations which are fully documented".  
16  
17 Can I ask you first of all did you speak to Mr. Connolly
- 18 A. I don't recollect specifically doing so but the likelihood is yes I did. I did  
19 have some conversations with that gentleman in those early days yes.
- 10:38:27 20 Q. 102 So is it likely then that you did confirm the figure of 500,000 Pounds to  
21 Mr. Connolly and that part of that sum had been used to make political  
22 donations?
- 23 A. Yes.
- 24 Q. 103 Which you then said were fully documented, isn't that right.
- 10:38:39 25 A. Yes.
- 26 Q. 104 And if you go to the last paragraph in the second column which says "Dunlop has  
27 confirmed that as part of his duties as a lobbyist he has made political  
28 contributions to a range of politicians and parties over the years all of  
29 which are documented and available for inspection by the Revenue Commissioners,  
10:38:55 30 the Flood or Moriarty Tribunals". So was that your starting position Mr.

10:39:01 1 Dunlop in relation to Quarryvale?

2 A. How do you mean my starting position.

3 Q. 105 Your starting position in relation to if this is an accurate reflection on what

4 you told Mr. Connolly. Your starting position in relation to Quarryvale was

10:39:15 5 you had been paid monies. You had made political donations and they were all

6 documented and made available for inspection. None of which was correct, isn't

7 that right?

8 A. But I had made political contributions to a range of politicians over the

9 years, which I have. And that that was part of my duties as a lobbyist.

10:39:34 10 Q. 106 Yes but you hadn't, in fact if your evidence to the Tribunal now is correct,

11 kept a detailed record of all of the political donation you had made including

12 all of the improper payments about which you have given evidence to the

13 Tribunal, isn't that correct?

14 A. Yes.

10:39:49 15 Q. 107 So that the information that you relaid to Mr. Connolly was not true?

16 A. Well I'm not accepting -- I mean I'm glad to see that you said at the beginning

17 that if the contents if of this story are correct. I am not accepting that

18 because Connolly says what I have said or confirmed that that is absolute. But

19 I have certainly more than likely had a conversation with Connolly in which I

10:40:10 20 did confirm to him that I had received fees from Owen O'Callaghan in relation

21 to the development and that I had made political contributions.

22 Q. 108 And in a further story in the same article at page 16363. In the same

23 newspaper. Which is headed "Profile Angry Man who put Property Cat among the

24 Pigeons" and is a profile by Mr. Connolly by Mr. Gilmartin and you are not

10:40:34 25 referred to on that page but on the following page starting at the bottom of

26 the first column "after difficult negotiations Gilmartin agreed to take

27 minority stake with the bank, with O'Callaghan taking some 70 per cent of the

28 shareholding." There is then a quote. "Tom was a guy with a fixed idea and

29 he went back to London in a huff after he felt he was being squeezed out. No

10:40:58 30 matter what happened he did not want help", said one of those involved in the

- 10:41:02 1 project who claimed that Gilmartin rarely attended board meetings. Were you  
2 that source Mr. Dunlop?
- 3 A. No I don't think so. I probably spoke to Connolly again in relation to  
4 questions he asked about Tom Gilmartin. I mean I don't think so. I don't  
10:41:16 5 think I was the source of that quote.
- 6 Q. 109 All right. Continuing then with the next paragraph "one day in 1991  
7 O'Callaghan called on PR consultant Frank Dunlop, a former Fianna Fail  
8 Government press officer, who suggested that the best source course of action  
9 was to seek rezoning of the site in the 1993 Dublin County Development Plan  
10:41:34 10 which was then in preparation. This meant a considerable round of  
11 consultations with councillors, residents groups and planners. "If I had a  
12 penny for every pint I bought you in those years I would be living in a warm  
13 climate" said Dunlop". Do you believe that is likely to be an accurate quote  
14 of something that you said to Mr. Connolly?
- 10:41:52 15 A. I would say it is probably accurate. I think it's a comment I have made on a  
16 number of occasions.
- 17 Q. 110 Yes. In the normal course of events where a journalist uses quotation marks  
18 and attributes, identifies the person that is usually an indication of a direct  
19 quote, isn't that right?
- 10:42:13 20 A. Absolutely not.
- 21 Q. 111 Not?
- 22 A. No.
- 23 Q. 112 Absolutely not?
- 24 A. No.
- 10:42:13 25 Q. 113 Are you saying that it's likely that you did say that to Mr. Connolly or you  
26 didn't?
- 27 A. Are you living in the real world?
- 28 Q. 114 I'm just asking you?
- 29 A. Do you think that everything that is in quotation marks in stories is an  
10:42:19 30 accurate reflection of what somebody says?

- 10:42:22 1 Q. 115 No, what I said to you Mr. Dunlop and you picked up on part of what I said. I  
2 said in the normal course of events where something is within quotation marks  
3 and attributed to a named individual, does that normally mean that the named  
4 individual made that remark?
- 10:42:36 5 A. Not normally.
- 6 Q. 116 Not normally, all right. "Mr Dunlop, a non-drinker who lobbied hard for the  
7 rezoning and subsequent planning permission despite an intensive campaign by  
8 Green Property against the development which by now had been reduced to  
9 two-thirds of 500 square feet" and then it goes on to talk about the rezoning  
10 of Quarryvale.
- 11  
12 Now, I want to draw your attention then to the third column, second, third  
13 paragraph beginning "there was then speculation that Gilmartin was in difficult  
14 with the Revenue in Britain. Gilmartin blamed Dunlop for some of the rumours.  
15 The voracious demands of the British tax man did eventually force Gilmartin to  
16 near financial collapse and Dunlop now accepts that he may have said things out  
17 of turn and has offered to apologise to the man from North Sligo who left  
18 foreign land as a 20 year old student".
- 19  
10:43:22 20 Now, in relation to that matter. Did you ever have a conversation with  
21 Mr. Connolly in which you discussed Mr. Gilmartin's Revenue difficulties
- 22 A. I met Mr. Connolly in the Temple Bar Hotel on one occasion which I subsequently  
23 discovered he taped, not having told me that he was taping the conversation in  
24 advance or seeking my agreement to do so. He and he has publicly stated on  
10:43:47 25 radio that he did make a tape of that conversation. Mr. Connolly brought up  
26 this issue about Mr. Gilmartin's tax and I said something to the effect to  
27 Mr. Connolly that if I had said anything at any stage that had offended or  
28 caused any difficulty for Tom Gilmartin I would willingly apologise.
- 29 Q. 117 Yes. Were you in the course of your meeting with Mr. Connolly shown any  
10:44:14 30 documentation by Mr. Connolly?

- 10:44:16 1 A. No. The meeting in the Temple Bar Hotel and now that I recollect it,  
2 Mr. Connolly kept his overcoat on which should have been an indication to me  
3 that he had something under his overcoat. There was no documentation produced  
4 and the meeting took place in the lobby of the Temple Bar Hotel in full public  
10:44:36 5 view.
- 6 Q. 118 Did you have a meeting with Mr. Jody Corcoran at which documentation was  
7 produced to you by Mr. Corcoran?
- 8 A. I had one meeting with Mr. Jody Corcoran in my office in the presence of my  
9 solicitor.
- 10:44:49 10 Q. 119 Which your solicitor taped, isn't that correct?
- 11 A. Yes with the agreement of Mr. Corcoran which we sought in advance.
- 12 Q. 120 Yes?
- 13 A. I don't recollect Mr. Connolly or Mr. Corcoran producing any documentation.
- 14 Q. 121 Were you ever shown Shefran invoices for example or fees charged by you in  
10:45:06 15 connection with Quarryvale?
- 16 A. By Mr. Corcoran?
- 17 Q. 122 Or by any journalist?
- 18 A. I ... I don't specifically recollect that ever happening.
- 19 Q. 123 Is it possible that it might have happened that you have forgotten about it?
- 10:45:19 20 A. Yes it is. It doesn't impact on me that that was ever ... it may have been  
21 indicated to me that journalists had seen invoices but I don't recollect any  
22 journalist ever producing them.
- 23 Q. 124 So may the Tribunal take it then that by the 4th of October 1998 Mr. Dunlop the  
24 following had happened. You had made a partial and incomplete disclosure to  
10:45:45 25 your accountant who in turn went on to make a partial and incomplete disclosure  
26 to the Revenue Commissioners on your behalf, is that right.
- 27 A. We made disclosure in specific circumstances and we made a payment.
- 28 Q. 125 Yes. Was that a full disclosure Mr. Dunlop?
- 29 A. I am not prepared to talk about my relationship with the Revenue for  
10:46:04 30 prejudicial -- possible prejudicial reasons but there are ongoing discussions

- 10:46:09 1 with the Revenue Commissioners about all matters in relation to, that pertain  
2 to this Tribunal.
- 3 Q. 126 Do you agree that by the 4th of October of 1998 you had been identified as a  
4 person who had been paid professional fees in connection with Quarryvale and  
10:46:25 5 that you may have spoken to Mr. Connolly about that matter?
- 6 A. Yes.
- 7 Q. 127 And that in a separate article written by Mr. Jody Corcoran it was publicly  
8 stated that Mr. Gilmartin had signed a statement in connection with his  
9 complaints which he had provided to the Tribunal?
- 10:46:41 10 A. Correct.
- 11 Q. 128 Right. And is it likely then that you would have known that because of that,  
12 those separate events occurring that you were likely yourself to be the subject  
13 matter of investigation, isn't that right?
- 14 A. Yes.
- 10:46:56 15 Q. 129 Can I ask you in relation to the earlier audit. Did you ever have any  
16 conversation with Mr. Des Richardson about any audit that you might have been  
17 under going at any time?
- 18 A. No, not that I can recollect.
- 19 Q. 130 And at this time and indeed throughout all of 1998 you continued to be paid  
10:47:19 20 your normal retainer, isn't that right?
- 21 A. That's correct, yes.
- 22 Q. 131 And indeed on the 30th of September 1998 at 13292. You put in your normal  
23 monthly retainer for October, isn't that right?
- 24 A. Correct.
- 10:47:35 25 Q. 132 And that was addressed to Barkhill Limited. It was 5,000 plus VAT, 6,050  
26 Pounds isn't that right?
- 27 A. Correct yes.
- 28 Q. 133 And that particular invoice was paid approximately six weeks later as was the  
29 normal case. It was paid in the 25th of November 1998?
- 10:47:52 30 A. Right.

- 10:47:52 1 Q. 134 Did Mr. McGowan advise you that you would have to make a substantial payment to  
2 the revenue?  
3 A. If Mr. McGowan, on the basis of the discussion that I had with him, information  
4 that I provided to him, made a calculation and as to what was required and  
10:48:14 5 advised me that that should be a cheque to that amount should be written and  
6 submitted and he would do so on my behalf.  
7 Q. 135 Can I just refer back to, just in relation to the article in the Sunday  
8 Business Post. Do you say that what Mr. Connolly has said is inaccurate, about  
9 you is inaccurate?  
10:48:30 10 A. Many things that Mr. Connolly have said about me are inaccurate.  
11 Q. 136 That's not an answer to the question that I asked Mr. Dunlop. Do you say that  
12 what Mr. Connolly wrote about you on the 4th of October 1998 was inaccurate?  
13 A. Specifically in relation to what?  
14 Q. 137 In any of the matters that he wrote about you, I have already drawn them to  
10:48:50 15 your attention Mr. Dunlop?  
16 A. Yes and I have already disputed with you the fact that anything might be in  
17 quotations might be in effect exactly what a person may have said to a  
18 journalist. Normally doesn't work that way.  
19 Q. 138 Did you ever take issue with Mr. Connolly about what he had written about you  
10:49:07 20 on the 4th of October 1998?  
21 A. I had issue with Mr. Connolly on a number of occasions and I can't specifically  
22 say that I took issue with him on that particular occasion but I did have some  
23 fairly strong verbal jousts with Mr. Connolly on the telephone.  
24 Q. 139 What I'm asking you now is about this article which names you. Did you have  
10:49:27 25 any?  
26 A. No.  
27 Q. 140 Did you call him to task in any way over what he had written?  
28 A. I can't specifically say that I did or didn't. Other than to say to you that I  
29 did have as I say strong verbal jousts with Mr. Connolly.  
10:49:40 30 Q. 141 What arrangements. First of all did Mr. McGowan give you any indication of the

- 10:49:47 1 likely level of payment that you'd have to make to the revenue?
- 2 A. Yes ultimately after I met with Mr. McGowan he, he looked at the matter and he
- 3 advised me that there was going to be something of the order of a fixed amount
- 4 due to the Revenue Commissioners and that I should pay it.
- 10:50:10 5 Q. 142 And did you pay it?
- 6 A. I did, yes.
- 7 Q. 143 And how did you source that money?
- 8 A. I made contact with Mr. Owen O'Callaghan and I asked for my success fee and
- 9 that was paid and out of that sources I paid the -- monies were paid into Frank
- 10:50:26 10 Dunlop and Associates and out of which I then paid the revenue.
- 11 Q. 144 When did you make contact within that timeframe with Mr. O'Callaghan?
- 12 A. I spoke to Mr. O'Callaghan about this matter in my office in or around this
- 13 time. I cannot say specifically what date it was here. It is probably in my
- 14 diary.
- 10:50:49 15 Q. 145 Yes. At 13291 Mr. Dunlop?
- 16 A. Yes.
- 17 Q. 146 There might be any suggestion I am misleading you. And I am not suggesting
- 18 this is the date. At the 1st of October 1998?
- 19 A. Yes, I was there all day
- 10:51:02 20 Q. 147 Yes?
- 21 A. It is likely. I cannot say that that is the specific date but I did raise the
- 22 matter. I did raise the matter of a success fee with Mr. O'Callaghan and I
- 23 told Mr. O'Callaghan why I was raising a success fee issue with him at that
- 24 stage. And he agreed to pay a success fee.
- 10:51:25 25 Q. 148 Had Mr. O'Callaghan agreed to pay a success fee in advance of your discussions
- 26 with him in early October 1998?
- 27 A. Yes, there had been -- there had been discussions on an ongoing basis with Mr.
- 28 O'Callaghan in relation to a success fee and I think there had been specific
- 29 references to various amounts.
- 10:51:48 30 Q. 149 What were those specific references Mr. Dunlop?



- 10:51:59 1 A. Well there were references in relation to, I can't give you ... I can't  
2 recollect specifically now the date on which any such conversation took place.  
3 But I mean I do recollect that something of the order of 300,000 was mentioned.
- 4 Q. 150 This is the discussion on the 22nd of May 1997?
- 10:52:12 5 A. Yes.
- 6 Q. 151 The one that's obliterated in your diary, that you originally told the Tribunal  
7 was to do with Mr. Eamonn Duignan?
- 8 A. Yes.
- 9 Q. 152 That you now accept relates to an apparent agreement with Mr. Dunlop (SIC)  
10:52:23 10 where you were paid 100,000 Pounds within a short space of time and there's  
11 reference to 300,000 Pounds remaining?
- 12 A. Mr. O'Callaghan.
- 13 Q. 153 Mr. O'Callaghan?
- 14 A. Yes.
- 10:52:31 15 Q. 154 And you were paid that 100,000 Pounds as we've seen on the 4th June 1993?
- 16 A. Yes.
- 17 Q. 155 1998?
- 18 A. 1998.
- 19 Q. 156 Isn't that right?
- 10:52:39 20 A. Yeah.
- 21 Q. 157 So when you went to Mr. O'Callaghan about this problem?
- 22 A. No I didn't go to Mr. O'Callaghan about this problem. I don't mean to be  
23 semantic. Mr. O'Callaghan was in my office.
- 24 Q. 158 Yes.
- 10:52:49 25 A. Either for a scheduled period of time and I raised the issue with him and I  
26 told him specifically why I was raising the issue. That I had a tax issue.  
27 The likelihood of a payment and that I needed my success fee.
- 28 Q. 159 Did you have sufficient funds yourself to pay the revenue?
- 29 A. Yes I probably -- more than likely I did yes.
- 10:53:20 30 Q. 160 But notwithstanding that you decided to ask Mr. O'Callaghan for the success fee

10:53:26 1 is that right?

2 A. Yes.

3 Q. 161 And Mr. O'Callaghan agreed to pay it?

4 A. He did yes.

10:53:30 5 Q. 162 Did you furnish an invoice to Mr. O'Callaghan?

6 A. Yes, I believe I did.

7 Q. 163 And I think that invoice can be found at -- in fact is dated the 5th, I think,

8 of October 1998. At 12302. Now I've asked you this before Mr. Dunlop and I

9 want to ask you again. In the invoice that you present to Riga on the 5th of

10:53:56 10 October 1998. It's in the sum of 363,000 Pounds being 300,000 Pounds plus VAT,

11 isn't that right?

12 A. Yes.

13 Q. 164 And it refers to part payment of success fee?

14 A. Yes.

10:54:07 15 Q. 165 The word part payment would suggest there are further monies due?

16 A. It would so suggest, yes.

17 Q. 166 So what was the balance that was due to you?

18 A. That was never discussed with Mr. O'Callaghan.

19 Q. 167 Are you telling the Tribunal --

10:54:20 20

21 MR. REDMOND: Mr. Chairman, on behalf of Mr. Dunlop. Again, indulging in the

22 rules of logic. Ms. Dillon says insofar as this relates to part payment of a

23 success fee. It implies that there are prospective fees due. It could also be

24 that previous fees have been paid as part of a success fee.

10:54:37 25

26 If there was an agreement for 400,000. 100,000 had been paid. Then the

27 payment of 300,000 would be part payment of a success fee.

28

29 That is just as logical and just as valid as the contention put forward by

10:54:50 30 Ms. Dillon

10:54:51 1  
2 CHAIRMAN: Perhaps Mr. Dunlop might explain what the reference to part payment  
3 is and whether it related to a future fee or a future balance or a balance on a  
4 sum already paid.

10:55:03 5  
6

7 A. Yes. Certainly Chairman. And I think in response to Ms. Dillon. Previously  
8 some weeks ago I said that there was no discussion about any future payment  
9 other than the payment of 300,000 Pounds. I never had a discussion with Mr.  
10 O'Callaghan about further monies. So the point that my counsel makes in  
11 relation to the use of the word "part" I cannot specifically say why I included  
12 it in that particular invoice but certainly what I can attest to is that there  
13 was no discussion with Mr. O'Callaghan for future payments.

14 Q. 168 At this time on the 6th of October 1998, Mr. Dunlop, you went to your bank. I  
10:55:45 15 think to Mr. Ahern seeking to, I think, to borrow funds in relation to an  
16 investment in a technology company?

17 A. Yes I did.

18 Q. 169 And at 13315. Under the heading Dunlop & Associates Limited it says "Frank  
19 Dunlop, own business, employees three and one part-time. Current turnover 1.1  
10:56:11 20 million client listing attached and then cash deposits 413,000." Do you see  
21 that?

22 A. Yes.

23 Q. 170 Assuming for the moment that that is accurate and I am suggesting to you that  
24 it is accurate in fact that you had more than sufficient funds to pay the  
10:56:26 25 revenue from your own resources, isn't that right?

26 A. Yes.

27 Q. 171 Yes. But you went to Mr. O'Callaghan, isn't that right?

28 A. Yes.

29 Q. 172 Right. Now I think just in case that you think that I am --

10:56:39 30 A. Sorry Ms. Dillon what date is that.

- 10:56:42 1 Q. 173 If you look at the top. The 6th of October 1998?
- 2 A. Yes.
- 3 Q. 174 And you will. This is on the 5th of October 1998 you issue the invoice to
- 4 O'Callaghan Properties and on the 6th of October 1998 you are making an
- 10:56:56 5 application to Mr. Ahern for funds, isn't that right?
- 6 A. Yes.
- 7 Q. 175 Now, in relation to that sum of 613, 000 Pounds. If I show you first of all
- 8 13317, which is an extract from 067 bank account and you will see there on the
- 9 8th of October you had 55,114.24 standing to the credit of that account, isn't
- 10:57:20 10 that right?
- 11 A. Correct.
- 12 Q. 176 And at 23141, which is your AIF account you will see third from the bottom that
- 13 as of the 10th of September or indeed the 8th of October you had 359,085.63
- 14 standing to the credit of your account, isn't that correct?
- 10:57:41 15 A. That's correct.
- 16 Q. 177 Taking the two sums together of 359,000 approximately and 55,000 Pounds
- 17 approximately you had around 415,000 Pounds in cash deposits available to you,
- 18 isn't that right?
- 19 A. Correct.
- 10:57:53 20 Q. 178 But you didn't opt or elect to use those funds to pay the revenue, isn't that
- 21 right, you went to Mr. O'Callaghan and Mr. O'Callaghan agreed to pay you your
- 22 success fee, isn't that right?
- 23 A. That's correct.
- 24 Q. 179 And you issued your invoice on the 5th of October at 13302 please. And if you
- 10:58:10 25 just confirm for the Tribunal that the invoice does not say to final amount in
- 26 connection with success fee, isn't that right?
- 27 A. It does not say so.
- 28 Q. 180 All right. And I believe that that was paid within a very short space of time
- 29 by Riga, isn't that right?
- 10:58:28 30 A. Yes, I cannot -- I think the date, we have a specific date on which the payment

- 10:58:32 1 was made but yes it was paid within a short time yes.
- 2 Q. 181 I think in fact that at 13303. It's not quite clear of the date that this is
- 3 an extract from the cheque payments book of Riga. It was in October of 1998
- 4 but it is debited to the account of Riga at 13317 on the 9th of October 1998.
- 10:58:57 5 So presumably by the 9th of October Mr. Dunlop you had received it and lodged
- 6 it to your account?
- 7 A. Yes, there is a lodgement on the 9th of October.
- 8 Q. 182 Yes. By you?
- 9 A. Yes.
- 10:59:12 10 Q. 183 So that you issued the invoice on the 5th of October. And you have lodged the
- 11 money to your account by the 9th of October isn't that right?
- 12 A. Correct.
- 13 Q. 184 So that it would be in fairness to Mr. O'Callaghan, you would have to say that
- 14 he reacted very promptly to your request in respect of this money, isn't that
- 10:59:29 15 right?
- 16 A. Yes, that's correct.
- 17 Q. 185 Now, on the 9th of October. Sorry. On the 8th of October at 25311. This is
- 18 the letter of disclosure to the revenue made by Mr. McGowan on your behalf,
- 19 isn't that right?
- 10:59:52 20 A. Yes.
- 21 Q. 186 And enclosed with that are documents in relation to Shefran Limited at 25314.
- 22 25315. And 25316.
- 23 A. Yes.
- 24 Q. 187 And we've already gone through the other matters in relation to matters that
- 11:00:17 25 weren't disclosed on that occasion, isn't that right?
- 26 A. Yes.
- 27 Q. 188 And I think that was accompanied by a cheque drawn on your office account,
- 28 isn't that right?
- 29 A. That's correct. The 8th of October.
- 11:00:26 30 Q. 189 And at 13316. And that cheque is in the sum of 243,478 Pounds, isn't that

- 11:00:37 1 right?
- 2 A. That's correct.
- 3 Q. 190 Drawn by you on the 8th of October. On the 9th of October you lodge Mr.
- 4 O'Callaghan's funds to the same account?
- 11:00:44 5 A. Yes.
- 6 Q. 191 So that Mr. O'Callaghan's funds are there to meet this cheque when its
- 7 presented in reality, isn't that the reality of it?
- 8 A. Correct.
- 9 Q. 192 Would it be fair to say that you knew when you you were writing this cheque
- 10 that you would be making the lodgement from Mr. O'Callaghan?
- 11 A. Yes it would be fair to say so, yes.
- 12 Q. 193 And that would mean that you must have had some conversation or discussions
- 13 with Mr. O'Callaghan in or around that time, isn't that right?
- 14 A. Yes.
- 11:01:06 15 Q. 194 And can you remember what that conversation or discussion was about?
- 16 A. Well I would have had the conversation with Mr. O'Callaghan in relation to my
- 17 looking for the success fee and more than likely had a discussion with him in
- 18 relation to the date of receipt.
- 19 Q. 195 The date on which he was going to give?
- 11:01:24 20 A. On which he was going to give me the cheque.
- 21 Q. 196 Can you remember how you received the cheque from Mr. O'Callaghan?
- 22 A. That I can't no.
- 23 Q. 197 Well Mr. O'Callaghan in the normal course of events is in Cork, isn't that
- 24 right?
- 11:01:42 25 A. Yes. Correct yes.
- 26 Q. 198 Okay. And the invoice is issued on the 5th of October and if we look at 13301.
- 27 You issued the invoice on Monday the 5th of October. And you lodged the money
- 28 on the 9th of October, that Friday, isn't that right?
- 29 A. Yes.
- 11:02:00 30 Q. 199 And on the 8th of October you write your cheque to the Revenue Commissioners

- 11:02:10 1 and by that stage you say you would have known that you were going to have Mr.  
2 O'Callaghan's money?
- 3 A. Yes.
- 4 Q. 200 Isn't that right? So may I suggest to you that it's likely this was a  
11:02:16 5 face-to-face meeting?
- 6 A. It is possible yes. I don't actually recollect whether it was a face-to-face  
7 or whether it was by post. I just cannot say that to you I'm sorry.
- 8 Q. 201 Isn't it likely though in order to be sure of having the funds available to  
9 meet the cheque that was written on the 8th you would have to have had a  
11:02:37 10 face-to-face meeting so that you were able to lodge the money to your account  
11 on the 9th of October, isn't that right?
- 12 A. Well I certainly would have had to have had the face-to-face meeting with Mr.  
13 O'Callaghan on the date on which I raised the matter with him and he undertook.
- 14 Q. 202 That's the previous week?
- 11:02:55 15 A. And he undertook to pay the success fee very quickly. I can't recollect  
16 whether or not the matter, the cheque was handed over to me by Mr. O'Callaghan  
17 or a representative of Mr. O'Callaghan or whether I received it in the post. I  
18 just cannot recall that circumstance.
- 19 Q. 203 Uh-huh. It's likely I suggest to you that there probably was a face-to-face  
11:03:21 20 meeting because you needed to have the money lodged, isn't that right?
- 21 A. Yes I needed to have the money lodged to meet the cheque.
- 22 Q. 204 Yes?
- 23 A. There is absolutely no doubt about that. I just, I'm sorry Ms. Dillon, I just  
24 can't recollect whether Mr. O'Callaghan handed me the cheque or whether he sent  
11:03:40 25 it to me by post. I just can't recollect that.
- 26 Q. 205 And on the 6th of October Mr. Dunlop 1998. The Tribunal first wrote to you,  
27 isn't that right?
- 28 A. That's correct.
- 29 Q. 206 3042. The letter dated the 6th of October. And it's asking for detailed  
11:03:59 30 information in relation to matters that had appeared in the Sunday Business

- 11:04:03 1 Post article and on the following page you are asked to provide a detailed  
2 breakdown of information in relation to political donations and matters such as  
3 that sort, isn't that right?
- 4 A. That's correct yes.
- 11:04:13 5 Q. 207 That is your first correspondence with the Tribunal, isn't that right, the  
6 position?
- 7 A. Yes, hand delivered.
- 8 Q. 208 Yes. At 13301. You got that letter on the 6th of October of 1998, isn't that  
9 right?
- 11:04:27 10 A. Yes, at 7 o'clock in the evening.
- 11 Q. 209 Right. And is it likely that you discussed the contents of that letter with  
12 Mr. O'Callaghan?
- 13 A. Well I would say it's highly likely. I cannot say when I did so but yes  
14 certainly it is highly likely.
- 11:04:43 15 Q. 210 So that the matters that you had anticipated happening had come it to pass?
- 16 A. Yes.
- 17 Q. 211 You had been named publicly in connection with Quarryvale and now you had  
18 received correspondence from the Tribunal?
- 19 A. Yes.
- 11:04:53 20 Q. 212 Isn't that right?
- 21 A. Correct.
- 22 Q. 213 And I think that thereafter and I don't want to go into in any way the details  
23 of this. On the 7th of October 1998 you have a reference there, 4:15 Shields  
24 and Hugo and I would suggest that's a reference to your solicitor and possibly  
11:05:08 25 your accountant, isn't that right?
- 26 A. Shields and Hugh.
- 27 Q. 214 So that you were now taking steps to deal with the matter is that right?
- 28 A. Correct, well I have received a letter from the Tribunal on the 6th.
- 29 Q. 215 Yes?
- 11:05:19 30 A. And I sought advice and I was recommended to go to a company of solicitors



- 11:05:28 1 which so happened to be across the road.
- 2 Q. 216 So that in that week of the 5th of October a number of matters had happened.
- 3 You had raised an invoice for 300,000 Pounds on the Monday. It had been paid
- 4 at a minimum by the Friday because you had lodged the money. You had made
- 11:05:43 5 voluntary disclosure of some matters to the Revenue and accompanied it with a
- 6 cheque for 243,000 Pounds. You had received correspondence yourself directly
- 7 from the Tribunal, isn't that right?
- 8 A. Correct.
- 9 Q. 217 So that at this stage now there is no longer any doubt in your own minds but
- 11:05:57 10 that you were going to be involved either publicly or privately with the
- 11 Quarryvale inquiry, isn't that right?
- 12 A. Correct yes.
- 13 Q. 218 Would it be fair to say Mr. Dunlop that between that date in October 1998 and
- 14 in April of 2000 when you commenced to give your first public evidence to the
- 11:06:13 15 Tribunal you did not yourself take any step that could be classed as assisting
- 16 the Tribunal?
- 17 A. Well responded to -- we had various communications with the Tribunal. I don't
- 18 know how you are going to interpret the word assistance to the Tribunal.
- 19 Q. 219 Let's start with the simple things?
- 11:06:34 20 A. Yeah.
- 21 Q. 220 Between the 6th of October 1998 and the 1st of April of 2000 did you ever
- 22 disclose to the Tribunal any of the cash payments you had made to councillors
- 23 in connection with any development?
- 24 A. No, I did not.
- 11:06:56 25 Q. 221 Okay. Did you swear ultimately an affidavit in April 2000 having been asked
- 26 for same in 1998 which disclosed a very limited form of political donations by
- 27 way of cheque?
- 28 A. Yes I did sign such an affidavit.
- 29 Q. 222 And was that a full disclosure Mr. Dunlop?
- 11:07:07 30 A. No.

- 11:07:08 1 Q. 223 Right. Did you provide a narrative statement to the Tribunal when you were  
2 asked to provide a narrative statement?
- 3 A. Yes, I did so provide an initial narrative statement and I am using the word  
4 initial because I was asked for subsequent narrative statements.
- 11:07:25 5 Q. 224 Between the dates I am asking about now Mr Dunlop is between the 6th of October  
6 1998 and April 2000?
- 7 A. Yes.
- 8 Q. 225 2000, did you provide narrative statement to the Tribunal?
- 9 A. As I recollect yes I did.
- 11:07:34 10 Q. 226 Well can you find that now please?
- 11 A. Well I made so many narrative statements to the Tribunal.
- 12 Q. 227 Isn't the reason you gave evidence in April 2000 because you refused to provide  
13 narrative statement?
- 14 A. Yes, sorry I beg your pardon.
- 11:07:48 15 Q. 228 Is that the reason you ended up in the witness box in the first place is  
16 because you wouldn't provide a narrative statement, isn't that right?
- 17 A. Yes my apologies. That is correct. The demeanour was that I would be called  
18 to give evidence, this was, I knew this because I received this advice, that I  
19 would be called to give evidence and that I did not make a narrative statement  
11:08:16 20 in the intervening period between getting the correspondence from the Tribunal  
21 and appearing here in 2000.
- 22 Q. 229 And between October of 1998 when the Tribunal first wrote to you and your first  
23 affidavit of discovery the precise date of which I'll give you in a moment but  
24 which I believe to have been in April of 2000. Did you provide any other  
11:08:37 25 discovery to the Tribunal?
- 26 A. Other than in response to anything that we were asked for to the best of our,  
27 my ability, yes but I cannot say to you now what that was and how much it was.
- 28 Q. 230 What I am asking you Mr. Dunlop is -- I want you to forget about the events  
29 that happened after April 2000. At the moment I am asking you about the events  
11:09:00 30 that happened between the 6th of October 1998 and the 1st of April 2000.

11:09:06 1 Right. And what I am asking you to explain to the Tribunal is the nature of  
2 the information that you provided in that time frame which is from October '98  
3 to April 2000. So it's an 18 month period approximately.

4 A. Yes. I cannot now recollect how many letters we got from the Tribunal. But  
11:09:27 5 from the 6th of October we got a letter from the Tribunal on the 6th. On foot  
6 of that I took legal advice. There was ongoing communication between the  
7 Tribunal and my solicitors on my behalf. And culminating in my appearing here  
8 in 2000.

9 Q. 231 Yes?

11:09:47 10 A. What exactly I provided or did not provide in that intervening period I would  
11 just have to go to the files to look at but as I sit here now I cannot tell you  
12 but I did not provide anything in relation to the type of information that was  
13 provided by me here in the witness box in 2000.

14 Q. 232

11:10:06 15  
16 MR. REDMOND: Mr. Chairman. I should say again when Ms. Dillon is saying that  
17 no discovery was made up until April of 2000. There is an affidavit of  
18 discovery of July of 1999

19 Q. 233 Yes, I have it.

11:10:16 20  
21 CHAIRMAN: We can have a look at it.

22  
23 MS. DILLON: 7th of July 1999.

11:10:22 25 Q. 234 You had been asked to provide a statement Mr. Dunlop, isn't that right?

26 A. Yes.

27 Q. 235 And it was because of your decision whether on legal advice or not, not to  
28 provide the statement that you came to give evidence in April of 2000?

29 A. Correct.

11:10:34 30 Q. 236 So may the Tribunal take it that between October of 1998 and April of 2000 you

- 11:10:38 1 did not provide any narrative statement to the Tribunal as was your right just  
2 simply as a matter of fact?
- 3 A. As matter of fact yes.
- 4 Q. 237 Now on the 11th of October which is the Sunday of that week, there is another  
11:10:52 5 article?
- 6 A. This is 1998?
- 7 Q. 238 This is 1998?
- 8 A. Yes.
- 9 Q. 239 By the 9th of October Mr. Dunlop you had made payment to the revenue. You had  
11:11:01 10 received your 300,000 Pounds plus VAT from Riga Limited?
- 11 A. Uh-huh.
- 12 Q. 240 Are you all right?
- 13 A. Yes, no fine thank you.
- 14 Q. 241 And on Sunday the 11th there is an article at 2209. Right. And this is an  
11:11:16 15 article by Mr. Jody Corcoran of the Sunday Independent which is headed  
16 "Dunlop's PR fees paid through Channel Islands linked company"?
- 17 A. Yes.
- 18 Q. 242 And in the third, in the very first column of that it states "Barkhill Limited,  
19 the company behind the Quarryvale development in West Dublin paid substantial  
11:11:34 20 sums of money in fees for public relations consultant Frank Dunlop into an  
21 Irish registered company whose directors are based in the Channel Islands".  
22  
23 Did Mr. Corcoran get that information from you?
- 24 A. Mr. Corcoran, this is the interview. This is the meeting with Mr. Corcoran in  
11:11:53 25 my office in the presence of my solicitor. Mr. Corcoran may well have  
26 intimated to me that he knew that there was some sort of offshore entity. I  
27 cannot specifically say that he knew the name but that he knew that there was  
28 some offshore entity and I did, I did either tell him or agree with him that  
29 there was some such entity, yes.
- 11:12:25 30 Q. 243 And in the third column commencing last week in the company of his solicitor

11:12:29 1 and in an interview which he tape-recorded Mr. Dunlop said that Shefran was a  
2 company "under my indirect control". Do you agree that they are the words you  
3 would have used to Mr. Corcoran?

4 A. Yes. Can I just draw your attention just in case you thought I was being a  
11:12:45 5 little semantical. "Last week in the company of his solicitor and in an  
6 interview which he tape-recorded, Mr. Dunlop said that Shefran Limited was".  
7 Now, that is a record of what took place and it's accurate. What Mr. Corcoran  
8 omitted to say that on our request he acceded to our tape-recording the  
9 conversation. And it's a little classic example of how people can be misled as  
11:13:08 10 to what exactly is going on. Now, just to the import of your question. "Under  
11 my indirect control". Yes. I would have probably used that phrase.

12 Q. 244 And continuing "yesterday in a telephone interview he added "Tom Gilmartin did  
13 not want me under any circumstances, and I use that word advisedly, involved in  
14 the Quarryvale project. In order to avoid him being aware of my involvement  
11:13:30 15 invoices for professional services were issued through Shefran." Would you  
16 have said that on the following day?

17 A. Yes it is likely that I did tell Mr. Corcoran in those, whether specifically in  
18 those words or not but the general reason why invoices were issued through  
19 Shefran and because of Mr. ... Mr. Gilmartin's inimical attitude to me.

11:14:01 20 Q. 245 Notwithstanding at the same time and contemporaneously invoices were being  
21 issued by Frank Dunlop & Associates which were also being processed and of  
22 which Mr. Gilmartin had to be aware?

23 A. Well I wasn't aware of when Mr. Gilmartin was aware. That's not of any concern  
24 to me or wasn't of concern to me at that time either.

11:14:17 25 Q. 246 Yes but at this time when you were issuing invoices in the name of Shefran you  
26 were simultaneously issuing invoices in the name of Frank Dunlop & Associates,  
27 isn't that right?

28 A. That's correct yes.

29 Q. 247 Both in connection with the Quarryvale development?

11:14:27 30 A. That is correct.

- 11:14:31 1 Q. 248 And the article goes on "asked if those fees totalled at least 250,000 Pounds  
2 Mr. Dunlop said "from recollection over a two year period I would say they were  
3 something of the order of 150,000 Pounds". Mr. Dunlop confirmed that he had  
4 directly received an additional 500,000 Pounds in professional fees from  
11:14:49 5 Barkhill Limited. However he denied that he had made political donations from  
6 that sum". Is that accurate?  
7 A. Well I'm not so sure that that is accurate. I don't recollect saying something  
8 of that nature to Mr. Corcoran. I probably did indicate it him that I did make  
9 political contributions because it would have been well known that I made  
11:15:09 10 political contributions.  
11 Q. 249 Mr Corcoran, be he right or wrong, appears to be making the distinction that  
12 you didn't make any political contributions from the money that you received  
13 directly said to be 500,000 Pounds, isn't that right?  
14 A. Yes, he does appear to be doing that.  
11:15:19 15 Q. 250 You say you don't think that you would have made that distinction to him, is  
16 that right?  
17 A. No because I mean any income into Frank Dunlop & Associates it would be Frank  
18 Dunlop & Associates would be making political donations so it would be  
19 illogical to suggest that some of that money might not have been made.  
11:15:34 20 Q. 251 There is a further quote in the next paragraph that says Mr. Dunlop said "my  
21 understanding of the thing is that Riga came into play because Barkhill didn't  
22 have any money" is that right?  
23 A. Yes. I have a residual recollection of having said something of that nature to  
24 a number of people at that time.  
11:16:01 25 Q. 252 Did you discuss with, did you have any discussion in the course of that  
26 interview with Mr. Corcoran at which the interview was suspended. The  
27 tape-recording was suspended?  
28 A. Sorry. I beg your pardon.  
29 Q. 253 In the course of?  
11:16:17 30 A. Yes, the interview was suspended?

- 11:16:18 1 Q. 254 No I didn't say that Mr. Dunlop. I asked you a question. Was there any point  
2 in the interview at which the interview was suspended. In other words you  
3 stopped tape recording?  
4 A. I may well have done yes.
- 11:16:31 5 Q. 255 Is that because there might have been some matter you wished to discuss with  
6 Mr. Corcoran for which you yourself didn't want a record?  
7 A. It is possible. I cannot say accurately that I did or I did not. There was  
8 another person present. I can't recollect that I did or did not do. All I  
9 recollect is Mr. Corcoran being present at a specific day on a specific time  
11:16:58 10 and that he agreed to the tape-recording.
- 11 Q. 256 And was that interview with Mr. Corcoran arranged through your solicitor or was  
12 it arranged by Mr. Corcoran?  
13 A. No, no, no Mr. Corcoran rang me and I contacted my solicitor.
- 14 Q. 257 And as a result of whatever happened between yourself and your solicitor the  
11:17:19 15 end result was that you set up a three way meeting attended by your solicitor  
16 at which the interview was tape-recorded by you?  
17 A. That's correct.
- 18 Q. 258 Now, Mr. Gilmartin in a subsequent conversation with the Tribunal at 16045. He  
19 refers to the fact on the 13th of October that the interview was tape-recorded.  
11:17:47 20 And at paragraph three says "the interview between Corcoran and Dunlop took  
21 place in the presence of Dunlop's solicitor and was recorded"  
22 A. Who is this now, is this Gilmartin's statement?
- 23 Q. 259 No this is Mr. Gilmartin in a telephone attendance with the Tribunal on the  
24 13th of October 1998?
- 11:18:02 25 A. And what was the date of the story in the Independent.
- 26 Q. 260 The 11th of October 1998, which had recorded the fact?  
27 A. Two days afterwards again.
- 28 Q. 261 Yes. But on the 11th of October '98 Mr. Dunlop at 22009?  
29 A. Might be getting nearer to the source of leaks.
- 11:18:20 30 Q. 262 If you look at the third column. It says "last week in the company of his

- 11:18:25 1 solicitor and in an interview which he tape-recorded Mr. Dunlop said" do you  
2 understand?
- 3 A. Yes.
- 4 Q. 263 So what has been put forward publicly by Mr. Corcoran on Sunday the 11th of  
11:18:34 5 October is that you had an interview with Mr. Corcoran. It was attended by  
6 your solicitor and it was tape-recorded?
- 7 A. Yes.
- 8 Q. 264 All right. Now, on the 13th of October at 16045 at paragraph three. Mr.  
9 Gilmartin in his telephone conversation with the, I think it's Mr. Hanratty.
- 11:18:55 10 A. Uh-huh.
- 11 Q. 265 Or it could be Mr. Gallagher on this occasion says "the interview between  
12 Corcoran and Dunlop took place in the presence of Dunlop's solicitor and was  
13 recorded" isn't that right?
- 14 A. Yeah.
- 11:19:06 15 Q. 266 That was a matter of public record by that stage?
- 16 A. Uh-huh.
- 17 Q. 267 The next bit is what I want to ask you at about. "At one stage --
- 18 A. I don't want to cause any confusion Ms. Dillon. This is a telephone attendance  
19 record of a conversation between Mr. Gilmartin and Mr. Hanratty or some other  
11:19:24 20 person on behalf of the Tribunal. And Mr. Gilmartin is telling Mr. Hanratty  
21 that a interview between Mr. Corcoran and myself that took place in my, in the  
22 presence of my solicitor was recorded.
- 23 Q. 268 Yes. And that was in the public newspapers two days earlier?
- 24 A. So what's Mr. Gilmartin telling the Tribunal about something --
- 11:19:42 25 Q. 269 I am not asking you about that Mr. Dunlop. You were the person making some  
26 comment earlier about this. I wanted to ask you about is the next sentence  
27 which is not a matter that was in the public record and it states "at one stage  
28 Dunlop turned off his recording and said that he and O'Callaghan were scared  
29 that Gilmartin would sue them". Did any such conversation take place?
- 11:20:01 30 A. The only people that can attest -- I have no recollection of that taking place



11:20:05 1 but the only people who can attest to that is Mr. Corcoran and the solicitor  
2 who was present.

3 Q. 270 Right. And it goes on to say "that may be by way of explanation as to why he  
4 was recording the interview and why it was taking place in the presence of his  
11:20:16 5 solicitor". And at paragraph five on the following page. Mr. Gilmartin is  
6 recorded as telling the Tribunal "arising from the interview given by Frank  
7 Dunlop to the newspaper, Owen O'Callaghan is up in arms with him and  
8 O'Callaghan and Deane have been drying trying to get Dunlop to shut his mouth".  
9

11:20:37 10 Now, at that stage can I ask you, is there any truth in that comment Mr. Dunlop  
11 A. None whatsoever.

12 Q. 271 That there was a dispute between yourself and Mr. O'Callaghan about your  
13 contacts with the newspapers in or around this time?  
14 A. Classic example of Gilmartin buffoonery and rubbish.

11:20:54 15 Q. 272 No I just asked you a question Mr. Dunlop?  
16 A. I'm answering it. That's the way I'm answering it.

17 Q. 273 Are you saying that is not correct?  
18 A. It is not correct and it is not correct for the very reason that he was a  
19 buffoon.

11:21:06 20  
21 CHAIRMAN: Well that's just a comment

22 A. Well Mr. Chairman lots of people have been allowed to make comments here and  
23 they have gone uncorrected.  
24

11:21:13 25 CHAIRMAN: Well you are saying that he was acting as a buffoon when he made  
26 that comment?  
27 A. He has been consistently acting as buffoon. I am not saying he was acting as a  
28 buffoon solely in those circumstances and you know exactly what I mean.  
29

11:21:34 30 CHAIRMAN: Very well

11:21:34 1 A. And all you have to do is look at the examination of him here over the course  
2 of a number of weeks to get a classic indication of what type of buffoonery  
3 you are ...  
4

11:21:36 5 CHAIRMAN: That's just a comment

6 A. I am entitled.

7  
8 CHAIRMAN: No you are not entitled to say what you have just said

9 A. I am entitled to make --

11:21:44 10  
11 CHAIRMAN: Mr. Dunlop, you are entitled to say that in your opinion Mr.  
12 Gilmartin was acting the buffoon or words to that effect

13 A. Yes.  
14

11:21:53 15 CHAIRMAN: When you made this particular statement

16 A. Yes.  
17

18 CHAIRMAN: To Mr. Hanratty

19 A. Yes.

11:21:58 20  
21 CHAIRMAN: And that's, because that's what you are being asked about on this  
22 occasion

23 A. Uh-huh. Well I would wish that you, Chairman, and the Tribunal would evince  
24 the same even-handed approach when you are dealing with other people making  
11:22:14 25 other comments in particular about me which went uncorrected by the same  
26 buffoon.  
27

28 CHAIRMAN: Mr, on many occasions we did on many occasions

29 A. No you did not Mr. Chairman. I have counted the number. I have gone through  
11:22:28 30 the transcript.

11:22:29 1  
2 CHAIRMAN: Well you were legally represented and no such issue has been raised  
3 by your lawyer, which is the appropriate way to raise it if there was an issue  
4 that you felt hadn't been properly dealt with

11:22:41 5 A. Mr. Chairman, you, with respect, are an intelligent person. I am not an idiot.  
6  
7 CHAIRMAN: But the appropriate, if there was a problem that you perceived, in  
8 the way you were being treated by the Tribunal or being treated by witnesses of  
9 the Tribunal, then the appropriate way to deal with that was through your  
11:23:03 10 lawyers

11 A. No.  
12  
13 CHAIRMAN: Either in public or in correspondence.

14 A. No, you missed the point. The point I'm making is that consistently it is my  
11:23:14 15 opinion and I am freely expressing it and let it be so recorded both in  
16 transcript and anywhere else that I regard this man as a delusional buffoon.  
17  
18 CHAIRMAN: Yes. Well that's clear from what you say. But you have made  
19 reference to the fact that the Tribunal has not sought to protect you when  
11:23:33 20 certain comments were made of you by others. Now, that issue has not. First  
21 of all insofar as that may have happened, the Tribunal did on a number of  
22 occasions deal with the issue on the spot. And it has done so in relation to  
23 other witnesses as well. But the point I am making --

24 A. Um --

11:23:53 25  
26 CHAIRMAN: Mr. Dunlop

27 A. Yes.  
28  
29 CHAIRMAN: Is that you have lawyers who, and they would be well accustomed  
11:23:59 30 where necessary to raise these issues with the Tribunal either publicly or in

11:24:05 1 correspondence

2 A. I have full confidence in my lawyers. And I will take the opportunity in

3 another forum in due course to exactly delineate how various people were

4 treated by this Tribunal.

11:24:18 5

6 CHAIRMAN: All right.

7 A. Notwithstanding any report that might issue from this Tribunal itself.

8

9 CHAIRMAN: All right, Ms. Dillon

11:24:25 10

11 MS. DILLON: Mr. Dunlop, in relation to the events of the week beginning the

12 5th of October and concluding with Mr. Corcoran's article. At that stage. Can

13 I ask you, by this stage you had been paid the 300,000 Pounds by Riga and

14 earlier in the year in following your conversation of the 22nd of May of 1998

11:24:50 15 you were paid on the 4th of June 1998 100,000 Pounds, isn't that right.

16 A. Correct yes

17 Q. 274 So that in 1998 you were paid 400,000 pounds plus VAT, isn't that right?

18 A. Yes.

19 Q. 275 One refers to professional fees and the other refers to part success fee in

11:25:08 20 relation to the Liffey Valley extension, isn't that right?

21 A. Correct yes.

22 Q. 276 The previous year in 1997 in January and I will deal with that in detail later.

23 You were paid a further sum of 100,000 Pounds, isn't that right?

24 A. Correct yes.

11:25:21 25 Q. 277 Am I correct in understanding that you have previously, that that payment in

26 1997 related to a separate i.e. a not Quarryvale related matter?

27 A. Yes the Horgan's Quay issue.

28 Q. 278 I am going to come back to deal with that 100,000 Pounds payment?

29 A. Yes I was paid 100,000 Pounds by Mr. O'Callaghan in relation to the Horgan's

11:25:43 30 Quay issue. It's documented. I think you are correct in the date that you

- 11:25:48 1 have just given.
- 2 Q. 279 Yes?
- 3 A. Yes, so the answer is correct. I did get 100,000 Pounds but it related not to
- 4 Quarryvale but to Horgans Quay.
- 11:25:58 5 Q. 280 That was my point. It wasn't a Quarryvale related transaction you say although
- 6 there is some slight confusion in your earlier evidence, day 145 and 146
- 7 between the 100,000 paid in January 97 and the 100,000 Pounds paid in June of
- 8 98. I am just asking you to clarify now is that the 100,000 Pounds paid on the
- 9 4 of June 1998 was a Quarryvale related payment whereas the 100,000 Pounds paid
- 11:26:22 10 in January of 1997 was not a Quarryvale related payment?
- 11 A. Yes subject to my checking the record in relation to that matter Ms. Dillon.
- 12 But the generality of what you say is correct. There are two payments one in
- 13 relation to Quarryvale and one in relation to Horgan's Quay.
- 14 Q. 281 Yes. And throughout. We have seen and how we embarked on finding ourselves
- 11:26:40 15 really in 97 and 98 was a consideration of the matters that had been over
- 16 written in your diary which had started with an analysis of all of the entries
- 17 in your diary relating to "big one", isn't that right?
- 18 A. Yes.
- 19 Q. 282 And your discussion with Mr. O'Callaghan in relation to "big one" and the
- 11:26:55 20 apparent deferral of those discussions from time to time, isn't that right?
- 21 A. Yes.
- 22 Q. 283 May the Tribunal take it Mr. Dunlop that insofar as you were discussing big one
- 23 with Mr. O'Callaghan in 94 and 95 and 96 it did not relate at all to the
- 24 Horgan's Quay matter?
- 11:27:12 25 A. No because that issue didn't arise. That issue only arose within a specific
- 26 timeframe, within a specific window.
- 27 Q. 284 That was in 1994 approximately that started I think?
- 28 A. Yes, I can't exactly tell you when it was. But it certainly started at a
- 29 specific time.
- 11:27:27 30 Q. 285 Yes but insofar as you had discussions in your diary which are recorded as "big

- 11:27:31 1 one" they relate to Quarryvale or a Quarryvale connected matter?
- 2 A. Big one relates only to one issue that's Quarryvale.
- 3 Q. 286 Right. Did you ever make an arrangement or an agreement with Mr. O'Callaghan
- 4 for the payment of a million Pounds to you?
- 11:27:44 5 A. I didn't make an arrangement with him.
- 6 Q. 287 Or an agreement?
- 7 A. Yes a discussion did take place with Mr. O'Callaghan and myself in relation to
- 8 a million.
- 9 Q. 288 Uh-huh?
- 11:27:59 10 A. It arose out of, if I recollect, I think there is something to this effect in
- 11 one of the statements. It arose out of a conversation that I had with Mr.
- 12 O'Callaghan on foot of a conversation that Mr. O'Callaghan had had with others
- 13 namely Mr. Liam Lawlor and no, sorry I beg your pardon, not with Mr. Liam
- 14 Lawlor with Mr. Ambrose Kelly.
- 11:28:23 15 Q. 289 That's the 250,000 Pounds matter, is that right where?
- 16 A. No, no, sorry. Sorry?
- 17 Q. 290 Is that the statement you provided to the Tribunal where you talk about the
- 18 fact that Mr. Ambrose Kelly approached you?
- 19 A. Yes.
- 11:28:36 20 Q. 291 Asking you to see could you each get 250,000 Pounds?
- 21 A. Yes, yes.
- 22 Q. 292 No I'm not talking about that. I am talking about was there ever a discussion
- 23 between Mr. O'Callaghan and Frank Dunlop about a payment of a million Pounds to
- 24 Frank Dunlop?
- 11:28:50 25 A. Yes there was.
- 26 Q. 293 All right now can you outline to the Tribunal the circumstances in which you
- 27 had such a discussion with Mr. O'Callaghan the approximate time and the purpose
- 28 of that discussion?
- 29 A. I cannot give you the approximate time. I can tell you that the issue arose in
- 11:29:07 30 relation to a million Pounds specifically as a result of either Mr. Ambrose

- 11:29:21 1 Kelly going to Mr. O'Callaghan on behalf of Liam Lawlor or Mr. Liam Lawlor  
2 coming to me in relation to being in receipt of monies from Mr. O'Callaghan and  
3 that that is where the discussion in relation to a million emanated from.
- 4 Q. 294 Was there an agreement that you would be paid 1 million Pounds, you or your  
11:29:43 5 companies, nothing to do with Mr. Lawlor or Mr. Kelly?
- 6 A. I am not so sure that there was a final agreement that there would be a payment  
7 of 1 million Pounds. Certainly there was discussion in relation to 1 million  
8 Pounds.
- 9 Q. 295 Can I show you a document Mr. Dunlop for the purposes of you assisting the  
11:30:03 10 Tribunal in understanding its contents. At 22039. This is a document dated  
11 the 3rd of October 1996. And this is a document that is generated by Mr. John  
12 Ahern. And it's a file note about you. And it lists your investments, isn't  
13 that right?
- 14 A. Yeah.
- 11:30:21 15 Q. 296 And the amount of funds that you have and on the following page at 22040 headed  
16 "Investment Deals in course" And there is a discussion about Kennedy Row in  
17 Navan, Trimgate Investments and the third is Quarryvale Shopping Development in  
18 course?
- 19 A. Yes.
- 11:30:40 20 Q. 297 So that was in being, is that right?
- 21 A. Yes.
- 22 Q. 298 Completion Christmas 1988 and I suggest that should be 1998. Owen O'Callaghan  
23 development. 1 million Pounds as owing to Frank Dunlop with 500,000 Pounds  
24 relating to back up contracts support and payable as follows. 200,000 Pounds  
11:30:58 25 in October 96. 400,000 pounds in October 97. 300,000 contract support.  
26 400,000 pounds in October 98. 200,000 contract support.
- 27
- 28 Now, first of all do you agree with me that as recorded there that records an  
29 apparent schedule of payments that were to be made to you
- 11:31:20 30 A. Apparently so records yes.

- 11:31:22 1 Q. 299 Yes. Now first of all do you accept that the only place that Mr. Ahern could  
2 have got this information is from you?
- 3 A. Correct.
- 4 Q. 300 Right. Do you accept that Mr. Ahern has recorded the information accurately?
- 11:31:33 5 A. Well no.
- 6 Q. 301 All right.
- 7 A. I would say yes Mr. Ahern has recorded, has made an attendance note in relation  
8 to a discussion with me about either assets or ongoing income or future income  
9 and yes he is probably accurate in his statement in relation to a million  
11:31:54 10 because I probably told him. The likelihood is, no, other likelihood is that I  
11 did. That there was something of a million owed to me by Owen O'Callaghan. As  
12 to any schedule he may well have recorded that on the basis of my saying to him  
13 that these are the likely payments or the likely dates. I have no recollection  
14 of ever saying that to Mr. Ahern and certainly I don't have any, I did not have  
11:32:23 15 any specific agreement with Mr. O'Callaghan in relation to that.
- 16 Q. 302 Do you see the next entry in relation to the Carrickmines Park?
- 17 A. Yeah.
- 18 Q. 303 And you see the entry rezoning should be in place in one year giving return of  
19 250,000 Pounds?
- 11:32:40 20 A. Yes.
- 21 Q. 304 Did you have an agreement with Mr. Kennedy for the payment of 250,000 Pounds  
22 which subsequently translated into an agreement of one acre?
- 23 A. Of one acre yes.
- 24 Q. 305 Do you see the Baldoyle Race Course option to Sean Mulryan?
- 11:32:54 25 A. Yes.
- 26 Q. 306 Is that accurate?
- 27 A. It is accurate as per the note. As per an agreement that I had with  
28 Mr. Mulryan, yes.
- 29 Q. 307 And if you to the first matter there which is Kennedy Row, Navan Tax Designated  
11:33:05 30 Shopping Centre and there is an estimate of a value of 300,000 Pounds each. Is



- 11:33:11 1 that information that you would have provided to Mr. Ahern?
- 2 A. Yes but it's not accurate.
- 3 Q. 308 Are you saying you gave him inaccurate information or?
- 4 A. Yes. Well probably gave him estimated and I notice the word circa is in front
- 11:33:24 5 of the 300,000. I probably gave him an estimation.
- 6 Q. 309 And the information which has no value on it in relation to Trimgate Street
- 7 Investments Limited, would you have given him that information?
- 8 A. I would have told him about Trimgate Street yes.
- 9 Q. 310 What you are outlining here to Mr Ahern in October of 1996 are the transactions
- 11:33:42 10 or deals that are ongoing?
- 11 A. Yes.
- 12 Q. 311 That are going to mature at some stage?
- 13 A. Are likely or possible yes.
- 14 Q. 312 And what you record or what is recorded there as attributable to you is that
- 11:33:53 15 you were owed 1 million Pounds in connection with Quarryvale, isn't that right.
- 16 A. Yes.
- 17 Q. 313 And what I want to ask you is that correct were you in fact by October 1996
- 18 owed 1 million Pounds in connection with Quarryvale?
- 19 A. No. I was not owed 1 million Pounds in connection with Quarryvale. I did have
- 11:34:08 20 discussion with Mr. O'Callaghan on a number of occasions in relation to, in
- 21 specific circumstances in relation to the possibility of a million Pounds. I
- 22 did have an agreement with Mr. O'Callaghan in relation to specific payments as
- 23 is evidenced in relation to both the diaries and in the actual payments
- 24 themselves.
- 11:34:27 25 Q. 314 No if I can stop you there. With respect Mr. Dunlop. This document is dated
- 26 October 1996.
- 27 A. Yes.
- 28 Q. 315 The first admission you make of any arrangement in relation to a substantial
- 29 payment in connection with Quarryvale by Mr. O'Callaghan is the 22nd of May
- 11:34:43 30 1998 where the agreement is for a payment of 100,000 Pounds. Now isn't that

- 11:34:47 1 correct?
- 2 A. Yes.
- 3 Q. 316 All right. So now what I am asking you about is how is it if you didn't
- 4 actually make a firm agreement with Mr. O'Callaghan until May of 1998 were you
- 11:34:57 5 in a position to tell Mr. Ahern in October 1996 that you were owed 1 million
- 6 Pounds in connection with Quarryvale and to provide him with a schedule of what
- 7 you must have told him were the dates on which you were going to be paid?
- 8 A. Yes. Well I can only say to you that there was no such agreement with Owen
- 9 O'Callaghan in relation to such scheduled payments of a million or otherwise.
- 11:35:25 10 I freely admit that I did mention a million Pounds to Mr. Ahern because I did
- 11 have such a conversation with Mr. O'Callaghan. But this was a completely
- 12 evolving developing situation between Mr. O'Callaghan and myself. I couldn't
- 13 specifically with accuracy have said to Mr. Ahern that I was due the amounts
- 14 that are listed there on the dates that are listed there. I do not recollect.
- 11:35:52 15 I know I did not have any such agreement with Mr. O'Callaghan for those
- 16 amounts.
- 17 Q. 317 Well why would you mislead Mr. Ahern then in providing this information to him?
- 18 A. Because he is a bank manager and I'm looking for money.
- 19 Q. 318 Did you mislead him in relation to any of the other transactions?
- 11:36:07 20 A. I may well have done on other occasions. I may have been a little bit more
- 21 generous in my view as to what the likelihood was in any payment.
- 22 Q. 319 But in so far at the other matters which are described under the same heading
- 23 as "investment deals in course" Are concerned. Is any of the information
- 24 provided in connection with the other developments inaccurate or misleading?
- 11:36:30 25 A. Well the Kennedy Row Navan Tax Designated Shopping Complex thing was probably a
- 26 little bit anticipatory generous at that stage. As it turned out it was so in
- 27 the actual payment that was made. There is no payments attached to the
- 28 Trimgate Street issue. There was a specific agreement between Mr. Kennedy and
- 29 myself in relation to the 150,000 which was transposed into one acre. And yes
- 11:37:01 30 the option in relation to Baldoyle is accurate. That is specifically accurate

- 11:37:05 1 because that was the subject of a written note.
- 2 Q. 320 And insofar as the Kennedy Row Navan Complex is concerned. Is that the
- 3 transaction in which you were paid 240,000 Pounds subsequently?
- 4 A. I can't recollect how much I was paid but I was paid. I was paid an amount of
- 11:37:23 5 money to withdraw.
- 6 Q. 321 Yes?
- 7 A. From the project. I didn't want to be a participant in it any further.
- 8 Q. 322 So the value there is circa 300,000 by four or approximately 300,000 Pounds by
- 9 four. There is no such qualification in relation to Quarryvale?
- 11:37:41 10 A. No.
- 11 Q. 323 So anybody else reading this document Mr. Dunlop on the plain simple way that
- 12 it's written there would have understood that you were due 1 million Pounds by
- 13 Owen O'Callaghan development in connection with Quarryvale, isn't that right?
- 14 A. Yes.
- 11:37:53 15 Q. 324 And would further have understood by reason of the information that's provided
- 16 there that 200,000 was going to be paid in October 96. 400,000 in October 97.
- 17 And 400,000 pounds in October 98, isn't that right?
- 18 A. Yes.
- 19 Q. 325 I suggest it's unlikely Mr. Ahern made up that information, isn't that right?
- 11:38:10 20 A. Never suggested that he did.
- 21 Q. 326 So that it is information that's provided by you, isn't that right?
- 22 A. Yes.
- 23 Q. 327 And that information records an apparent agreement of a million Pounds being
- 24 owed to you, isn't that right?
- 11:38:20 25 A. Yes.
- 26 Q. 328 By Mr. O'Callaghan?
- 27 A. Yes, that's correct.
- 28 Q. 329 But you say that that in fact is not true?
- 29 A. No.
- 11:38:26 30 Q. 330 Okay?

- 11:38:27 1 A. I did have a discussion with Mr. O'Callaghan on a number of occasions about a  
2 million Pounds. I did receive payments from Mr. O'Callaghan in specific  
3 circumstances on foot of invoices by prior agreement with Mr. O'Callaghan.
- 4 Q. 331 Okay. Now you have just told the Tribunal you did discuss a million Pounds  
11:38:41 5 with Mr. O'Callaghan on a number of occasions?
- 6 A. Yes.
- 7 Q. 332 Will you just outline to the Tribunal the circumstances in which you came to  
8 discuss with Mr. O'Callaghan the payment to you of a million Pounds?
- 9 A. Yes. I think the first occasion on which an issue of a million Pounds arose  
11:38:57 10 was when Mr. O'Callaghan came to me on a specific -- I can't give you the exact  
11 date. On a specific morning and said that he had a discussion the previous  
12 evening with Ambrose Kelly and that he spoke in general terms about people  
13 being looked after for all of the work that they had done. And this included  
14 Mr. Liam Lawlor. And I think I made a statement to this effect at some stage  
11:39:34 15 in the recent past. Just bear with me for a moment, Ms. Dillon. I just want  
16 to ...
- 17 Q. 333 I wonder would it be an appropriate time to take a break, Sir, it's half  
18 eleven.  
19
- 11:39:53 20 CHAIRMAN: All right. We'll take a break for ten minutes.  
21  
22  
23  
24 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**  
**AND RESUMED AS FOLLOWS:**  
11:40:30 25  
26  
27  
28 CHAIRMAN: Ms. Dillon
- 29 Q. 334 Good morning, Mr. Dunlop?
- 12:00:03 30 A. Yeah.

- 12:00:03 1 Q. 335 Before the break I think you were about to tell the Tribunal the circumstances  
2 in which you came to have discussions with Mr. O'Callaghan about the payment to  
3 you of a million Pounds, is that right?
- 4 A. Yes. As I was beginning to say. As I recollect matters, the first occasion on  
12:00:19 5 which this, an issue of a million Pounds arose, arose out of Mr. O'Callaghan  
6 coming to me or being with me and telling me that he had had a conversation the  
7 previous evening with Ambrose Kelly in which matters in relation to rewarding  
8 or looking after people who had been helpful above and beyond the cause of duty  
9 as it were in relation to Quarryvale and that they should be recompensed in  
10 some way and that a figure of a million was mentioned. Now, that is the first  
11 occasion that I recall that a figure of a million was raised. I can tell you  
12 virtually where I was and in the circumstances, the circumstances in which the  
13 conversation took place because it is one of those things that apparently for  
14 psychological or other reasons impinge on your mind on your memory. I cannot  
12:01:00 15 give you a date on it. But certainly it arose out of circumstances in which  
16 Mr. O'Callaghan when he was coming to Dublin used to overnight in Ambrose  
17 Kelly's house. And the conversation took place in my car on the way to Jury's  
18 Hotel.
- 19 Q. 336 Was this a casual conversation with Mr. O'Callaghan?
- 12:01:47 20 A. Well it was a conversation that Mr. O'Callaghan reported to me what had taken  
21 place the previous evening with another person.
- 22 Q. 337 Yes. So that what Mr. O'Callaghan is reporting to you is a conversation he had  
23 with Mr. Ambrose Kelly, is that right?
- 24 A. Correct.
- 12:02:02 25 Q. 338 And was Mr. Lawlor present when this conversation took place?
- 26 A. Not with me. As I recollect matters, in the way it was presented to me by Mr.  
27 O'Callaghan, that no this conversation took place between Mr. Kelly and Mr.  
28 O'Callaghan.
- 29 Q. 339 Yes. And from your understanding of the matter is that Mr. O'Callaghan is  
12:02:21 30 telling you what Mr. Kelly had said to him about a payment of a success fee of

12:02:26 1 250,000 Pounds to those who had been particularly helpful, is that right?

2 A. Yes.

3 Q. 340 And who were the people who had been particularly helpful?

4 A. Ambrose Kelly, Liam Lawlor and myself.

12:02:35 5 Q. 341 All right that's a payment of 750,000 Pounds being 250,000 Pounds, each is that

6 right?

7 A. Yes.

8 Q. 342 What I had asked you about Mr. Dunlop was the circumstances in which you had

9 any discussion with Mr. O'Callaghan about the payment of a million Pounds to

12:02:47 10 you?

11 A. Yes.

12 Q. 343 Not a payment of 250,000 Pounds to Mr. Ambrose Kelly?

13 A. Yes.

14 Q. 344 From casual conversation or to Mr. Liam Lawlor arising from a conversation that

12:02:56 15 took place between Mr. Kelly and Mr. O'Callaghan. What I am asking you about

16 are the circumstances in which you had any discussion or agreement with Mr.

17 O'Callaghan about the payment of a million Pounds to you?

18 A. Yes. Well the reason I answered the way I did was to initiate the first

19 instance in which as I recollected the conversation in relation to a million

12:03:19 20 pounds arose.

21 Q. 345 There is no reference to a million pounds Mr. Dunlop with the greatest of

22 respect to you in the scenario that you have just outlined. What there is is

23 Mr. O'Callaghan recounting a casual conversation in which a suggestion was made

24 to him for payments totalling 750,000 Pounds to three individuals, is that

12:03:37 25 right?

26 A. No, no, no, no, no. Sorry. What Mr. O'Callaghan reported to me was a

27 conversation that he had had with Mr. Kelly in which a million pounds was

28 raised either by Mr. O'Callaghan or Mr. Kelly but certainly that is the first

29 occasion on which the million pounds was raised with me when he reported the

12:04:01 30 conversation to me the following morning. I am not following the computation

12:04:06 1 you are making about the 750,000 Pounds or 250,000 Pounds each. The people who  
2 were helpful in relation to Quarryvale were Ambrose Kelly, Liam Lawlor and  
3 myself.

4 Q. 346 Yes. I had understood you see that when you originally had your private  
12:04:23 5 interviews with the Tribunal that you had indicated to them recounting?

6 A. Yeah.

7 Q. 347 A conversation in which you detailed a sum of 250,000 pounds, is that right?

8 A. For payment by whom to whom.

9 Q. 348 That there was a request for a success fee made of Mr. O'Callaghan of 250,000  
12:04:39 10 pounds each, 250,000 Pounds to you, to Mr. Ambrose Kelly and to Mr. Lawlor?

11 A. Yes well maybe we were falling between the intestacy between private sessions  
12 and public sessions and otherwise but I mean you have raised the issue of a  
13 million Pounds. I want to address the issue of a million pounds. These are  
14 the circumstances in which I firmly believe the million pounds arose, whether  
12:05:04 15 that was an allocation of 250,000 pounds each Mr. O'Callaghan was hardly going  
16 to be giving himself 250,000 pounds but certainly it may have been slightly  
17 inflicitous on my part in private sessions to have been talking about 250,000  
18 pounds but those as I recollect it are the circumstances in which the question  
19 of a million Pounds arose and to attempt to expedite matters I unfortunately  
12:05:33 20 told Mr. Lawlor that conversation. But I do believe that Mr. Lawlor was  
21 already aware of that conversation when I told him because Mr. Ambrose Kelly  
22 had told him.

23 Q. 349

24  
12:05:44 25 CHAIRMAN: Mr. Dunlop, are you saying that the million pounds was raised by  
26 Mr. O'Callaghan in those circumstances as a payment to you? Or to be divided  
27 in some way between?

28 A. Yes. In fairness to Mr. O'Callaghan. Mr. O'Callaghan can talk for himself  
29 about this, as I am speaking as I recollect it. It was put forward to me on  
12:06:08 30 the basis that it was at some stage would be a method by which people like

12:06:15 1 Ambrose Kelly, Liam Lawlor and myself could be recompensed for the above and  
2 beyond the course of duty work that we did in relation to Quarryvale when  
3 Quarryvale was ultimately successful. And that if the question you're asking  
4 me, Chairman, if it's not correct me, that this was to be paid to me and for me  
12:06:36 5 to distribute it. I think probably, yes, the indication in my mind was that  
6 Mr. O'Callaghan would pay me the million pounds and that I would do whatever  
7 was necessary, though I have no recollection of that ever being specifically  
8 stated.

9 Q. 350

12:06:55 10  
11 CHAIRMAN: And were there further discussions then about the million  
12 A. Yes. Unfortunately, Mr. Chairman, as I said, I told Mr. Lawlor but I am  
13 satisfied in my own mind, I cannot imperically prove this, but I am satisfied  
14 in my own mind that Mr. Lawlor already knew because I suspect that he had been  
12:07:21 15 told by Mr. Ambrose Kelly and that Mr. Lawlor raised this matter with me on a  
16 number of occasions.

17 Q. 351 Yes. I think that in relation to this matter, the Tribunal wrote to you Mr.  
18 Dunlop through your solicitors at 21227 on the 12th of April 2007?

19 A. Uh-huh.

12:07:38 20 Q. 352 And it enclosed with that extract from the private interviews and in the second  
21 paragraph "during the course of the interview your client indicated that he had  
22 been informed by Mr. O'Callaghan that a demand had been made by Mr. Ambrose  
23 Kelly for 250,000 Pounds for Mr. Lawlor and 250,000 Pounds for your client. "  
24 And then you were asked for a detailed narrative statement and enclosed with  
12:08:02 25 that were two pages from the private interviews 21228 and 21229. And starting  
26 at the bottom of 21228 where Mr. Hanratty says "well on the assumption John is  
27 is finished what he was doing I was going back to the conversation you had with  
28 Mr. O'Callaghan arising from Mr. Ambrose's suggestion". On the following page  
29 "sorry yes the 250,000 pounds was for Lawlor, is that right?

12:08:24 30 A: yes. 250,000 Pounds for Lawlor. 250,000 Pounds for Kelly and 250,000



12:08:31 1 Pounds for myself, for me

2 Q: That is what Ambrose asked for?

3 A: That is what Ambrose asked for.

4 Q: Were you in aware in advance of this being asked for?

12:08:41 5 A: No the only knowledge I had of this is O'Callaghan telling me after the

6 conversation that he had with Kelly the night before"

7 A. Yeah.

8 Q. 353 Right. So now what you have told the Tribunal in private session is of a

9 conversation with Mr. O'Callaghan in which he records to you a request for a

10 sum of 250,000 pounds being made of him by Ambrose Kelly but not just for

11 Mr. Kelly for Mr. Lawlor and Mr. Dunlop also, isn't that right?

12 A. Yes.

13 Q. 354 Right. Now, and you now, you were asked to provide a narrative statement,

14 isn't that right?

12:09:11 15 A. Yes.

16 Q. 355 And you provided a narrative statement at page 21231. In relation to that.

17 This is your reply. "As I recall matters Mr. O'Callaghan by way of casual

18 conversation pre final vote, " that would mean pre December 1993, isn't that

19 right?

12:09:31 20 A. Yes.

21 Q. 356 Right. "Informed me that Mr. Ambrose Kelly, his architect, and he had had a

22 conversation with regard to success fees. As I understood matters then

23 Mr. Kelly was approached by Mr. Liam Lawlor and the matter of success payments

24 and undertook to raise the matter with Mr. O'Callaghan. Mr. O'Callaghan's

12:09:47 25 response as related to me was virulently negative for the avoidance of doubt I

26 should say that (1) I am not now aware of nor was I ever so aware of the

27 business arrangement between Mr. O'Callaghan and Mr. Ambrose Kelly.

28

29 2. I am not now aware of nor was I ever so aware of any payment made to

12:10:03 30 Mr. Liam Lawlor by Mr. O'Callaghan in connection with the Quarryvale project".

12:10:08 1  
2 And that's your statement, isn't that right?

3 A. Yes.

4 Q. 357 Now, what you were provided with was an extract from the interviews where you  
12:10:14 5 had recorded you said a conversation where Mr. O'Callaghan had told you of a  
6 request by Mr. Ambrose Kelly, 250,000 Pounds for Mr. Lawlor, 250,000 Pounds for  
7 Mr. Kelly?

8 A. Yes.

9 Q. 358 250,000 Pounds for Mr. Dunlop, isn't that right?

12:10:25 10 A. Yes.

11 Q. 359 Total 750,000 pounds, isn't that right?

12 A. Yeah.

13 Q. 360 You were asked to provide a narrative statement. You did so. You say this  
14 conversation took place prior to the 16th of December 1993, isn't that right?

12:10:46 15 A. Yeah.

16 Q. 361 And you that it was a casual conversation you had with Mr. O'Callaghan where he  
17 detailed a request for a success fee and you don't specify any amount in your  
18 statement, isn't that right?

19 A. Correct.

12:10:47 20 Q. 362 You don't resile from the figures that you had in your private interview, isn't  
21 that right?

22 A. Yes.

23 Q. 363 What you now tell the Tribunal is that in fact what was asked of Mr.  
24 O'Callaghan or what you understood was a request for a million pounds?

12:10:58 25 A. That is as I recollect the conversation in my car with Mr. O'Callaghan on that  
26 morning.

27 Q. 364 And do you say that it was Mr. Ambrose Kelly who was looking for the million  
28 pounds, is that right?

29 A. Well what I say is that Mr. O'Callaghan was reporting to me a conversation that  
12:11:12 30 he had had with Mr. Kelly the night before.

- 12:11:15 1 Q. 365 Yes. But assuming that Mr. O'Callaghan was telling the truth about the  
2 conversation that took place the night before, is it your recollection that  
3 what Mr. O'Callaghan told you was that Mr. Ambrose Kelly had asked for a  
4 million Pounds?
- 12:11:27 5 A. Yes.
- 6 Q. 366 Why didn't you tell the Tribunal that in 2000 when you had your private  
7 interview?
- 8 A. Well I as I said earlier there may have been some infelicitous references to  
9 amounts but certainly there is absolutely no doubt in my mind as per my private  
12:11:46 10 session with the Tribunal that Mr. O'Callaghan did report to me about a  
11 conversation he had with Mr. Kelly in which such amounts were, in which a  
12 success fee or success fees were requested but that is the, in response to your  
13 question this morning, that is the first occasion that I can recollect that any  
14 reference to a million pounds arose.
- 12:12:15 15 Q. 367 Right. Now, if I may say so, Mr. Dunlop. That is a somewhat general one  
16 million pounds. What I had been asking you about was an arrangement or a  
17 discussion between Mr. O'Callaghan and yourself for the payment of a million  
18 pounds?
- 19 A. Yes.
- 12:12:30 20 Q. 368 In other words not a payment that was to be disbursed or to Mr. Lawlor or to  
21 Mr. Kelly?
- 22 A. Yes.
- 23 Q. 369 Do you understand?
- 24 A. Yes.
- 12:12:37 25 Q. 370 Was there ever any discussion between yourself and Mr. O'Callaghan whereby you  
26 sought a payment of a million pounds for yourself?
- 27 A. Not for myself, no.
- 28 Q. 371 Okay. Did you ever have any discussion with Mr. O'Callaghan other than the one  
29 you have just recounted to the Tribunal at which a million pounds were  
12:12:53 30 discussed?

- 12:12:53 1 A. Yes I did.
- 2 Q. 372 Right. Would you outline those circumstances to the Tribunal?
- 3 A. Yes, well that's why I was attempting to expedite matters when I said to you
- 4 unfortunately I made a mistake as we normally do in life. And I told Mr. ...
- 12:13:10 5 Mr. Lawlor about the conversation. I posit that in the circumstances that
- 6 Mr. Lawlor and I were very close at this particular time and that I told
- 7 Mr. Lawlor about the conversation that Mr. O'Callaghan had recounted to me and
- 8 while I cannot empirically prove it I am satisfied, was then and now that
- 9 Mr. Lawlor already knew that such a conversation had taken place because
- 12:13:32 10 Mr. Lawlor was close to Mr. Kelly as well and Mr. Kelly I surmised had told
- 11 Mr. Lawlor of the one million Pounds. Fast forwarding. Mr. Lawlor as a result
- 12 of my saying that to him raised the matter with me on quite a number of
- 13 occasions and as a result of that I raised that matter with Mr. O'Callaghan and
- 14 had conversations with Mr. O'Callaghan on that basis, much of them virulently
- 12:14:05 15 negative.
- 16 Q. 373 When you say you raised matter with Mr. O'Callaghan and you discussed that
- 17 matter with Mr. Lawlor, what matter are you talking about?
- 18 A. Monies, the million Pounds that was discussed between Mr. O'Callaghan and
- 19 Mr. Ambrose Kelly on that evening and reported to me the following morning.
- 12:14:23 20 Q. 374 Now in your statement to the Tribunal, Mr. Dunlop, you tell the Tribunal that
- 21 you understood from your conversation that Mr. Kelly had been approached by
- 22 Mr. Lawlor in the matter of the success fee and undertook to raise the matter
- 23 with Mr. O'Callaghan?
- 24 A. Yes.
- 12:14:38 25 Q. 375 So that in fact if your statement is correct, it means that Mr. Lawlor must
- 26 already have known about Mr. Kelly's approach to Mr. O'Callaghan because
- 27 Mr. Kelly, if what Mr. O'callaghan tells you is correct, is making the approach
- 28 at the request of Mr. Lawlor?
- 29 A. Yes, correct.
- 12:14:53 30 Q. 376 So in other words if you are correct in what you tell the Tribunal, you knew

12:14:57 1 from the time of your conversation with Mr. O'Callaghan that Mr. Lawlor already  
2 knew about this request because he had been the instigator of it, isn't that  
3 right?

4 A. Well I can't say. I cannot say to you other than Mr. O'Callaghan telling me  
12:15:10 5 about it. My telling Mr. Lawlor about it. The same day as I recollect  
6 matters. And not being surprised that Mr. Liam Lawlor already knew of the  
7 conversation. When I knew, when Mr. Lawlor and Mr. Kelly were thinking of  
8 proposing to Mr. O'Callaghan that he should pay a million Pounds, I cannot  
9 specifically say that to you, other than to say to you that in relation to a  
12:15:47 10 million pounds, the million pounds specifically arose in the conversation with  
11 Mr. O'Callaghan on the morning after he met Mr. Kelly.

12 Q. 377 According to your statement Mr. Dunlop, and I just quote you from your  
13 statement so that we can be clear about this. You say "as I understood matters  
14 then Mr. Kelly as approached by Mr. Liam Lawlor in the matter of success  
12:16:08 15 payments and undertook to raise the matter with Mr. O'Callaghan?"

16 A. Yes.

17 Q. 378 You must have been told that by Mr. O'Callaghan?

18 A. Well I probably was, yes.

19 Q. 379 So you would have known from the time that Mr. O'Callaghan had this  
12:16:18 20 conversation with you that Mr. Lawlor was the instigator of the request for the  
21 success fee or the 250,000 Pounds as you initially described it?

22 A. Yes.

23 Q. 380 In the private interview or the million Pounds as you are now describing it,  
24 isn't that right?

12:16:32 25 A. Yes. I think it is likely that Mr. O'Callaghan told me that Mr. Lawlor had  
26 raised the issue with Mr. Ambrose Kelly and yes I think it is. As I say, I  
27 wasn't surprised when I reported the matter to Liam Lawlor that he already knew  
28 and it was.

29 Q. 381 How could you have been surprised Mr. Dunlop when you had been told by Mr.  
12:16:56 30 O'Callaghan, if your statement is correct, that it was Mr. Lawlor who was the

12:17:01 1 instigator of it?

2 A. I am -- nothing ever surprised me I should say in relation to what Liam Lawlor  
3 did or did not know. I wasn't surprised by the fact that he seemed to me to be  
4 already, to already know. Notwithstanding the fact that Mr. O'Callaghan more  
12:17:18 5 than likely told me that it was Liam Lawlor who had raised, instigated the  
6 issue with Mr. Kelly in the first instance.

7 Q. 382 So what that -- what you initially told the Tribunal was that it was a request  
8 for 250,000 Pounds each for yourself Mr. Kelly and Mr. Lawlor and it was  
9 Mr. Kelly who had made the approach to Mr. O'Callaghan, is that right?

12:17:37 10 A. Correct yes.

11 Q. 383 And what you now say is that in fact it was a request for a million Pounds?

12 A. As I understand it, as I understood it then and now, to Mr. O'Callaghan by  
13 Mr. Kelly instigated in the first instance by Mr. Lawlor.

14 Q. 384 Yes. Was there some other person what was who was to get 250,000 Pounds Mr.  
12:17:58 15 Dunlop?

16 A. No.

17 Q. 385 In other words could both of your statements be correct?

18 A. Well nobody that I can think of impinged to be in receipt of 250,000 Pounds.

19 Q. 386 Apart -- when you approach Mr. O'Callaghan in relation to the discussions that  
12:18:23 20 you had with Mr. Lawlor, where Mr. Lawlor was seeking the million pounds from  
21 you in connection with Quarryvale?

22 A. Uh-huh.

23 Q. 387 You knew that Mr. O'Callaghan had refused the payment, isn't that right?

24 A. Yes.

12:18:35 25 Q. 388 Yes. And that he was opposed to the payment?

26 A. Well.

27 Q. 389 The request for payment?

28 A. Yes. As matters were, as I recollect matters in the conversation that I had  
29 with Mr. O'Callaghan Mr. O'Callaghan told me that he had the conversation with  
12:18:49 30 Mr. Kelly in relation to this amount. It was casual conversation. But it was

- 12:19:00 1 obviously raised by Mr. Kelly. I've lost the train of my thought sorry  
2 Ms. Dillon. Yes. Sorry. That yes that it was refused. That's the question  
3 you're asking me. That Mr. O'Callaghan had refused it.
- 4 Q. 390 Yes. As you describe it in your statement as virulently negative, isn't that  
12:19:32 5 right?  
6 A. Yes.
- 7 Q. 391 So that Mr. O'Callaghan was opposed impeccably to this request, isn't that  
8 right?  
9 A. That is how he presented the matter to me.
- 12:19:41 10 Q. 392 And did Mr. O'Callaghan ever change his mind?  
11 A. No I don't think Mr. O'Callaghan ever changed his mind. I reported to Mr.  
12 O'Callaghan on the number of occasions that Mr. Lawlor raised this issue. I  
13 cannot account for what Mr. Kelly told Mr. Lawlor in relation to this matter.  
14 That's a separate matter that only Mr. Kelly can account for himself given the  
12:20:01 15 fact that Mr. Lawlor is deceased. But I did raise the matter with Mr.  
16 O'Callaghan on a number of occasions. I cannot specifically say to you how  
17 many in relation to being asked about it by Mr. Lawlor and I was never in any  
18 doubt in any conversation that I had with Mr. O'Callaghan that however  
19 virulently he might be opposed to it and having said so to Mr. Kelly, that he  
12:20:34 20 wasn't going to in any way pay this.
- 21 Q. 393 So insofar as the question of the million Pounds?  
22 A. Uh-huh.
- 23 Q. 394 Is concerned. Is there any other evidence you want to offer the Tribunal now  
24 in relation to any discussions with Mr. O'Callaghan about a million Pounds  
12:20:48 25 other than the two scenarios that you have just outlined?  
26 A. The only conversation that I ever had with Mr. O'Callaghan and I don't want to  
27 be prejudicial in my own case. We're selfish. I was only interested in how  
28 much I was going to be paid and how much money I could get in the context of  
29 any agreement with Mr. O'Callaghan.
- 12:21:09 30 Q. 395 Yes. But what you are telling the Tribunal Mr. Dunlop is a conversation with

- 12:21:13 1 Mr. O'Callaghan which is predicated upon if you are correct a request for a  
2 million Pounds which is to be shared at a minimum between Mr. Kelly, Mr. Lawlor  
3 and yourself, isn't that right?
- 4 A. Yes?
- 12:21:23 5 Q. 396 You are not offering any evidence to the Tribunal in relation to any agreement  
6 or discussion between yourself and Mr. O'Callaghan about a payment of a million  
7 Pounds to Mr. Frank Dunlop alone, isn't that right.
- 8 A. Not to my alone. Certainly not. And the only qualification I make to that is  
9 in response to what I said to the Chairman that I think I can say that I ... I  
12:21:45 10 assumed maybe wrongly, that in the event of any such payment that the payment  
11 was going to be made to me and that I would look after matters.
- 12 Q. 397 Yes but if we go back then to the document that initiated this inquiry from you  
13 Mr. Dunlop. At 22040. In October of 1996 when you were providing this  
14 information?
- 12:22:07 15 A. Yeah.
- 16 Q. 398 To Mr. Ahern. If the million pounds that you are talking about there was to be  
17 divided between yourself, Mr. O'Callaghan. Sorry. Yourself Mr. Lawlor and  
18 Mr. Kelly, you would have reflected that isn't that right? There is no  
19 suggestion in this document that if you were to get a million pounds it was  
12:22:23 20 going to be divided with anybody, isn't that right?
- 21 A. Correct.
- 22 Q. 399 So that in fact this document and this information you have provided to your  
23 bank manager does not record any agreement involving Mr. Ambrose Kelly or  
24 Mr. Lawlor, isn't that right?
- 12:22:36 25 A. Because there was no such agreement.
- 26 Q. 400 Yes. But do you understand the point that I'm making?
- 27 A. I do.
- 28 Q. 401 Do you understand?
- 29 A. I do.
- 12:22:44 30 Q. 402 What you have told the Tribunal is the following. Is that the only discussion



12:22:48 1 that you had with Mr. O'Callaghan concerning a million pounds arose as a result  
2 of a casual conversation initiated by Mr. O'Callaghan following a dinner with  
3 Mr. Ambrose Kelly at which monies were sought, isn't that right?

4 A. Correct.

12:22:59 5 Q. 403 That is described by you in your statement as a success fee and it was sought  
6 on behalf of Mr. Kelly, Mr. Lawlor and Mr. Dunlop?

7 A. That's correct.

8 Q. 404 Mr. O'Callaghan at all stages refused to pay it?

9 A. Yes.

12:23:09 10 Q. 405 So that --

11

12 JUDGE FAHERTY: Ms. Dillon. Just can I interject for a moment. I just want  
13 to clarify something. Earlier the Chairman had asked you, Mr. Dunlop

14 A. Yes.

12:23:21 15

16 JUDGE FAHERTY: If you were saying that the million Pounds was to be paid --  
17 to be raised by Mr. O'Callaghan to be made as a payment to you or to be divided  
18 among a number of people and you said in fairness to Mr. O'Callaghan he can  
19 talk for himself but that you then recollected, as I understand it, as follows.

12:23:42 20 That it was put forward to you that at some stage a method would be devised  
21 whereby people like yourself, Mr. Kelly and the late Mr. Lawlor would be  
22 recompensed for above and beyond work you did regarding Quarryvale

23 A. Yes.

24

12:23:57 25 JUDGE FAHERTY: And I just want to ask you, that strikes me Mr. Dunlop as,  
26 recollection, as somewhat different as to what's in the statement

27 A. Uh-huh.

28

29 JUDGE FAHERTY: If you follow my trend. And can I ask you about that. You  
12:24:12 30 said earlier as I said to the Chairman that, as I understand you, and I may be

12:24:18 1 incorrect in this, that you attribute your evidence is that while Mr.  
2 O'Callaghan can talk for himself this is what you say. That at some stage,  
3 that you recollect that at some stage a method would be got by which people  
4 like yourself ...

12:24:34 5 A. Yes.  
6  
7 JUDGE FAHERTY: Would be recompensed. Now, to whom are you attributing that  
8 statement  
9 A. It's a classic example, is it not Judge, of how careful people have to be in  
12:24:46 10 the use of the English language. It is an assumption that I made that in any  
11 circumstances where there was going to be, if there ever was going to be any  
12 above and beyond the call of duty allocations of money that that would be paid  
13 to me.  
14

12:25:02 15 JUDGE FAHERTY: I am asking you this Mr. Dunlop, in fairness to yourself and  
16 Mr. O'Callaghan and everybody else involved, that you premise it on the basis  
17 that it was your recollection of your conversation with Mr. O'Callaghan  
18 A. Correct yes.  
19

12:25:14 20 JUDGE FAHERTY: Do you understand. I want just wanted to clarify  
21 A. The point that I consistently made or repeatedly made to Ms. Dillon when she  
22 raised the issue of a million pounds which was generated by the attendance note  
23 of Mr. Ahern in relation to my interview with him in the bank is in relation to  
24 the million pounds. Yes, a million Pounds was in the air. Yes there was a  
12:25:34 25 discussion about a million pounds. Yes, I did have discussions about a million  
26 pounds with Mr. Liam Lawlor. Yes I did have subsequent conversations with Mr.  
27 O'Callaghan in relation to Mr. Lawlor importuning me in relation to a million  
28 pounds or a payment.  
29

12:25:51 30 MS. DILLON: In all of your discussions with Mr. O'Callaghan about a million

12:25:55 1 pounds, Mr O'Callaghan to quote your own words was virulently negative

2 A. Uh-huh.

3 Q. 406 There was therefore never any agreement by Mr O'Callaghan to pay a million

4 pounds, if I understand you?

12:26:05 5 A. To me personally.

6 Q. 407 To pay a million pounds whether it is in relation to a million pounds to be

7 divided amongst the three of you, that's Mr. Kelly, Mr. Lawlor and Mr. Dunlop

8 or whether a million pounds to yourself as I understand your answer?

9 A. Yes.

12:26:18 10 Q. 408 He refused to pay it?

11 A. Yes.

12 Q. 409 In those circumstances if this is the only million pounds that's being

13 discussed how did you come to tell such an untruth to Mr. Ahern?

14 A. Well because he is a bank manager and I'm looking for money.

12:26:31 15 Q. 410 So the position then is that prior to December 1993 there had been some

16 discussion about a million pounds arising out of a dinner meeting between

17 Mr. Kelly and Mr. O'Callaghan?

18 A. Yes.

19 Q. 411 Following on that you had a discussion with Mr. Lawlor in which Mr. Lawlor if I

12:26:47 20 understand you correctly latched onto the million pounds and kept asking you

21 about it and you in turn discussed with Mr. O'Callaghan who consistently

22 refused to pay it?

23 A. Yes. In fairness to the estate of Mr. Lawlor, I should say in the particular

24 circumstances where Mr. Lawlor is deceased and cannot answer for himself. I am

12:27:04 25 not suggesting that Mr. Lawlor specifically talked about a million pounds on

26 every occasion. He talked about money from Mr. O'Callaghan as a result of the

27 input that he had made to the development of the Quarryvale project.

28 Q. 412 Yes but?

29 A. But it emanated in the first instance from the conversation that allegedly had

12:27:23 30 taken place between Mr. O'Callaghan and Mr. Kelly.

- 12:27:26 1 Q. 413 But in all cases Mr. O'Callaghan refused to pay it?
- 2 A. Well he never did.
- 3 Q. 414 No. The distinction Mr. Dunlop is may the Tribunal take it from your evidence  
4 that Mr. O'Callaghan, it's not that he never paid it, it is that he refused to  
12:27:41 5 pay it?
- 6 A. Yes.
- 7 Q. 415 In the light of that. If that is the only discussion about a million Pounds.  
8 How is it that by October 1996 you were telling something so palpably untrue to  
9 your bank manager?
- 12:27:53 10 A. Well you put it in those graphic terms. I would love to see what ordinary  
11 every day people like myself tell their bank managers on a day-to-day basis.  
12 What I told John Ahern and what he made there on the basis of an attendance  
13 note is exactly what I either estimated I was going to make out of Owen  
14 O'Callaghan, had made out of Owen O'Callaghan and the expectation that I might,  
12:28:17 15 that I had of payments from Owen O'Callaghan but what I have said to you is  
16 that there is no such agreement about the schedule of payments either October  
17 96, 97, 98 as outlined in that there never was.
- 18 Q. 416 There is a reference there to back up contract support Mr. Dunlop do you see  
19 that in the third line?
- 12:28:36 20 A. Yes.
- 21 Q. 417 What is that?
- 22 A. I just don't know.
- 23 Q. 418 Is it some information you would have provided to Mr. Ahern?
- 24 A. Back up contract support. No. No, I can't even begin to imagine what that  
12:28:58 25 could be. I don't know what back up contract support is.
- 26 Q. 419 Insofar as dates are given for payment there, you accept that they are payments  
27 that you would have provided to Mr. Ahern?
- 28 A. Yes because what Mr. Ahern is anxious to know is what stream of income does  
29 Frank Dunlop or Frank Dunlop & Associates have over a given period during which  
12:29:17 30 he may very well have been going to loan me money.

- 12:29:21 1 Q. 420 But insofar as this matter is concerned in, so far as the million pounds is  
2 concerned, Mr. Dunlop you say that that is all untrue that there was no  
3 agreement between yourself and Mr. O'Callaghan for a payment of a million  
4 pounds to you, is that right?
- 12:29:34 5 A. There was ongoing discussion with Mr. O'Callaghan in relation to payments to  
6 me. I am specifically about me now. In relation to payments to me that I was  
7 anxious to get from Mr. O'Callaghan. Yes, there were a number of discussions  
8 with Mr. O'Callaghan about the million pounds that allegedly, that arose from  
9 the conversation with Mr. Kelly. There was no, as I recollect it, there was no  
12:30:01 10 agreement with Mr. O'Callaghan to pay me a million Pounds.
- 11 Q. 421 And therefore insofar as this figure a of a million Pounds appears in the  
12 Allied Irish Bank bank document created by Mr. Ahern it's a figure that is  
13 arbitrarily put there as a result of a -- arbitrarily given to Mr. Ahern and  
14 recorded by him?
- 12:30:20 15 A. Yes. I would suggest to you and it's merely a suggestion.
- 16 Q. 422 Is that the position?
- 17 A. This is what I said to you and it is merely a suggestion. That in the  
18 conversation that I am having with Mr. Ahern that it is either my expectation  
19 that I am going to make a million Pounds out of Owen O'Callaghan personally  
12:30:37 20 myself which was never the case but I am saying this to Mr. Ahern on this  
21 particular date in the particular circumstances where I am anticipating that I  
22 will be paid these amounts of money. Now I was as you know paid specific  
23 amounts of money by Mr. O'Callaghan in the intervening period.
- 24 Q. 423 Yes. In the intervening period that you are talking about, Mr. Dunlop, is that  
12:31:01 25 the period over which you were paid a retainer only, is that the period you're  
26 talking about?
- 27 A. The date of this note in.
- 28 Q. 424 The 3rd of October 1996. You had not by that stage been paid any success fee,  
29 isn't that right?
- 12:31:15 30 A. Yes.

- 12:31:16 1 Q. 425 And in fact the 100,000 Pounds you are paid in 97 is nothing to do with  
2 Quarryvale and the first payment you get of substance in connection with  
3 Quarryvale is the 4th of June 1998, isn't that correct?  
4 A. Yes, that's correct.
- 12:31:29 5 Q. 426 It would appear to be the position that you had been seeking payment in respect  
6 of "big one" from after 1993, isn't that the position?  
7 A. Yes correct.
- 8 Q. 427 So that in so far as the documentary trail of your financial record with Riga,  
9 Barkhill and Mr. O'Callaghan is concerned you were paid £175,000 prior to the  
10 end, early 1994 in fact, by the end of 1993 and early 1994 through Shefran,  
11 isn't that right?  
12 A. Yes correct, yes.
- 13 Q. 428 And you were in addition paid an additional sum of 70,000 Pounds and 25,000  
14 pounds through Frank Dunlop & Associates which you didn't put through the  
15 books, isn't that right?  
16 A. Correct.
- 17 Q. 429 In 94, 95, 96 and 97 you were paid a retainer of increasing amounts?  
18 A. That's correct.
- 19 Q. 430 And it is only in 1998 that you start gathering in your success fee, isn't that  
12:32:24 20 right?  
21 A. That's correct.
- 22 Q. 431 Because the 1997 payment had nothing to do with Quarryvale?  
23 A. On the January 1997 payments. The January 1997 payment.
- 24 Q. 432 Can you think of any reason why it was that in 1998 you were finally able to  
12:32:38 25 obtain your success fee or a portion of it from Mr. O'Callaghan?  
26 A. Well I have outlined the circumstances in which I asked for it.
- 27 Q. 433 No, I didn't ask you that Mr. Dunlop. I asked you can you think of any  
28 circumstances in 1998 as a result of which you were successful in finally  
29 obtaining your success fee or part of it from Mr. O'Callaghan. You have been  
12:32:59 30 looking for this money since 1994?

- 12:33:02 1 A. Yes.
- 2 Q. 434 Okay. You finally get it, the first part of it in May of 1998, isn't that
- 3 right?
- 4 A. The 100,000.
- 12:33:08 5 Q. 435 And you get a second portion of it, 300,000 Pounds in October of 1998?
- 6 A. Correct.
- 7 Q. 436 What circumstances existed in 1998 that led to you receiving this money then as
- 8 opposed to any other time?
- 9 A. Well the circumstances were specific and we've gone through them earlier this
- 12:33:28 10 morning and I requested it. And in requesting it I pointed out to Mr.
- 11 O'Callaghan the circumstances which obtained for the necessity of it.
- 12 Q. 437 This is to pay the Revenue?
- 13 A. Yeah.
- 14 Q. 438 All right. In connection with undeclared income in connection with Quarryvale?
- 12:33:43 15 A. Yes.
- 16 Q. 439 And in those circumstances Mr. O'Callaghan agreed to pay it, is that right?
- 17 A. Yes. I and I preface this by saying that I may be aware if I am -- I have just
- 18 forgotten about it but I mean Mr. O'Callaghan will attest to, in his own way,
- 19 to attest to what I told him or did not tell him on the occasion when I
- 12:34:07 20 requested the success fee. My recollection is that I told Mr. O'Callaghan
- 21 specifically that I requested, was requesting the 300,000 pounds in the
- 22 circumstances that obtained then. That I had difficulties with the Revenue
- 23 that I wanted to address. Whether I told Mr. O'Callaghan specifically the
- 24 nature of any advice I had gotten from Mr. McGowan or what I had told
- 12:34:36 25 Mr. McGowan I cannot specifically say that to you. But certainly I did tell
- 26 Mr. O'Callaghan that I had difficulties in relation to tax.
- 27 Q. 440 And I think Mr. O'Callaghan in his statement agrees with that; that he was
- 28 aware of the fact that you had difficulties in relation to the Revenue at that
- 29 time?
- 12:34:49 30 A. Yes. I have a residual recollection of seeing or hearing something that Mr.

- 12:34:52 1 O'Callaghan said in relation to that. But I cannot tell you specifically how  
2 much detail I gave to Mr. O'Callaghan in the specific conversation that I had  
3 with him.
- 4 Q. 441 Do you remember when you first gave evidence to the Tribunal in May and April  
12:35:06 5 of 2000 Mr. Dunlop?
- 6 A. Yes.
- 7 Q. 442 And these payments of 100,000 and 300,000 Pounds were listed on a document,  
8 isn't that right? A schedule of payments total payments that had been made to  
9 you by Barkhill and Riga, isn't that right?
- 12:35:21 10 A. This was the document that I had in the witness box and was asked, requested to  
11 give to Mr. Hanratty and it was generated by Mr. O'Callaghan's accountants.
- 12 Q. 443 I am just going to get the document for you?
- 13 A. Yeah, I think it's in the brief Ms. Dillon at some stage.
- 14 Q. 444 Yes. I will get you the document. But at the moment I want to?
- 12:35:50 15 A. Yeah.
- 16 Q. 445 Ask you about an answer that you gave to Mr. Hanratty. And in -- this is in  
17 connection with the 300,000 payment and the 100,000 payment. And you said to  
18 Mr. Hanratty "that was in relation to the removal of the cap. In other words I  
19 was I suppose on a promise that if the cap was removed I would get a payment  
12:36:11 20 and I had called in the payment and I got the payment?"
- 21 A. Uh-huh.
- 22 Q. 446 And I think that you also then when you were being cross-examined by  
23 Mr. O'Higgins in Carrickmines I on behalf of Mr. Cosgrave you -- this matter  
24 was put to you and you again said "I don't" , at question 669 on day 356.  
12:36:38 25 Question 669. "I figured that because all of this was happening in 1998 when  
26 you were engaging in a bit of what you described as crisis management and  
27 strategic management of your own, isn't that right?" and you answer "well I  
28 don't accept the terminology. I called in the success fee and it was paid?"
- 29 A. Uh-huh.
- 12:36:54 30 Q. 447 And I think that you again I think at day 368 still with Mr. O'Higgins you say



- 12:37:01 1 at question 150 "I had to repeat myself. I went to my accountant. A  
2 computation was made. A bill was arrived at and I called in a payment from  
3 Mr. B, that's Mr. O'Callaghan in relation to a specific issue?"  
4 A. Yes.
- 12:37:14 5 Q. 448 So that what you have been telling the Tribunal from the beginning is that you  
6 called in the payment. That's what you said?  
7 A. Yeah.
- 8 Q. 449 Okay. That would mean that the money was owing that you already had an  
9 arrangement or an agreement with Mr. O'Callaghan, isn't that right?  
12:37:28 10 A. For a success fee.  
11 Q. 450 No. What you say is "I called in a payment?"  
12 A. Yeah.
- 13 Q. 451 And what you have said earlier in the earlier transcript is "I called in the  
14 success fee and it was paid?"  
12:37:41 15 A. Yes.  
16 Q. 452 All right. That language would suggest that you in fact had a finalised  
17 agreement with Mr. O'Callaghan in relation to the success fee, isn't that  
18 right?  
19 A. Not necessarily but I can see how people might say that, yes.
- 12:37:59 20 Q. 453 Well you see what was put to you by Michael O'Higgins and you will probably  
21 remember it Mr. Dunlop on day 356?  
22 A. No I don't remember it Ms. Dillon I don't.
- 23 Q. 454 I can refresh your memory. In essence what Mr. O'Higgins was suggesting to you  
24 was that you found yourself in difficulties with the Tribunal?  
12:38:18 25 A. Uh-huh.  
26 Q. 455 You were going to be the subject matter of public examination. You hadn't done  
27 any work in relation to the removal of the cap on Quarryvale but  
28 notwithstanding that you were able to go to Mr. O'Callaghan and get enough  
29 money to pay your Revenue difficulties, isn't that right?  
12:38:33 30 A. Yes.

- 12:38:34 1 Q. 456 That's in essence?
- 2 A. In essence.
- 3 Q. 457 What Mr. O'Higgins was suggesting to you. And you disagreed with some of that
- 4 and you agreed with more of it. What I want to ask you about was the use of
- 12:38:45 5 your language on a number of occasions that you called in the money?
- 6 A. Uh-huh.
- 7 Q. 458 When you say you called in the money. I suggest to you that that means in
- 8 there was already a debt in existence between yourself and Mr. O'Callaghan and
- 9 that Mr. O'Callaghan owed you money?
- 12:38:58 10 A. I always admire the use and the facilitation of which people can interpret the
- 11 English language. But yes, what I will agree with you is what I said to you
- 12 this morning. That I couldn't have gone to Mr. O'Callaghan on the basis of
- 13 expecting Mr. O'Callaghan to pay a bill that I had with the tax man unless I
- 14 had some sort of, however vague an arrangement with Mr. O'Callaghan in relation
- 12:39:34 15 to a success fee or a payment or whatever. That is not documented. There is
- 16 no documentary evidence between Mr. O'Callaghan and myself other than the
- 17 issuing of invoices which I done as I said to you on a number of occasions by
- 18 prior agreement. So that is why I went to Mr. O'Callaghan, cap in hand maybe,
- 19 but to say that I have this difficulty and I need to address it.
- 12:40:01 20 Q. 459 With the greatest of respect to you Mr. Dunlop that's not what you have told
- 21 the Tribunal. What you have told the Tribunal previously at day 368 at
- 22 question 150 you say "I had to repeat myself. I went to my accountant. A
- 23 computation was made. A bill was arrived at and I called in a payment from
- 24 Mr. B in relation to a specific issue". You don't say that you went cap in
- 12:40:27 25 hand to Mr. O'Callaghan or you threw yourself on his mercy. You say you called
- 26 in a payment?
- 27 A. Yes.
- 28 Q. 460 If you were calling in a payment Mr. Dunlop. It means that you already had
- 29 made an agreement with Mr. O'Callaghan?
- 12:40:39 30 A. No, I don't accept that because in the reality that existed there was no

12:40:49 1 written agreement between Mr. O'Callaghan and myself.

2 Q. 461 Was there a verbal agreement between Mr. O'Callaghan and yourself as to the  
3 amount that you would be paid in connection with the success fee?  
4 A. No, not in relation to the success fee no.

12:41:02 5 Q. 462 Is it still the position today that there has never been a final or concluded  
6 agreement as to the amount that was to be paid to you by Mr. O'Callaghan or his  
7 companies in connection with the success fee for lifting the cap on Quarryvale?  
8 A. Yes, correct, correct.

9 Q. 463 All right. Is it the position that what you have been paid to date is the sum  
12:41:18 10 of 400,000 pounds that we have been discussing all morning. The 100,000 Pounds  
11 on the 4th June 1998 and the 300,000 Pounds in October 1998?  
12 A. Correct, yes.

13 Q. 464 Are there any other funds due to you in respect of that success fee Mr. Dunlop?  
14 A. Not that I am aware of unless Mr. O'Callaghan in his generosity wants to arrive  
12:41:38 15 in here this morning with a cheque and hand it to me.

16 Q. 465 So is it the position then that the figure that was agreed between yourself and  
17 Mr O'Callaghan as payment for the success fee was 400,000 pounds plus VAT?  
18 A. Well I cannot say to you that the 400,000 pounds was agreed. I did say to you  
19 here, I can't remember on which day, but it was before Christmas and maybe it  
12:41:57 20 was because it was the season that was in it, that in my mind at all stages was  
21 something of the order of half a million Pounds. As you have outlined, I have  
22 been in receipt of 400,000 pounds plus of course lots of other monies in  
23 relation to ongoing work that I did for Mr. O'Callaghan in relation to  
24 Quarryvale and other matters.

12:42:18 25 Q. 466 I want, before we conclude today, to put to you first of all what Mr.  
26 O'Callaghan says is his recollection of the discussion with Mr Ambrose Kelly  
27 about the 250,000 pounds and this and this can be found at 20263.  
28  
29 And this is where Mr. O'Callaghan was asked a number of matters. 20263. And  
12:42:44 30 at the bottom of that page you will see that a demand of 250,000 Pounds had

12:42:49 1 been made by Ambrose Kelly, architect, for himself for Mr. Dunlop and for  
2 Mr. Liam Lawlor deceased.  
3  
4 In his statement at 20264 Mr. O'Callaghan says "on a night the date of which I  
12:43:02 5 cannot recall Ambrose Kelly and myself were out for a meal in Dublin at Kite's  
6 Restaurant in Ballsbridge. We were discussing the Balgaddy, Neilstown site.  
7 In particular we were discussing the stadium project for the Balgaddy site.  
8 Ambrose Kelly proposed that himself, Frank Dunlop and Liam Lawlor would get  
9 involved in the project. I indicated to him that if they were to get involved  
12:43:17 10 each have to provide at least 250,000 Pounds. Ambrose Kelly said to me that  
11 neither of the three would have that sort of money and that if they had to put  
12 that money into the project I would have to lend it to them or give it to them.  
13 I said that I could not and would not do that. I did not do it and they did  
14 not become involved in the project".  
12:43:36 15  
16 Now leaving aside the whole issue of the stadium. First of all this is a  
17 radically different version of the 250,000 Pounds, isn't that right, than the  
18 one you say was recounted to you by Mr. O'Callaghan, isn't that right  
19 A. Yes.  
12:43:50 20 Q. 467 Okay?  
21 A. Just as a rider and if you are concluding on this matter.  
22 Q. 468 No?  
23 A. You're not. Well then I want to say. It's obvious to me, at least, that there  
24 was a conflation in Mr. O'Callaghan's mind in relation to the other issue of  
12:44:17 25 the stadium which there was a tentative arrangement. In fact a company was  
26 established in which there would be a shareholding and on which 25% basis.  
27 Q. 469 Yes?  
28 A. Each for four people. One of whom would hold 25% holding for another.  
29 Q. 470 That's Leisure West?  
12:44:33 30 A. As I read that statement, that appears to me to be exactly what Mr. O'Callaghan

- 12:44:39 1 is talking about in that instance. The question that you asked me in relation  
2 to the question of a million Pounds, Mr. O'Callaghan certainly has not  
3 addressed that.
- 4 Q. 471 Yes. In other words Mr. O'Callaghan does not here confirm?
- 12:44:54 5 A. No.
- 6 Q. 472 Your recollection of the conversation that you had recounted?  
7 A. Correct.
- 8 Q. 473 In private interview and with which Mr. O'Callaghan was provided prior to  
9 providing this statement?
- 12:45:05 10 A. Yes.
- 11 Q. 474 There was a difference in recollection here. If Mr. O'Callaghan is talking  
12 about the same event as yourself, between what you recollect Mr. O'Callaghan  
13 saying to you and what Mr O'Callaghan will in all likelihood tell the Tribunal  
14 when he comes to give evidence, isn't that correct?
- 12:45:17 15 A. Yes. From my point of view I want to make it absolutely clear that the record  
16 shows, the transcript shows that there are two separate issues. One, it is  
17 unquestioned that there was an arrangement, tentative or otherwise, and you  
18 have mentioned this on a number of occasions, that you will be addressing it so  
19 that's no problem. And that relates to the National Stadium in which there was  
12:45:41 20 an agreement, tentative or otherwise, for a particular shareholding. In the  
21 context of the question that you asked me about a million pounds generated by  
22 the attendance note made by Mr. Ahern what I have told you is that the  
23 recollection that I have of discussing a million pounds with Mr. Owen  
24 O'Callaghan and the circumstances in which it arose.
- 12:45:59 25 Q. 475 Yes. But none of those discussions related to a request or an agreement for a  
26 payment of a million pounds to Frank Dunlop, isn't that right?
- 27 A. No.
- 28 Q. 476 The other matter that I should put to you is Mr. O'Callaghan's statement in  
29 relation to the 300,000 pounds payment to you which is at 24585.
- 12:46:16 30

12:46:16 1 And in this Mr. O'Callaghan says "following the imposition of the retail cap on  
2 Quarryvale in December 92 I promised Frank Dunlop a success fee if he was  
3 successful in getting the cap lifted. I don't recall the time at which I  
4 promised Frank Dunlop this success fee but it would have been shortly after the  
12:46:31 5 cap was imposed in December 1992.

6  
7 Frank Dunlop was paid a success fee of 300,000 Pounds. I am aware this was  
8 paid over to the Revenue Commissioners because Frank Dunlop was having  
9 difficulties in that regard at the time.

12:46:42 10  
11 There is absolutely no truth whatsoever to the totally false suggestion that I  
12 paid Frank Dunlop money. I would have to tell a certain story to the Tribunal  
13 or not to talk to the Tribunal at all. That is absolute rubbish."

14  
12:46:55 15 That was in relation I think to evidence that had been given, that last  
16 paragraph by Mr. Gilmartin.

17  
18 Do you agree with Mr. O'Callaghan that it was after December '92 that you made  
19 your agreement in relation to the success fee

12:47:05 20 A. I cannot specifically say when the discussion in relation to a success fee came  
21 up but certainly it came up after the first vote, which was in May 1991. I  
22 can't specifically say to you. I know I have given evidence on this issue  
23 previously. But I cannot specifically say to you when it actually arose.

24 Q. 477 Right. According to Mr. O'Callaghan it was after December 1992?

12:47:37 25 A. Well that's Mr. O'Callaghan. I am not suggesting Mr. O'Callaghan is wrong.  
26 But I am, just in response to your question I cannot say to you specifically  
27 the date. But there was an ongoing discussion between myself and Mr.  
28 O'Callaghan in relation to a success fee.

29 Q. 478 Which is record in the your diaries by references to 'big one' and then there  
12:47:55 30 are some overwritten entries as well isn't that right?

- 12:47:57 1 A. Yes.
- 2 Q. 479 Mr. O'Callaghan says that you were paid a success fee of 300,000 Pounds you in  
3 fact you say it was 400,000 pounds paid in two parts?
- 4 A. Yes, as evidenced by the issuing of invoices to Mr. O'Callaghan by Frank Dunlop  
12:48:08 5 & Associates.
- 6 Q. 480 Yes which if your earlier evidence is correct you would have issued after  
7 discussion and agreement with Mr. O'Callaghan is that right in the normal  
8 course of events?
- 9 A. Yes.
- 12:48:16 10 Q. 481 And you had, if Mr. O'Callaghan is correct, certainly from December 1992 there  
11 had been an agreement in relation to the payment of the success fee. When did  
12 the amount crystallise, Mr. Dunlop, as to what the amount of the success fee  
13 would be?
- 14 A. That ... that's an interesting question! That I can't say. I cannot say to  
12:48:47 15 you when it actually crystallised as to what it would be. I have said to you  
16 that I had in my mind something of the order of 500,000 when you asked me about  
17 the matter prior to Christmas. I cannot specifically say I had it crystallised  
18 in my mind up to a specific time that it was going to be 300,000. There  
19 obviously was discussions with Mr. O'Callaghan on an ongoing basis and there is  
12:49:22 20 a diary record, as you know, in relation to 300,000 Pounds. But I cannot say  
21 when it actually crystallised.
- 22 Q. 482 The position then is, if Mr. O'Callaghan is correct, is that sometime in or  
23 around or after December '92 he agreed in principle to pay a success fee?
- 24 A. Yes.
- 12:49:39 25 Q. 483 All right. The first payment of that success fee is the 4th of June 1998?
- 26 A. Yes.
- 27 Q. 484 So let us say between the 1st of January 1993 and the 1st of January 1998,  
28 which is a five year period, there is no payment to you of a success fee, isn't  
29 that right?
- 12:49:58 30 A. No, but in the context of ongoing payments to me on a monthly basis.

- 12:50:02 1 Q. 485 You understand me?
- 2 A. Yes, I do, yeah.
- 3 Q. 486 Exactly Mr. Dunlop?
- 4 A. I am putting it in context.
- 12:50:07 5 Q. 487 I can put the documents on screen. We have already dealt with the retainers.
- 6 They are entirely separate payment isn't that right. This is a success fee?
- 7 A. Uh-huh.
- 8 Q. 488 All right. And between the 1st of January 1993 and the 1st of January 1998
- 9 there is no payment of a success fee?
- 12:50:23 10 A. Correct.
- 11 Q. 489 Isn't that right, in connection with Quarryvale. Now it's also a given, if I
- 12 understand your earlier evidence correct, you did nothing about lifting the cap
- 13 on Quarryvale isn't that right?
- 14 A. Virtually nothing. I did say to you that I may well have had some
- 12:50:36 15 conversations with a number of people about it that needed to be spoken to at
- 16 the behest of Mr. O'Callaghan. But I certainly was not campaigning in a
- 17 lobbying capacity that one would normally interpret that as meaning.
- 18 Q. 490 I think in fact in answer to Mr. O'Higgins you said that Mr. O'Callaghan did
- 19 most of that himself and did most of the discussions and negotiations because
- 12:50:58 20 he knew now how the system worked how the ropes worked isn't that right
- 21 A. Correct.
- 22 Q. 491 And he dealt with that himself. So that in fact in answer to Mr O'Higgins you
- 23 accepted that you had done I think virtually nothing?
- 24 A. Virtually nothing yes.
- 12:51:11 25 Q. 492 In relation to the success fee?
- 26 A. Yes.
- 27 Q. 493 So you had been looking for this money albeit the amount hadn't crystallised
- 28 between the 1st of January '93 and the 1st of January '98 because you had an
- 29 agreement in principle to be paid this money isn't that right?
- 12:51:25 30 A. Yes. There would be a success fee.



12:51:27 1 Q. 494 All right. And in 1998 in mid 1998 you get paid the first payment of 100,000  
2 Pounds?

3 A. Yes.

4 Q. 495 And in October 1998 you get paid the second payment?

12:51:39 5 A. Yes.

6 Q. 496 And you look, you described earlier today that you effectively went cap in hand  
7 to Mr. O'Callaghan for the money is that right?

8 A. Well circumstances arose in which I needed to write a cheque and I raised those  
9 circumstances with Mr. O'Callaghan fairly forthrightly and bluntly and it was  
10 agreed that he would pay me 300,000.

12:52:03 11 Q. 497 Well with the greatest of respect to you, Mr. Dunlop. You had 415,000 Pounds  
12 in cash on deposit on the 8th of October 1998 independently of any money  
13 received from Mr. O'Callaghan and therefore you did not need go cap in hand to  
14 anybody for anything. You could have paid the Revenue from your own resources  
15 isn't that right?

16 A. Yes.

17  
18 MR. REDMOND: Mr. Chairman, before that matter progresses any further. It's a  
19 point that I should have made earlier.

12:52:29 20  
21 If Ms. Dillon refers back to the Allied Irish Finance account it was what was  
22 know at the times as a 30 day roll over account. It had been reinvested on the  
23 4th of October as a result of which he would not have been in a position to  
24 draw on Allied Irish Finance sums until the following November.

12:52:47 25  
26 CHAIRMAN: For, you say, for a whole year?

27  
28 MR. REDMOND: Monthly roll over. He could have drawn on it the following  
29 November. I am simply saying that when a cheque was being sent to the Revenue  
12:52:56 30 on the 8th of October, as it was, he could not have drawn the funds from Allied

12:53:01 1 Irish Finance in order to do that.

2

3 MS. DILLON: I don't really understand the significance of that point.

4

12:53:07 5 The documents show that on the 28th of September Mr. Dunlop has his discussion  
6 with Mr. McGowan. On the 30th of September Mr. McGowan is discussing with the  
7 Revenue Mr. Dunlop's disclosure. And there was ample opportunity to stop any  
8 roll over before the 2nd or 3rd of October.

9

12:53:24 10 And in any event, there would be no reason why in circumstances such as where  
11 Mr. Dunlop had 315,000 Pounds on deposit there that he wouldn't have been able  
12 to borrow against that sum.

13

14 CHAIRMAN: Anyway, Mr. Dunlop I think accepts that if he had to pay from his  
15 own resources, he could have made some arrangements.

12:53:42 15

16

17 MR. REDMOND: I appreciate that Chairman. I am really correcting the matter  
18 for the purposes of the record. That insofar as when Ms. Dillon says it came  
19 to the writing of a cheque he could have drawn on his own funds. As it  
20 transpired, on that date he could not have so done

12:53:54 20

21

22 CHAIRMAN: All right.

23

24

12:53:58 25 Q. 498 MS. DILLON: Mr. Dunlop, the point I was putting to you is that there was no  
26 need for you to go cap in hand for anybody for the money you had your own  
27 resources

27

28 A. Well yes in the circumstances that my counsel outlined, yes I had resources in  
29 those circumstances yes.

29

12:54:12 30 Q. 499 And what you have described is that you called in this money isn't that right?

12:54:16 1 A. Yes.

2 Q. 500 And that presupposes I suggest to you though you don't agree with me that you  
3 already had an arrangement or an agreement concluded with Mr. O'Callaghan in  
4 relation to the payment of these monies?

12:54:26 5 A. No, there was never such a defined agreement.

6 Q. 501 Right.

7 A. Other than in general terms, and it may well be that I saw this as an  
8 opportunity to expedite a payment of a fee from Mr. O'Callaghan.

9 Q. 502 Can I ask you, Mr. Dunlop. Is the reason that you were paid finally in 1998 in  
12:54:50 10 respect of this success fee is because both you and Riga, Barkhill and Mr.  
11 O'Callaghan were becoming the subject matter of inquiry by the Tribunal?

12 A. No, I don't think I would ... well, first of all, Mr. O'Callaghan has to answer  
13 for himself in relation to Riga and Barkhill and all of that. I have no  
14 capacity in which to talk about Barkhill. Sorry, Ms. Dillon. It's very  
12:55:15 15 difficult to keep a train of thought on this issue and I know where you are try  
16 to go and I'm trying to assist you. Now, I have outlined the circumstances in  
17 which the issue arose in relation to the tax matter, my accountant. You have  
18 outlined extraneous circumstances in which I may well very made that decision.  
19 I have not disputed those in their totality. And I told Mr. O'Callaghan that  
12:55:46 20 the likelihood was that I was going to have to make a large payment to the  
21 Revenue Commissioners. And it is obvious that there must have been some idea  
22 in my mind at that time what that bill was going to be, whether Mr. McGowan had  
23 told me finally or not I cannot attest to. Mr. McGowan can tell you exactly  
24 when he told me what the amount was going to be, either verbally in or in  
12:56:15 25 writing we know what date it was in writing because he has a report. But I  
26 told that to Mr. O'Callaghan and Mr. O'Callaghan -- I asked Mr. O'Callaghan for  
27 a success fee or my success fee or what I was due or whatever and subsequently  
28 arising out of that conversation Mr. O'Callaghan, and only two people had this  
29 conversation, Mr. O'Callaghan and myself. Mr. O'Callaghan agreed to pay me  
12:56:42 30 300,000.

- 12:56:42 1 Q. 503 And it was following that discussion that you put in the invoice for 300,000  
2 Pounds?
- 3 A. Yes and paid on the following Friday.
- 4 Q. 504 The invoice only emanates when you have your agreement from Mr. O'Callaghan as  
12:56:53 5 to the amount?
- 6 A. Oh, never, there has never been -- I hope you are not suggesting that there has  
7 been a dispute about that.
- 8 Q. 505 No?
- 9 A. The invoice was issued on the foot of the conversation that I had with Mr.  
12:57:04 10 O'Callaghan in relation to the matter and that he would pay 300,000.
- 11 Q. 506 Yes. And in those particular circumstances that obtained in the first week in  
12 October of 1998 when Mr. O'Callaghan agrees to pay you the 300,000 Pounds, do  
13 you tell Mr. O'Callaghan that the disclosure you are making to the Revenue  
14 relates to the Shefran payments and the payments specifically that Barkhill and  
12:57:28 15 Riga had made to Shefran in connection with Quarryvale?
- 16 A. Yes. And I think I touched on this earlier. I cannot say to you how much  
17 detail I gave to Mr. O'Callaghan and perhaps Mr. O'Callaghan will have a better  
18 recollection than I have of how much detail I did tell him. I think it is more  
19 than likely, if not probable, that I told Mr. O'Callaghan that it did include  
12:57:54 20 matters in relation to Shefran. I would, I cannot specifically say to you that  
21 I recollect that as a matter of vivid recollection. But I would say it's  
22 likely that I did tell him that it related to payments made to Shefran.
- 23 Q. 507 And Mr. O'Callaghan would have known within a short space of time that you had  
24 received your first letter on the 6th of October 1998 from the Tribunal and  
12:58:17 25 that you were going to be the subject matter of inquiry?
- 26 A. Well I think I have already stated to you this morning that the likelihood is  
27 also that I did discuss the receipt of the 6th of October letter with Mr.  
28 O'Callaghan.
- 29 Q. 508 And the precipitating factor that led you to go to Mr. McGowan to make the  
12:58:34 30 disclosure to the revenue in connection with the Shefran payments received in

- 12:58:37 1 connection with Quarryvale was your impending realisation that you were going  
2 to be outed or connected in connection with the inquiries in relation to  
3 Quarryvale, isn't that the position?
- 4 A. Well not pache your graphic use of the word "outed", I thought that was a  
12:58:52 5 phrase that was used in other circumstances but no.
- 6 Q. 509 Publicly named in connection with Quarryvale?
- 7 A. That's what I understand "outed" means.
- 8 Q. 510 I will rephrase the question for you?
- 9 A. So it is -- no no I understand the question. We are into an expedition  
12:59:08 10 exercise Ms. Dillon. I am trying to help you and you are trying to help me or  
11 help the Tribunal, sorry. In all the circumstance that existed on a specific  
12 occasion in relation to what we now know I told Mr. McGowan in relation to what  
13 I wanted done vis-a-vis the Revenue Commissioners. I told him what I told him.  
14 He did a computation. I cannot say to you that I knew that computation when I  
12:59:34 15 spoke to Mr. O'Callaghan. Certainly I went to -- Mr. O'Callaghan was with me.  
16 It was not that I went to him.  
17
- 18 Mr O'Callaghan was with me on a specific day and I told him the circumstances  
19 that the likelihood was that I was going to have to pay ... I cannot recollect  
12:59:52 20 the adjective that I used, but certainly that I had to pay a significant sum of  
21 money to the revenue. While I cannot recollect that I told him that it related  
22 specifically or that it included payments from him, Riga or Barkhill into  
23 Shefran, I think the likelihood is that I did tell him that it related to  
24 Shefran payments
- 13:00:10 25 Q. 511 Yes. And that the full disclosure that you make to the Revenue on the 8th of  
26 October 1998 through Mr. McGowan, your accountant, you do disclose all of the  
27 payments you have received in connection with Quarryvale which you have not yet  
28 accounted to the Revenue for, isn't that the position?
- 29 A. That's correct, yes.
- 13:00:30 30 Q. 512 So there is absolute disclosure to the Revenue on the 8th of October 1998 of

13:00:36 1 all to that point unaccounted for, Quarryvale connected payments whether made  
2 by Barkhill or Riga or whether received by Frank Dunlop & Associates or by  
3 Shefran, isn't that right?

4 A. Yes.

13:00:47 5 Q. 513 So now you have given a clean slate to all payments received in connection with  
6 Quarryvale?

7 A. Correct via Shefran.

8 Q. 514 Via Shefran. So that the one matter you are going to get right with the  
9 Revenue and indeed do get right at that point in time are the Quarryvale  
10 payments, isn't that right?

11 A. Yes.

12 Q. 515 Right. And I am suggesting to you Mr. Dunlop and you can disagree with me if  
13 you wish, is that the reason in 1998 that you received monies from Mr.  
14 O'Callaghan was because Quarryvale was the subject matter of an inquiry. In  
13:01:18 15 other words this matter was now all seeping into the public domain as it were.  
16 Do you agree with that?

17 A. I agree to the extent that I have already said. That yes, there were  
18 extraneous circumstances. There was a realisation on my part that if a  
19 Tribunal was established to look at Quarryvale that these issues would become  
13:01:38 20 public, would become a matter of investigation and would become public. And  
21 that was the reason I went to -- one of the reasons. There are other reasons  
22 but they are not relevant and they are not germane to the inquiries here, that  
23 I just wanted this matter dealt with. Now, what I do not, you asked me whether  
24 I could agree or not. I agree to that extent. What I do not agree, because I  
13:02:05 25 do not recollect going to Mr. O'Callaghan specifically on the basis that these  
26 issues related to payments to Shefran and that I needed the monies from him on  
27 that basis. I had gone to Mr. McGowan, my accountant, on the basis that there  
28 were issues that may come into the public domain and may need to be addressed  
29 and may need to be regularised with the Revenue Commissioners and that I wanted  
13:02:38 30 him to do that. And that I told Mr. O'Callaghan this uninvited abinitio,

13:02:45 1 unrequested by him, I have a problem with the Revenue Commissioners. And what  
2 I -- the likelihood is that I am going to have to pay a significant sum of  
3 money and I am now asking you for my success fee.

4 Q. 516 But the payments that you made full disclosure of to the revenue Mr.  
13:03:07 5 O'Callaghan Mr. Dunlop in October 1998 were those payments which had been kept  
6 secret from Mr. O'Callaghan and were those payments where large round figure  
7 sums were routed into your non-disclosed bank accounts through the medium of  
8 Shefran on six occasions and two payments to Frank Dunlop & Associates on two  
9 other occasions, isn't that correct?

13:03:26 10 A. They were the Shefran payments yes.

11 Q. 517 And two payments to Frank Dunlop and Associates that were lodged to what you  
12 describe as your war chest accounts, isn't that right?

13 A. Yes.

14 Q. 518 And those were with respect payments that Mr. O'Callaghan knew had been made,  
13:03:37 15 isn't that right?

16 A. No doubt about it that Mr. O'Callaghan knew that they had been made. He agreed  
17 to them. You used a phrase there Ms. Dillon, again I don't wish to be  
18 legalistically particular, even a week's training in law tends you to get much  
19 more particular than you normally are but however, you used a phrase there that  
13:04:01 20 these were deliberately kept secret from Mr. Gilmartin.

21 Q. 519 That's based on your evidence Mr. Dunlop?

22 A. My, the point I wish to make is that the arrangement that I arrived at with Mr.  
23 O'Callaghan was as a result of what Mr. O'Callaghan told me vis-a-vis Mr.  
24 Gilmartin's attitude to me which we have gone through and that I suggested to  
13:04:21 25 him that I had this other company and that these payments could be made through  
26 that.

27 Q. 520 Just so that the question is clear. What I am suggesting to you is that the  
28 matter that you are now making full disclosure of to the revenue on the 8th of  
29 October 1998 are those payments which had been paid by Riga and Barkhill in  
13:04:38 30 large round figure sums to Shefran totalling 175,000 Pounds and two payments to

- 13:04:44 1 Frank Dunlop & Associates totalling 95,000 Pounds which had been lodged to your  
2 war chest accounts and from which Mr. Gilmartin had been kept secret, isn't  
3 that right?
- 4 A. Correct.
- 13:04:54 5 Q. 521 All right. And those were the payments you were disclosing to the Revenue at  
6 that time, the Quarryvale secret payments if I can call them that, isn't that  
7 right?
- 8 A. Yes, they are your words yes and I don't unnecessarily quibble with them.
- 9 Q. 522 Well are you agreeing with them Mr. Dunlop?
- 13:05:10 10 A. These are the matters that I disclosed yes.
- 11 Q. 523 These were the secret payments made to Shefran in connection with Quarryvale?
- 12 A. Yes.
- 13 Q. 524 And that is what you are disclosing to the revenue on the 8th of October 1998?
- 14 A. Correct.
- 13:05:22 15
- 16 CHAIRMAN: All right. It's just one o'clock. So that concludes Mr. Dunlop's  
17 evidence for today.  
18
- 19 Is Mr. Dunlop giving evidence tomorrow?
- 13:05:30 20
- 21 MS. DILLON: Mr. Dunlop is giving evidence I understand on Thursday. I wonder  
22 could I just ask Mr. Dunlop one question
- 23 Q. 525 Mr. Dunlop, do you know a body or a person called Demetrius?
- 24 A. Demetrius, well apart from the classical. Apart.
- 13:05:46 25 Q. 526 I'm talking about your diary now Mr. Dunlop?
- 26 A. There was a person called or Nick named himself Demetrius, what the  
27 circumstances were exactly yes I do is the answer.
- 28 Q. 527 Yes. And are those entries in relation to Demetrius over written in your diary  
29 all of them?
- 13:06:06 30 A. Yes they may well be yes.



13:06:08 1 Q. 528 Who or what was Demetrius?  
2 A. Demetrius I think was ... was a Fine Gael supporter who from time to time came  
3 to my office to give advice.  
4 Q. 529 Right.

13:06:24 5  
6 CHAIRMAN: Well we can take it. Anyway  
7 A. I will deal with the matters when I think about it again.  
8  
9 CHAIRMAN: We better get a name from Mr. Dunlop. We can get it through his  
13:06:35 10 solicitor.  
11  
12 MS. DILLON: Yes.  
13  
14 CHAIRMAN: So we are sitting at two o'clock for two other witnesses.

13:06:40 15  
16 MS. DILLON: Yes, Sir.  
17  
18 CHAIRMAN: We are sitting on Thursday again for Mr. Dunlop at ten o'clock.  
19 But we have other witnesses tomorrow.

13:06:47 20  
21 MS. DILLON: Yes on Thursday. But we have other witnesses tomorrow. Yes,  
22 Sir. Thank you.  
23  
24

13:07:03 25  
26 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**  
27  
28  
29  
30

13:07:04 1

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

2

3

4

MR. QUINN: Good afternoon, Sir. Mr. Louis Fitzgerald.

14:05:44 5

6

MR. GARDINER: I appear instructed by Arthur Cox for Mr. Fitzgerald. With the leave of the Tribunal

7

8

9

CHAIRMAN: All right. Granted. Thanks.

14:06:07 10

11

**MR. LOUIS FITZGERALD, HAVING BEEN SWORN, WAS QUESTIONED BY**

12

**MR. PAT QUINN AS FOLLOWS:**

13

14

14:06:16 15

CHAIRMAN: Good afternoon, Mr. Fitzgerald.

16

Q. 530

17

18

MR. QUINN: Mr. Fitzgerald, I think you are the principal of an entity

19

entitled Fitzgerald Group which is the owner and has an interest in a number of licensed premises in Dublin, is that correct?

14:06:28 20

21

A. That's correct.

22

Q. 531 And I think that that company has head offices in Palmerstown House in

23

Palmerstown in Dublin, is that correct?

24

A. That's correct, yes.

14:06:37 25

26

Q. 532 And if we could have 20176. I think on the 16th of November of 2004 the

27

Tribunal wrote to you asking you for a statement outlining your relationship with Mr. Lawlor, the late Mr. Lawlor, isn't that right?

28

A. That's right.

29

Q. 533 And I think at 20177. On the 25th of November 2004 you provided such a

14:07:00 30

statement to the Tribunal, isn't that right?

14:07:02 1 A. That's right.

2 Q. 534 I propose to read that statement to you and ask you one or two questions

3 arising from it.

4

14:07:08 5 You say "I refer to your recent correspondence, a copy of which I have

6 enclosed. I can confirm that Mr. Liam Lawlor was a customer at my premises,

7 the Palmerstown House and Restaurant. He regularly purchased goods from our

8 off licence. On a number of occasions brought guests and held parties in our

9 restaurant. He was a good customer in this regard. Other than the business

14:07:27 10 outlined above, the only other financial dealings that I had with Mr. Lawlor

11 occurred in the early to mid 1980's. Mr. Lawlor approached me for a loan. He

12 indicated that he needed the loan due to cashflow problems but that there was

13 no problem with paying back the loan. He offered me a post dated cheque which

14 I could re lodge in a couple of months. Given that Mr. Lawlor caught me

14:07:48 15 somewhat unaware by the request, that he stressed that it was a once off

16 request, that he was a public figure and TD and known customer at my premises I

17 felt obliged to agree and give Mr. Lawlor the loan. The loan I believe was for

18 an amount of 15,000 Pounds.

19

14:08:02 20 When I lodged the repayment cheque sometime later the cheque bounced. All in

21 all it took me I believe almost a year to get all my money back. Mr. Lawlor

22 did pay back the loan in its entirety. I had no further dealings with

23 Mr. Lawlor and he no longer did business at my premises presumably as a result

24 of this incident. I have enclosed a copy of a cheque from Mr Lawlor which

14:08:22 25 bounced though I cannot be sure if this was the first cheque that he gave me or

26 whether it was one of the subsequent attempted payments which bounced. This

27 cheque was retained by one of my staff at the time.

28

29 I trust that the above information is of some benefit. Yours sincerely".

14:08:37 30

- 14:08:37 1 And I think if we look at one or two documents in relation to that matter. If  
2 we could have 7100.  
3  
4 This appears to be a cheque dated the 20th of April 1992, Mr. Fitzgerald made  
14:08:56 5 payable to cash in the sum of 15,000 Pounds. And if we look at 7099. This is  
6 a letter from UDT, First Southern Bank to the Manager of Allied Irish Bank,  
7 Clondalkin enclosing that cheque and asking for bank payment in respect of the  
8 cheque, you see that?  
9 A. Yes, I do.
- 14:09:25 10 Q. 535 Could that have been the cheque that you gave to Mr. Lawlor by way of a loan in  
11 1992?  
12 A. That was the cheque I gave to Mr. Lawlor.
- 13 Q. 536 Had you ever given money to Mr. Lawlor prior to April '92?  
14 A. No.
- 14:09:43 15 Q. 537 Now, Mr. Lawlor in his correspondence with the Tribunal has identified a  
16 payment which he says he received by way of political contribution from you in  
17 June '89. If I could have 20389, a sum of 500 Pounds?  
18 A. Um,.
- 19 Q. 538 Do you see very near the end of that having identified a number of parties you  
14:10:03 20 see "Louis Fitzgerald cheque 500", do you see that?  
21 A. I could have. I hadn't remembered it but I could have.
- 22 Q. 539 Now, can I ask you to outline the circumstances under which you came to make  
23 that loan to Mr. Lawlor?  
24 A. Mr. Lawlor had called me on the telephone and asked me to, asked me if I could  
14:10:40 25 meet him. And I said I could. He needed to talk to me on that particular day,  
26 I can't remember exactly the day it was but I take it it's the day or the date  
27 on the cheque. I went to his house and he asked me to know first of all would  
28 I cash a cheque for him and I said I wouldn't be able to get that kind of cash  
29 as the safes were time locked.
- 14:11:14 30 Q. 540 How much was the cheque for?

- 14:11:17 1 A. The cheque was for 15,000.
- 2 Q. 541 And was that his own personal cheque?
- 3 A. Yes.
- 4 Q. 542 And was it a cheque that he had made payable to you or was it a cheque that he
- 14:11:26 5 proposed to make payable to you or to your company?
- 6 A. As far as I can remember it was a cheque that he made payable to me, I'm nearly
- 7 certain it was.
- 8 Q. 543 And did he have the cheque already written out when you arrived in his home?
- 9 A. No.
- 14:11:39 10 Q. 544 He undertook to write a cheque to you, is that right?
- 11 A. He asked me first of all to know would I cash the cheque for him and I did say
- 12 I didn't have the cash. Then he said he needed the cash as he had some
- 13 problems with his bank account and he needed it the following morning early,
- 14 reasonably early. Then he suggested that we give him one of my cheques and he
- 14:12:10 15 would give me one of his cheques, do a cheque exchange and I could cash his
- 16 cheque then in five or six weeks and as he wouldn't have a problem because he
- 17 was doing a lot of business in Czechoslovakia and he had a lot of business
- 18 going on and he had a lot of money going into his account, his account in the
- 19 space of six or seven weeks or five or six weeks, whichever he said at the
- 14:12:43 20 time.
- 21 Q. 545 And did you take a post dated cheque from Mr. Lawlor?
- 22 A. I took a post dated cheque from Mr. Lawlor.
- 23 Q. 546 That would have been in April 1992 and the cheque presumably would have been
- 24 dated sometime later in 1992?
- 14:12:55 25 A. I can't be specific of the dates, the only record I would have is the date I
- 26 wrote my own cheque and his cheque would have been post dated, probably a
- 27 couple of months after that date.
- 28 Q. 547 We're talking about April '92. So his cheque would have been dated certainly
- 29 sometime in 1992 but possibly later in 1992, is that correct?
- 14:13:20 30 A. That's correct.

- 14:13:20 1 Q. 548 Now, did you present Mr. Lawlor's cheque on the due date?
- 2 A. Probably not. It may have been a few weeks later than the actual date on the
- 3 cheque. I do remember holding on to it for a few weeks later.
- 4 Q. 549 And what happened?
- 14:13:39 5 A. It bounced.
- 6 Q. 550 Now, we know from the documentation you furnished to the Tribunal. If we look
- 7 at 20178. There is a cheque signed by Mr. Lawlor and made payable to cash in
- 8 the sum of 15,000 Pounds. And which is marked "refer to drawer". You see that
- 9 cheque?
- 14:14:00 10 A. I do.
- 11 Q. 551 Do you have a recollection of receiving that cheque from ...?
- 12 A. That was not the first cheque he gave me. That was a cheque later. The first
- 13 cheque he gave me bounced. I may have lodged it a couple of times, I'm not
- 14 sure. And this cheque replaced the first cheque.
- 14:14:25 15 Q. 552 Did you bank at the Ulster Bank in Palmerstown?
- 16 A. Yes.
- 17 Q. 553 There is another cheque discovered by Mr. Lawlor at 25433 which would appear to
- 18 be the same cheque as the cheque on screen but the reference "refer to drawer"
- 19 is omitted from it. Could I have 25433, please. Perhaps both 25433 and 20178
- 14:14:52 20 could be put side by side. 25433 and 20178. You will see that the cheques
- 21 have the number 153515.
- 22
- 23 CHAIRMAN: We only have one cheque.
- 24
- 14:15:31 25 MR. QUINN: 25433. We'll give you a hard copy of that cheque if we may,
- 26 Mr. Fitzgerald. We don't appear to have it on screen at the moment.
- 27
- 28 I have just given you a hard copy of or a second copy of that cheque,
- 29 Mr. Fitzgerald. You will see that the reference to the cheque on screen "refer
- 14:16:17 30 to drawer" is omitted. And is replaced on the left by "refer to drawer" isn't

14:16:24 1 that right?

2 A. Can I just have a moment?

3

4 CHAIRMAN: Yes.

14:17:33 5 A. Now, what's the question again.

6 Q. 554 Are you happy that they are the same cheque but that they have two different

7 references and it would appear that perhaps the first of the cheques, that's at

8 25433, may have been presented nearer to the 2nd of February '95, which is the

9 date of the cheque, and that the other cheque which has the reference "refer to

14:17:54 10 drawer" on the top left hand corner at 20178 may have been presented on the

11 26th of July '95 as appears from the stamp?

12 A. The cheque 153515 is the cheque I am referring to.

13 Q. 555 Yes. They are both, they both have the same reference?

14 A. Right.

14:18:14 15 Q. 556 Do you understand? They would appear to be the same cheque?

16 A. Are they the same cheque?

17 Q. 557 They are both 153515, isn't that right. If you look at the bottom left hand of

18 both cheques, isn't that right?

19 A. Yes.

14:18:35 20 Q. 558 So it would appear that in relation to the cheque at page reference 20178,

21 which has "refer to drawer" on it, that that cheque was presented on the 26th

22 of July 1995 isn't that right?

23 A. Lodged on the 24th of the 7th '95.

24 Q. 559 Or 26th of July '95? Do you see the reference to the Ulster Bank stamp 26th of

14:19:11 25 July?

26 A. Yes, I do, the 26th.

27 Q. 560 Is that correct? Now, I think on the 20th of July 1995. Could I have 20183.

28 Your solicitors wrote to Binchy's Solicitors seeking payment of this loan,

29 isn't that right?

14:19:36 30 A. Yes.

- 14:19:36 1 Q. 561 And I think if we look at that letter it refers to Mr. Liam Lawlor, Mr. Louis  
2 Fitzgerald as being the client of Arthur Cox solicitors and it refers to  
3 auction of premises at Newcastle Road, Lucan the on the 25th of July 1995?  
4 A. Yes I'm aware of that, yes.
- 14:19:44 5 Q. 562 And I think you instructed your solicitors to seek the sum of the recovery of  
6 15,000 Pounds out of the proceeds of sale of that auction, isn't that right?  
7 A. There was an ongoing discussion between myself and Liam Lawlor in relation to  
8 getting paid and he did, he was very convincing that he was going to pay but  
9 when I didn't know. So he suggested -- he did say he was selling land adjacent  
10 to his house in Lucan. He did say that when the land was sold that he would  
11 pay me then. It did take quite a number of months before the land came up for  
12 auction and I did contact my solicitor.
- 13 Q. 563 Yes. And it appears from that letter of the 20th of July that the auction was  
14 to take place on the 25th of July, isn't that right?
- 14:20:36 15 A. From this letter here right.
- 16 Q. 564 You see auction of premises at Newcastle Road, Lucan on the 25th of July 1995,  
17 it's in the heading of the letter?
- 18 A. Yes I do see that.
- 19 Q. 565 Presumably that's information given to your solicitors by you, is that correct?
- 14:20:50 20 A. Yes, it was.
- 21 Q. 566 And if we revert then to 20178. It would appear that the cheque was presented  
22 for payment on the 26th of July which would have been the date following the  
23 auction, isn't that right?
- 24 A. I don't have a recollection of it. The dates are on the cheque and the dates  
14:21:08 25 are there and so I have to assume that they are correct.
- 26 Q. 567 When do you say that Mr. Lawlor paid you the 15,000 Pounds, Mr. Fitzgerald?
- 27 A. Mr. Lawlor paid me in a number of cheques. I'm not sure when but my  
28 recollection of it may not be correct but it, he may have paid me some money  
29 before the auction because I was putting pressure on him to get paid and he may  
14:21:42 30 have paid me some. He paid me a number of cheques to make up the 15,000.



- 14:21:49 1 Q. 568 Well it's unlikely that you would have presented the post dated cheque for the  
2 15,000 Pounds on the day following the auction if you had already received  
3 payment of some of the amount, isn't that right?
- 4 A. It is I suppose, yes.
- 14:22:04 5 Q. 569 And certainly by the 20th of July. If we look at 20183. None of the amount of  
6 15,000 pounds appears to have been paid to you by that date, isn't that  
7 correct?
- 8 A. No, probably not.
- 9 Q. 570 And I don't think you would be in a position to tell the Tribunal when exactly  
10 you were paid or how you were paid, isn't that right?
- 11 A. No I'm not sure when I was paid.
- 12 Q. 571 Or how you were paid?
- 13 A. Well I have a recollection that I got paid a number of cheques, it's a  
14 recollection that I have that's ...
- 14:22:36 15 Q. 572 Just in relation to your cheque to Mr. Lawlor. I think that cheque was made  
16 payable to cash. If we look at 7100. Is there any particular reason why you  
17 made the cheque payable to cash?
- 18 A. No particular reason, no.
- 19 Q. 573 And I think the post dated cheque given to you by Mr. Lawlor at 2433 is again  
14:22:55 20 made payable to cash, isn't that right?
- 21 A. The cheque on the 2nd, sorry the first cheque.
- 22 Q. 574 Yes?
- 23 A. The first cheque I have no recollection. I assumed that it was post dated for  
24 a number of weeks after.
- 14:23:10 25 Q. 575 The first cheque would be a cheque which would be dated 1992, isn't that right?
- 26 A. '92 that's correct, yes.
- 27 Q. 576 Whereas the one cheque that has been discovered by yourself and Mr. Lawlor is  
28 dated 1995, isn't that right?
- 29 A. The second is. The 2nd or thereabouts 1995.
- 14:23:26 30 Q. 577 Early 1995?

14:23:27 1 A. Early '95, yes.

2 Q. 578 And you haven't been able to produce a cheque which cleared, isn't that right?

3 A. I don't understand the question.

4 Q. 579 You haven't been able to produce the cheque which contained the repayment of

14:23:40 5 the loan to you, isn't that right?

6 A. No.

7 Q. 580 Now, you say I think and you've told the Tribunal that in or around April 1992

8 Mr. Lawlor made an appointment for you to come to his home where he had sought

9 in the first instance for you to cash a cheque on his behalf, isn't that right?

14:23:58 10 A. Yes.

11 Q. 581 Because he was having difficulties with his bank?

12 A. Yes.

13 Q. 582 And we know from documentation discovered to the Tribunal that there were in

14 fact a series of cheques cashed by you or by your company for Mr. Lawlor, isn't

14:24:17 15 that right?

16 A. Yes, we did cash a a number of cheques for him.

17 Q. 583 This would be in the period February and March 1992, isn't that right, which

18 would be in the months preceding that visit to you by Mr. Lawlor?

19 A. That's the date that's stated here.

14:24:35 20 Q. 584 Yes. Well I think we can do a little better than the date. The date that's

21 stated there is the date of the cheque made payable to cash and given to you by

22 Mr. Lawlor of 15,000 Pounds, isn't that correct?

23 A. That's correct, yeah.

24 Q. 585 That's the value that was obtained on the 20th of April 92 and value was

14:24:52 25 obtained on the 22nd of April '92 isn't that right? You see that from the

26 correspondence between UDT and Allied Irish Bank that I referred to a moment

27 ago, isn't that right?

28 A. The ...

29 Q. 586 If we look at 7099. This is a letter it refers to cheque No. 500144. It's in

14:25:14 30 the amount of 15,000 pounds. The payee is cash, the drawer is Louis FITZGERALD

14:25:19 1 and the UDT representative writing to the Manager of Allied Irish Bank seeks  
2 banker payment in respect of the attached cheque, isn't that right?

3 A. What date was on that?

4 Q. 587 That letter is dated the 22nd of April '92?

14:25:43 5 A. April '92. That's the cheque that bounced.

6 Q. 588 No no. Slight confusion here. That's your cheque to cash given by you to  
7 Mr. Lawlor?

8 A. Oh, right.

9 Q. 589 And we see that cheque at 7100?

14:25:55 10 A. Yes.

11 Q. 590 So that Mr. Lawlor received value for that cheque on the 22nd of April '92, you  
12 understand?

13 A. Yes, I accept that.

14 Q. 591 Now, what I am suggesting to you is that in the months leading up to that date,  
14:26:12 15 up to April '92 your company did in fact cash a series of cheques for  
16 Mr. Lawlor or Mr. Lawlor's son Mr. Niall Lawlor?

17 A. Mr. Lawlor was a regular customer in my office licence and also in the  
18 restaurant and the pub. The Manager in the pub would have dealt with the  
19 cheques in relation to the Lawlor family.

14:26:39 20 Q. 592 We'll just?

21 A. The only cheque I dealt with was. The only dealings that I had with Mr. Lawlor  
22 was on the basis of the exchange cheque that I done with him. I have no  
23 knowledge of any other cheques.

24 Q. 593 And that exchange cheque came into existence because you refused to cash a  
14:26:56 25 cheque for 15,000 for him in April '92, isn't that correct?

26 A. Well I agreed -- I couldn't cash the cheque. I didn't have the cash. But I  
27 accepted. I gave him a cheque of mine and he gave me a cheque of his and that  
28 cheque bounced.

29 Q. 594 Can we just have a look at a number of documents. There have been a series of  
14:27:16 30 lodgements to an account of Mr. Niall Lawlor. And Mr. Liam Lawlor has advised

14:27:22 1 the Tribunal that these, that this account in the name of Mr. Niall Lawlor was  
2 operated for his, Liam Lawlor's benefit, if we could have 14272. This is an  
3 affidavit sworn by Mr. Lawlor and in the course of that affidavit on the page  
4 on screen you will see he says that "I have been reminded by Niall that during  
14:27:45 5 the early 90's he operated a small number of bank accounts which have not  
6 previously been discovered herein wholly or partially for my benefit. The  
7 accounts in question were insofar as we can recall in Niall's name and were  
8 operated at the time by Niall for my benefit. Due to the fact that because of  
9 my then very serious financial situation I found it difficult to operate my  
14:28:04 10 normal banking arrangements as I would have wished. The accounts in question  
11 were maintained in the following banks". And you will see there at paragraph C  
12 Allied Irish Bank, branch at Grafton Street, Dublin 1. Dublin 2 I should say  
13 sorry. I have put Niall in funds to lodge to the credit of these accounts. At  
14 this point in time I cannot recall what documents I might have in my possession  
14:28:25 15 or power or procurement in relation to either those accounts or to the monies  
16 lodged thereto. However I do not have any documents relating thereto in my  
17 possession or power of procurement at this time. I do recall that my son Niall  
18 used monies from these accounts for the purposes of paying certain creditors  
19 whom I wished to discharge from time to time. Had I sought to operate my own  
14:28:45 20 bank accounts at this time I have no doubt but that the banks in question would  
21 have simply retained all lodgements and would not have permitted me to  
22 discharge any other creditors. I have confirmed with my son Niall that he is  
23 willing to instruct these bankings to provide all of the relevant details of  
24 these accounts to the Plaintiffs and is in the process of so doing." And if  
14:29:06 25 we could have 6703.

26  
27 This is a copy of an account held in the name of Niall Lawlor, Somerton House,  
28 Lucan, County Dublin. It's a current account and it's held at Allied Irish  
29 Bank, Grafton Street. And you will see there on the 7th of February 1992 that  
14:29:34 30 the account is credited with a sum of 2,000 pounds. Do you see that

14:29:35 1 A. Yes.

2 Q. 595 And then if you go to the 11th of February 1992. You will see that there is a  
3 cheque written on that account 500076 for the sum of 2,000 pounds do you see  
4 that?

14:29:43 5 A. Yes I do.

6 Q. 596 Now, we see that cheque at 6705. And it's a cheque written by Mr. Niall Lawlor  
7 on that account made payable to Palmerstown House. Do you see that in the sum  
8 of 2,000 pounds?

9 A. Yes, I do.

14:30:04 10 Q. 597 Now, in relation to the lodgement to that account. At 6704 Mr. Lawlor in  
11 response to queried lodgements over 1,000 Pounds advised the Tribunal that that  
12 2,000 pounds lodged to the AIB account was sourced from Palmerstown House. Do  
13 you see that? So it would appear that for whatever reason, Mr. Fitzgerald, if  
14 we go to 6703. That on the 7th of February 1992 Mr. Niall Lawlor's account was  
14:30:38 15 credited with a sum of 2,000 pounds which he said came from Palmerstown house.  
16 And was debited a number of days later with a sum of 2,000 pounds by way of a  
17 cheque made payable to Palmerstown House, do you understand?

18 A. Yes.

19 Q. 598 Now, there are a series of similar type of transactions and I will just go  
14:30:58 20 through them first and then I am going to ask you to explain to the Tribunal as  
21 best you can how these transactions took place.  
22  
23 That's the first of those transactions.  
24  
14:31:07 25 If I can go to 6738, please.  
26  
27 This is a lodgement or a credit to that same account in the name of Mr. Niall  
28 Lawlor on the 18th of February 1992 in the sum of 4,000 pounds. Do you see  
29 that? And then you will see on the 20th of February a cheque No. 500088 in the  
14:31:30 30 sum of 4,000 pounds was debited to the account. And you will see that

14:31:37 1 Mr. Lawlor at 6739 identifies the source of that 4,000 pounds lodgement as the  
2 Palmerstown House. And if you look at 6740. You will see that cheque number  
3 which I have just referred to dated the 18th of February 1992 being made  
4 payable to Palmerstown House, do you see that

14:31:56 5 A. Yes.

6 Q. 599 If we go to 6738, please. On the 20th of February 1992 again to the same  
7 account we see a sum of 5,000 pounds being credited on that date and then on  
8 the 24th of February 1992 cheque No. 500089 being debited to the account. This  
9 time in the sum of 6,000 Pounds, do you see that?

14:32:23 10 A. Yes.

11 Q. 600 And at 6739 Mr. Lawlor identified the source of that 5,000 pounds into that  
12 account as being the Palmerstown House and says by way of narrative that the  
13 cheque cashed for 6,000 pounds, lodged 5,000 Pounds and we see the cheque for  
14 6,000 Pounds made payable to Palmerstown House at 6784 and it's dated the 20th  
15 of February '92 and it's signed Niall Lawlor and made payable to the  
16 Palmerstown House. Do you see that?

17 A. Yes.

18 Q. 601 If we could have 6790, please. On the 24th of February 92 there was this time  
19 a sum of 7,000 Pounds lodged to the account and on the 26th of February 1992  
14:33:03 20 cheque No. 500092 in the sum of 7,000 pounds is debited to the account. And  
21 again, we see at 6792 the cheque in the sum of 7,000 pounds being made payable  
22 to Palmerstown House and dated the 24th of February '92. And at 6791  
23 Mr. Lawlor identifies the source of that 7,000 Pounds as Palmerstown house,  
24 isn't that right?

14:33:31 25 A. Yes.

26 Q. 602 Again, if we could perhaps look at 6807 on the 27th of February 1992. There is  
27 a credit to the account of Mr. Lawlor in the sum of 7,000 Pounds and at 6808  
28 there is a debit by way of cheque 500093 in the sum of 8,000 pounds to that  
29 account. And again, if we look at 6089 we see the source of that 7,000 pounds  
14:34:07 30 credit being Palmerstown house and by way of narrative Mr. Lawlor said cash for

14:34:13 1 8,000 pounds, lodge 7,000 Pounds. And at 6810 we see the cheque dated the 27th  
2 of February '92 in the sum of 8,000 Pounds being made payable to the  
3 Palmerstown House, do you see that?

4 A. Yes.

14:34:28 5 Q. 603 At 6829 there is a credit to the account of Mr. Niall Lawlor on the 2nd of  
6 March of 15,000 Pounds. And then on the 5th of March there is a debit of  
7 cheque No. 500096 in the sum of 16,000 Pounds, do you see that?

8 A. Yes.

9 Q. 604 And again at 6830 Mr. Lawlor identifies that debit as being a debit sourced  
10 from Bigger Staff Services Limited, registered office Palmerstown House. I  
11 think Bigger Staff Services Limited is one of the companies within the  
12 Palmerstown Group, is that correct?

13 A. That's correct.

14 Q. 605 And he said by way of narrative that the cheque was cashed for 16,000 and there  
14:35:21 15 was a lodgement of 15,000. And we see that cheque at 6831 dated the 2nd of  
16 March 1992 made payable to Bigger Staff Services Limited in the sum of 16,000  
17 pounds, do you see that?

18 A. Yes, I do.

19 Q. 606 And then finally at 6842. You will see a further credit to that account later  
14:35:41 20 in March in the sum of 16,000 Pounds and a debit on the 6th of March 1992 for  
21 cheque No. 500097 in the sum of 16,000 Pounds. And at 6844. On the 4th of  
22 March '92 there is yet another cheque made payable to Bigger Staff Services  
23 Limited of 16,000 pounds dated the 4th of March '92. And at 6843 Mr. Lawlor  
24 has advised the Tribunal that the source of the lodgement is Bigger Staff  
14:36:14 25 Services Limited. Do you see that? Now, Mr. Fitzgerald, from the  
26 documentation which I have shown you, it would appear to be that Mr. Niall  
27 Lawlor was writing cheques to either Palmerstown house or bigger staff  
28 services limited for monies ranging from 2,000 to 16,000 pounds in the two  
29 months prior to your loan to Mr. Liam Lawlor on the same day was lodging to  
14:36:47 30 that account monies which except on two occasions corresponded with the amounts

14:36:54 1 which the cheques were written, isn't that right? Can you explain to the  
2 Tribunal what was going on in relation to the -- to your accounts and  
3 Mr. Lawlor's accounts in relation to the lodgements of those cheques at that  
4 time?

14:37:10 5 A. I had no dealings with any of those cheques, I don't know.

6 Q. 607 You don't know what was going on?

7 A. I knew the Manager was cashing cheques for the Lawlor family. I knew some of  
8 them had been substantial but I didn't know to what extent they were.

9 Q. 608 Yes but what I'm asking you, Mr. Fitzgerald, is why was the proceeds of the  
14:37:39 10 cheques which were being written on an account, why was the money being lodged  
11 to the accounts and the accounts being debited within days of the monies being  
12 credited to the account?

13 A. I don't know, I'd nothing to do with it.

14 Q. 609 Can you speculate at all as to why this was going on?

14:37:59 15 A. I can a little, yes. I can speculate. I know that the Manager was going to  
16 the bank, bringing a cheque to the bank, getting cash for it and bringing it  
17 back and giving it to a customer, whether it was Liam Lawlor or somebody else  
18 if he was short of cash in the pub. The bank was somewhat 100 yards from the  
19 pub and that system did go on a bit to help assist customers with cashing  
14:38:28 20 cheques.

21 Q. 610 I can understand a cash business cashing cheques at this time, Mr. Fitzgerald?

22 A. Uh-huh.

23 Q. 611 But there would appear to be no reason why cheques were being cashed and lodged  
24 almost immediately, do you understand? There were no funds there to meet  
14:38:43 25 the cheques other than the proceeds of the cheques being lodged on the date in  
26 which the cheque was issued, do you understand?

27 A. I do understand but I don't know because I wasn't involved at the time. The  
28 Manager of Palmerstown House handled all of the transactions in relation to  
29 lodgements, cheques etc. and the only dealings that I had with the Lawlor  
14:39:05 30 family was the exchange cheque I done early in February '92.



- 14:39:09 1 Q. 612 When Mr. Lawlor came to you in April '92?
- 2 A. Uh-huh.
- 3 Q. 613 Were you aware that these series of transactions had gone on in February and
- 4 March '92?
- 14:39:18 5 A. I knew that there was cheques being cashed but to the extent I didn't, no.
- 6 Q. 614 Now, in relation to the cheques. The proceeds of the cheques then would have
- 7 been lodged to your accounts and you have discovered three accounts to the
- 8 Tribunal I think, isn't that right? You discovered on behalf of Bigger Staff
- 9 Services Limited a number one account, a number two account, and then I think a
- 14:39:47 10 holding account. If we look at, for example, take the first of the cheques for
- 11 2,000 pounds at 6703. You see the Mr. Lawlor's account Mr. Niall Lawlor's
- 12 account being debited on the 11th of February 92 in the sum of 2,000 pounds
- 13 which presumably would be the date on which the value for that cheque would
- 14 have hit your account or Bigger Staff Services account, isn't that right? And
- 14:40:16 15 if we look at 25390 which is the Savings Account. There doesn't appear to have
- 16 been any transactions on that account between December 91 and April 92, isn't
- 17 that right?
- 18 A. Just ... right okay.
- 19 Q. 615 And then if we look at 25358 which is the Bigger Staff Services number one
- 14:40:29 20 account. We should see a credit to that account of 2,000 pounds on the 11th of
- 21 February '92, isn't that right? And we don't see a credit to either that
- 22 number one account. And if we look at 25385 we don't see a credit for 2,000
- 23 pounds to the number two account, isn't that right?
- 24 A. That's correct.
- 14:40:56 25 Q. 616 What happened the cheques?
- 26 A. I don't know. I wasn't involved so I don't know.
- 27 Q. 617 Again, if we go to, look at the 4,000 pounds cheque at 6738. Mr. Lawlor
- 28 credits his account with 4,000 pounds on the 18th of February and then on the
- 29 20th of February the cheque made payable to Palmerstown House if we look at
- 14:41:35 30 6740, which is the cheque number, is debited to the account, isn't that right?

14:41:49 1 And in all of these cases would you agree with me Mr. Fitzgerald as I think you  
2 must that the cheque is dated the same date on which credit appears on the  
3 Allied Irish Bank account, isn't that right?  
4 A. It seems to be, yes.

14:42:04 5 Q. 618 I mean, it would take a few days for the cheque to clear, isn't that right?  
6 A. That's correct.  
7 Q. 619 Could it be, Mr. Fitzgerald, that the credits to the account didn't come from  
8 Palmerstown House or Bigger Staff Services Limited. In other words, that  
9 whilst Bigger Staff Services or Palmerstown House or your companies gave value  
14:42:29 10 for the various cheques to Mr. Lawlor that you may have given value all on one  
11 occasion and that the lodgements of the cash to the Niall Lawlor account was  
12 from another source?  
13 A. I don't know.  
14 Q. 620 You don't know, you can't say?  
14:42:43 15 A. I can't say.  
16 Q. 621 Were given on or the value for these cheques was given on the date on which  
17 ...?  
18 A. I don't know.  
19 Q. 622 Thank you very much, Mr. Fitzgerald.

14:42:55 20  
21 CHAIRMAN: Do you want to ask your client any questions?  
22  
23 MR. GARDINER: No.  
24

14:43:01 25 CHAIRMAN: No. Thank you very much, Mr. Fitzgerald.  
26  
27  
28 **THE WITNESS THEN WITHDREW.**  
29  
14:43:05 30

14:43:23 1 MS. DILLON: Mr. James Bolger, please.

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14:43:26 1 MR. MCGONIGAL: May it please the Tribunal I appear, instructed by Ms.  
2 McKenzie for Mr. Bolger.  
3  
4 CHAIRMAN: Right. And you are seeking representation?  
14:43:36 5  
6 MR. MCGONIGAL: Limited representation.  
7  
8 CHAIRMAN: Certainly. Granted.  
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**MR. JAMES BOLGER, HAVING BEEN SWORN, WAS QUESTIONED**

**BY MS PATRICIA DILLON AS FOLLOWS:**

- 14:43:55 1
- 2
- 3
- 4
- 14:43:59 5 CHAIRMAN: Good afternoon, Mr. Bolger.
- 6
- 7 MS. DILLON: Good afternoon, Mr. Bolger. I am going to take you through the
- 8 documentation passing in the first instance between A.K shields and yourself
- 9 and thereafter passing between the Tribunal and yourself and the documents
- 14:44:15 10 surrounding certain transactions that occurred between yourself and Mr. Dunlop.
- 11
- 12 The first matter I want to draw to your attention is, well can you confirm for
- 13 the Tribunal first of all that you are a horse trainer and a horse breeder by
- 14 profession?
- 14:44:31 15 A. That's correct.
- 16 Q. 623 Right. And that you would have I understand an International reputation, is
- 17 that correct?
- 18 A. I am not so sure what you mean by that but I would be well known in
- 19 International racing circles.
- 14:44:47 20 Q. 624 All right. And I think that in the first communication, recorded communication
- 21 in relation to the matters, the subject matter of the Tribunal's enquiries, is
- 22 a letter dated the 23rd of November 2000 at page 23705. These should come up
- 23 on the screen beside you. This was a letter from Messrs. A K shields,
- 24 Mr. Dunlop's solicitors to you in October of 2000 and a certain number of
- 14:45:12 25 queries are set out in that letter. Did you get that letter?
- 26 A. I did, yes.
- 27 Q. 625 And I think the first matter that is inquired into under paragraph 1 relates to
- 28 a transaction of 40,000 Pounds Sterling which was transferred to an account
- 29 number 01285078 in Newbridge in March of 1992, isn't that right?
- 14:45:33 30 A. The letter says 40,000 pounds Irish.

- 14:45:37 1 Q. 626 Yes that's Sterling 37,491. I think that in fact that should be the other way  
2 around?
- 3 A. I'm not so sure. It's so long ago.
- 4 Q. 627 But in any event, the query that's being made of you Mr. Bolger in paragraph 1  
14:45:52 5 of the letter of the 23rd of November 2000 was what you knew about that  
6 transaction, isn't that right?
- 7 A. That's correct.
- 8 Q. 628 Right. And in particular in the fourth sentence you were asked to provide them  
9 with an explanation as to the circumstances in which the payment was made,  
14:46:07 10 isn't that right?
- 11 A. That's right.
- 12 Q. 629 And if the payment was made in connection with the particular transaction they  
13 would be obliged if you would provide them with a copy of the relevant  
14 transaction documentations, isn't that correct?
- 14:46:24 15 A. That's correct.
- 16 Q. 630 The second query that's made of you was enclosing a cheque of the 8th of July  
17 1996 which was drawn on the account of Seamus Hughes at ACC Bank, Carlow in the  
18 sum of 2,759 and asking you to provide an explanation for the circumstances in  
19 which that cheque was paid to Mr. Dunlop, isn't that right?
- 14:46:38 20 A. Yes.
- 21 Q. 631 The third query that was put to you was two further cheques were enclosed,  
22 namely a cheque drawn on James and Sheila Owen's account, on the 24th of April  
23 98 in the sum of 2,250 pounds and another cheque in the same amount drawn on  
24 the account of Keal Ryan Properties Limited dated the 14th of April '98. And  
14:46:59 25 next page please, also in the same amount and again you are asked to provide an  
26 explanation in the circumstances in which you gave those cheques to Mr. Dunlop,  
27 isn't that right?
- 28 A. That's right.
- 29 Q. 632 And the fourth matter while it's not numbered four in fact is item four was a  
14:47:12 30 reference to our client, that's Mr. Dunlop, has a recollection that some years

14:47:17 1 ago he purchased an interest in a horse for approximately 12,500 pounds and you  
2 were asked to indicate whether Mr. Dunlop had purchased the interest, the sum  
3 paid and the details in connection to it, isn't that right?

4 A. That's right.

14:47:29 5 Q. 633 Now I think on the following day at 13880. That is the 24th of November 2000  
6 you received a further letter from L K Shields in relation to one final matter  
7 and I will call this number five which was a payment in May of 1992 by way of a  
8 bank draft in your favour in the sum of 23,917.81. They enclosed a copy of the  
9 draft and they asked you to state the purpose for which the payment was made to  
10 you, isn't that right?

11 A. That's right.

12 Q. 634 So that in effect in November of 2000 L K Shields was enquiring of you the  
13 reason for certain payments that had been made to you, isn't that right?

14 A. That's correct.

14:48:11 15 Q. 635 And you provided an answer to that correspondence on the 8th of January 2001 at  
16 7259. And in this you state "Dear Sir, further to your letter of the 23rd  
17 November 2000 I wish to confirm that I sold a thorough bred foal to your client  
18 in November 1992. The price was 64,000 to include keep, farrier and veterinary  
19 expenses up to yearling sales in October 1993 when it was to be sold. The  
14:48:42 20 amount was settled by two payments, one of 40,000 pounds and a further payment  
21 of 23,917.81. In or about August of 1993 the animal suffered a fatal accident  
22 resulting in a loss to your client of his total investment. No record of the  
23 transaction exists. The amount of 2,759 pounds paid to your client in 1996 was  
24 the proceeds of a vet. I do not remember the details." And that's the Seamus  
14:49:07 25 Hughes cheque, isn't that correct?

26 A. That's correct.

27 Q. 636 And the next paragraph "the two cheques totalling 4,500 Pounds were given to  
28 your client in April 1998, were in respect of expenses for a feasibility study  
29 on premises in Leeson Lane which I was interested in procuring. Your client  
14:49:21 30 has not submitted the results of the feasibility study to me and he

14:49:25 1 subsequently agreed to refund the amount of 4,500 pounds as he did not proceed  
2 with the project.  
3  
4 I can confirm I did not engage in any other transactions with your client at  
14:49:33 5 any time".  
6  
7 And the position then is that in that letter to Mr. Dunlop's solicitors,  
8 Messrs. L K Shields, in so far as the 1992 transactions are concerned, you had  
9 identified that they related to the purchase of a horse and that the horse had  
14:49:49 10 died, isn't that right?  
11 A. That's correct.  
12 Q. 637 You don't appear in your answer to have addressed the query in relation to the  
13 query about the 12,500 Pounds Mr. Bolger which had been set out in Messrs. L K  
14 Shields letter of the 23rd of November where they referred to their client  
14:50:06 15 having a recollection that he had purchased an interest in a horse for 12,500  
16 Pounds?  
17 A. Well that was only a discussion. We first spoke of the possibility of buying a  
18 quarter share in a race horse and that was, that wasn't proceeded with and the  
19 only transaction that took place was the one on the foal.  
14:50:28 20 Q. 638 And did that transaction, did you have discussions with Mr. Dunlop prior to  
21 March of 1992 about Mr. Dunlop buying a foal from you?  
22 A. I did, yes. I used to meet him regularly so he had been talking for some time  
23 about having some interest in a race horse in the stable but I didn't think  
24 that Frank Dunlop was the sort of person that would want, would really want to  
14:51:02 25 own a race horse because of the risk involved. And I steered him towards  
26 buying a foal, I thought it was a safer investment for him.  
27 Q. 639 What in fact did you agree with Mr. Dunlop?  
28 A. We had some foals on the ground at that time and we were expecting others and  
29 the most problematic period in a young horse's life is when he's a foal and  
14:51:31 30 things can go wrong but the further you get down the road with them the less



- 14:51:37 1 likelihood of anything going wrong. So I told him that I would select a foal  
2 at weaning time in September to suit an investment of 60,000 Pounds.
- 3 Q. 640 Is this a discussion you had with Mr. Dunlop prior to March of 1992?  
4 A. Well oh yes, yes.
- 14:51:58 5 Q. 641 And you were talking about an animal that had not yet been born, is that right?  
6 A. The animal may have been born or may not have been born. We had some foals.  
7 Foals are born from the 1st of January to about the middle of June and what I  
8 was talking about was selecting a foal from my herd of foals in the month of  
9 September when they would be weaned off the mayers and you would have a better  
14:52:27 10 idea of what you were looking at.
- 11 Q. 642 So effectively you are talking about making the choice or the selection in  
12 September 1992?  
13 A. Precisely.
- 14 Q. 643 And what you are going to select for Mr. Dunlop is a foal to the value of  
14:52:38 15 60,000 Pounds?  
16 A. Something that would represent good value for him and give him a chance of  
17 making a profit.
- 18 Q. 644 And that profit would be made by the foal being sold, is that right?  
19 A. Yes, later in life as a yearling.
- 14:52:50 20 Q. 645 And when would those sales take place?  
21 A. Either October or December of the following year, depending on how the foal  
22 progressed.
- 23 Q. 646 Right so that the agreement in effect was an agreement for Mr. Dunlop to invest  
24 60,000 Pounds in a foal. You would use your expertise to select a foal to that  
14:53:08 25 value with a view to selling that foal the following year in the sales in late  
26 1993, was that the agreement?  
27 A. That's correct, yes.
- 28 Q. 647 Now, did you provide any documentation to Mr. Dunlop in relation to that  
29 agreement?  
14:53:21 30 A. I don't think so because he wasn't interested in the pedigree or he wouldn't

14:53:27 1 have known anything about it so I may not have.

2 Q. 648 Right. And in, if I can just take you through the documents now in relation to

3 March of 1992. At 6727. This is actually February '92. These are records of

4 Mr. Dunlop's telephone records and you will see there at 5:10 there is a record

14:53:49 5 of a telephone call from you that you will be in contact over the weekend, do

6 you see that?

7 A. I do.

8 Q. 649 And I think on the 2nd of. Sorry, on the 5th of March at 6840. At 11:00 there

9 is a record that you telephoned and a number is given. And I think that on the

14:54:11 10 9th of March 1992 at 6872. And this is 6879 I beg your pardon. This document

11 is a document generated by Mr. Dunlop's accountant and he here initiating the

12 process whereby the 40,000 pounds will be transferred from Mr. Dunlop's company

13 Xerxes in Jersey to your bank account and that direction was followed by a

14 letter at 6880. And in this letter Mr. McGowan directs Jack and Lewis, the

14:54:52 15 solicitors in Jersey, to transfer 40,000 Irish pounds from Xerxes account to an

16 account at Allied Irish Bank, Newbridge and the account number is given, isn't

17 that correct?

18 A. That's correct.

19 Q. 650 And can you confirm that that in fact is your bank account at Allied Irish Bank

14:55:05 20 in Newbridge?

21 A. It is yes.

22 Q. 651 And the transaction you will see was to be made on the 18th of March you will

23 see in the last sentence there?

24 A. Yes.

14:55:14 25 Q. 652 All right. Now, the ...?

26 A. No, the 13th of March.

27 Q. 653 I beg your pardon the 13th of March, isn't that right? And in fact the

28 transaction didn't complete until 6903, the 20th of March and this is an

29 extract from your bank account Mr. Bolger showing receipt of a foreign exchange

14:55:38 30 transaction on the 20th of March resulting in a lodgement of 39,907 pounds, do

- 14:55:46 1 you see that?
- 2 A. I do.
- 3 Q. 654 Right. Can you confirm that that are the proceeds of the Sterling transaction
- 4 that emanated in Jersey?
- 14:55:53 5 A. It would appear so.
- 6 Q. 655 Yes. Well certainly you can see there AIB FX means Allied Irish Bank foreign
- 7 exchange transaction, isn't that right?
- 8 A. Yeah but it doesn't tell you that it came from Jersey. I was never aware of
- 9 where it came from.
- 14:56:06 10 Q. 656 Right. But in any event it would appear that by the 9th of March that the
- 11 instructions had been given by Mr. Dunlop which resulted in the money being
- 12 lodged to your account on 20th March 1992?
- 13 A. That's correct.
- 14 Q. 657 Right. Now, that would mean that your arrangement or agreement with Mr. Dunlop
- 14:56:23 15 had been entered into by the 9th of March 1992?
- 16 A. Correct.
- 17 Q. 658 And on the 25th of March 92 at 6988. You are again at 10 o'clock recorded as
- 18 telephoning Mr. Dunlop. Again on the 30th of March at 7003. You are recorded
- 19 as telephoning Mr. Dunlop.
- 14:56:51 20
- 21 Now, can I ask you, Mr. Bolger, just in relation to that element of the
- 22 transaction. What arrangement did you make with Mr. Dunlop about the payments
- 23 being split
- 24 A. I had expected the balance at some stage and as far as I can remember he told
- 14:57:11 25 me it would be a few weeks and I didn't have any great worries about that.
- 26 Q. 659 But did you arrange with Mr. Dunlop that you would take payments in two stages?
- 27 A. He told me after he gave me the first payment that the second one would be
- 28 coming.
- 29 Q. 660 So were you expecting a payment of 60,000 initially or did you agree with Mr.
- 14:57:33 30 Dunlop that he could make two payments?

14:57:35 1 A. I agreed 60,000 with him and I got 40,000 and he told me probably in some of  
2 those telephone calls that I was getting 40,000 and that the rest would come in  
3 a few weeks.

4 Q. 661 All right. And at this stage you hadn't made any selection, is that right?

14:57:49 5 A. No.

6 Q. 662 Right. And I think if we just look then at the paper surrounding the second  
7 part of that transaction and if we look at 7190. On the 8th of February 1992  
8 "a Jim B in the Shelbourne" is recorded in Mr. Dunlop's diary. Is it likely  
9 that you are in fact the Mr. J B who met Mr. Dunlop on the 8th of May 1992?

14:58:12 10 A. Well it's 16 years ago. I don't know who I met in the Shelbourne on that date  
11 but it's possible but ...

12 Q. 663 Yes but?

13 A. I have no recollection of it.

14 Q. 664 Mr. Dunlop has told the Tribunal that the only Jim B or that references to Jim  
15 B mean a reference to you Mr. Bolger?

16 A. I don't doubt that. But you are asking me do I remember it, I don't.

17 Q. 665 Would you agree that it was likely that it was probably you and that you had a  
18 meeting with Mr. Dunlop on that occasion?

19 A. No, I would agree that it was possibly me but not probably.

14:58:46 20 Q. 666 At 7251. Some five days later, a bank draft in the sum of 23, 917.81 is drawn  
21 in your favour, isn't that right?

22 A. Yes.

23 Q. 667 And that is a bank draft that is arranged by Mr. Dunlop at 7252. And drawn by  
24 him by way of a loan on a loan account that he opened for that purpose, do you  
14:59:16 25 see that?

26 A. I do.

27 Q. 668 Yes. And you will see it's described as "Frank Dunlop esquire No. 2 loan  
28 account" and the amount of the opening debit which is dated the 13th of May  
29 1992 is an amount in the sum of 23,917.31 and that that equates to the bank  
14:59:38 30 draft dated the 14th of May 1992 in the same amount?

- 14:59:41 1 A. That's correct.
- 2 Q. 669 Right. And looking at that and looking at the proximity now between the date
- 3 on the bank draft and the opening of the bank account. Do you now think it's
- 4 likely that you might have met with Mr Dunlop on the 8th May 1992 and the
- 14:59:54 5 subject matter of your discussion was the balance that was owing to you?
- 6 A. I have no idea to be honest.
- 7 Q. 670 Now, can you explain the breakdown of the figure of the 23,917.81 Mr. Bolger?
- 8 A. I remember telling him that he had left me short and that he was supposed to
- 9 buy the next lunch, which would be roughly 80 pounds.
- 15:00:19 10 Q. 671 He had left you short in what way?
- 11 A. It should have been 24,000.
- 12 Q. 672 And when you you received this you told Mr. Dunlop he had left you short?
- 13 A. I'm -- not when I received it but probably the next time I met him.
- 14 Q. 673 But can you explain how the calculation, how the figure was arrived at of
- 15:00:39 15 23,917.81?
- 16 A. No.
- 17 Q. 674 7251, please. This is a very specific amount Mr. Bolger isn't that right?
- 18 A. Oh, yes well sure any amount on a cheque is specific.
- 19 Q. 675 But it's not a round figure sum?
- 15:01:00 20 A. It's not.
- 21 Q. 676 And it is a figure that if what you are saying is, if what your agreement with
- 22 Mr. Dunlop was for 60,000 and he has already paid 40?
- 23 A. No. 60,000 plus the keep.
- 24 Q. 677 Plus the keep?
- 15:01:15 25 A. Yeah. And the keep was going to be roughly 4,000.
- 26 Q. 678 Right. Well in that case would you not have expected to receive a cheque for
- 27 24,000 or a bank draft for 24,000?
- 28 A. That's what I said he left me short 80 Pounds.
- 29 Q. 679 Did you write to Mr. Dunlop and point that out.
- 15:01:33 30 A. No, no, I did what I told you a few moments ago. I said he could buy the next

- 15:01:37 1 lunch and that was fine with me.
- 2 Q. 680 And when you received the initial payment of 40,000 Pounds and when you  
3 received this payment of 23,917.81 did you issue a receipt to Mr. Dunlop?  
4 A. I don't remember.
- 15:01:53 5 Q. 681 Well is it your normal practice Mr. Bolger when you receive?  
6 A. Not for credit transfers.
- 7 Q. 682 In what way is this a credit transfer?  
8 A. Well the first one was a credit transfer, the 40,000.
- 9 Q. 683 Yes?  
15:02:05 10 A. And I don't remember whether there was a receipt issued for that one or not.
- 11 Q. 684 When you normally receive funds for your clients in respect of the purchase of  
12 animals is it your normal practice to issue receipts?  
13 A. No, not unless people look for them.
- 14 Q. 685 So it's not normal. Is it just that it's not your normal practice Mr. Bolger  
15 or would you say it's not normal practice in the business?  
16 A. I wouldn't know what others do but I wouldn't think that it's normal practice  
17 no.
- 18 Q. 686 Now, the bank draft is dated the 14th of May 1992. And on the 22nd of May at  
19 7327. You are recorded as having telephoned Mr. Dunlop's office on two  
15:02:47 20 occasions at 4:25 and 5:25, do you see that?  
21 A. I do.
- 22 Q. 687 And on the 19th of May which was previous to that at 7285. At 4:40 you are  
23 recorded as having telephoned the office and left numbers, do you see that?  
24 A. I do.
- 15:03:04 25 Q. 688 And on the 29th of May at 7348 at 3 o'clock you are recorded as contacting Mr.  
26 Dunlop's office and leaving a message to say please call.  
27 A. Yes.
- 28 Q. 689 Right. And the lodgement to your bank account of the bank draft at 7257 takes  
29 place on the 29th of May 92?  
15:03:25 30 A. Yes.

- 15:03:26 1 Q. 690 And I think you are familiar with this document. It's your bank statement and  
2 the first transaction recorded though it's quite difficult to read on the 29th  
3 of May '92 lodgement is the lodgement of Mr. Dunlop's bank draft, isn't that  
4 right?
- 15:03:39 5 A. Yes.
- 6 Q. 691 Now this is not the account to which you had lodged the 40,000 pounds or which  
7 you had caused the 40,000 pounds to be lodged, isn't that right?
- 8 A. No no no.
- 9 Q. 692 Right. Why did you lodge the amounts to two separate accounts?
- 15:03:53 10 A. I can't remember exactly why but the second account was one that was mainly  
11 used for stud purposes as distinct from my training account and that's possibly  
12 why.
- 13 Q. 693 Which account is that, which of the two accounts is that Mr. Bolger?
- 14 A. The Enniscorthy one is the one relating to my stud.
- 15:04:17 15 Q. 694 Is that?
- 16 A. I have the farm in Wexford.
- 17 Q. 695 Is that this account, 053, are the last three digits?
- 18 A. The last payment the one with the 23,917, yeah.
- 19 Q. 696 The one on screen. That's the one to which you would normally lodge stud fees,  
15:04:33 20 is that right?
- 21 A. Yes.
- 22 Q. 697 And the other account, what account is that?
- 23 A. That's the one I use for my training business.
- 24 Q. 698 Right. And can you explain why in relation to the one transaction you lodged  
15:04:44 25 the sums to two different accounts?
- 26 A. Well I've already told you why I lodged the 24 -- 23,917 to that account. And  
27 the other one, it might have been needed in that account at the time, I don't  
28 really know.
- 29 Q. 699 You?
- 15:05:04 30 A. But the two accounts were operated at that time.

- 15:05:09 1 Q. 700 Yes but this is one transaction, isn't that right?
- 2 A. Yes, yeah, yeah.
- 3 Q. 701 And it's dealing with one individual for the purchase of one animal, isn't that
- 4 right?
- 15:05:16 5 A. Yes yeah.
- 6 Q. 702 The accounts as I understand your evidence Mr. Bolger correct me if I'm wrong
- 7 have two different purposes, is that right?
- 8 A. Yes.
- 9 Q. 703 So it wouldn't be logical?
- 15:05:26 10 A. But they were inter-related. There is no significance in the fact of where the
- 11 money was lodged.
- 12 Q. 704 Yes. So are you telling the Tribunal that there is no explanation. There is
- 13 no thought given to lodging them to the two different accounts. It's just what
- 14 happened?
- 15:05:42 15 A. Exactly.
- 16 Q. 705 And would that be normal again with a single transaction involving, which is
- 17 this is, isn't that right?
- 18 A. Yes.
- 19 Q. 706 Would it be normal that you would have separate stage payments lodged to
- 15:05:53 20 different accounts?
- 21 A. Yes, and I had two other accounts at that time as well that they could have
- 22 gone to but it didn't.
- 23 Q. 707 Are you in effect saying that all of your accounts are interchangeable?
- 24 A. Pretty much so, yes. They are all mine sure.
- 15:06:09 25 Q. 708 Yes, Mr. Bolger but you are the one who had indicated that the accounts were
- 26 used for different purposes, isn't that right?
- 27 A. No, in answer to your question why I lodged the money in one account, the
- 28 23,000. I indicated to you that that account was used mainly for stud
- 29 purposes.
- 15:06:28 30 Q. 709 Uh-huh?



- 15:06:30 1 A. It's in Wexford and that's where I have the farm.
- 2 Q. 710 Presumably you would have. Did you meet Mr. Dunlop to receive the bank draft  
3 or did Mr. Dunlop, can you remember, send you on the bank draft?
- 4 A. I have no idea.
- 15:06:47 5 Q. 711 Is that the reason it's likely that you were contacting Mr. Dunlop prior to the  
6 29th of May, would be to receive the bank draft or to receive the balance of  
7 the payment?
- 8 A. I wouldn't think so, no, no. But it's -- it is possible but I wouldn't have  
9 been hounding him for the money.
- 15:06:56 10 Q. 712 Yes. Did you have any other financial transaction in May of 1992 with Mr.  
11 Dunlop?
- 12 A. No.
- 13 Q. 713 If I can show you a document, Mr. Bolger, which relates at 7294. This is an  
14 entry made by Mr. Eddie Kay of Allied Irish Bank and it appears that Mr. Dunlop  
15 on the 20th of May 1992 went to Mr. Kay looking for certain borrowings in  
16 connection with Citywest. And I just want to draw to your attention the  
17 matters that are there and to ask you a few questions about it. The meeting is  
18 dated the 20th of May 1992. It's headed Naas Road, Davy Hickey Shubotham and  
19 others, Paul Coulson and Harry Dobson and Jim Bolger. Were they all people  
20 that were involved in the Citywest development?
- 15:07:52 21 A. They were.
- 22 Q. 714 And were you yourself involved in the Citywest development?
- 23 A. Yes.
- 24 Q. 715 It then goes on to record J "B needs cash. 55 A phase 1 of 300 acres bought  
15:08:04 25 for 20 K PA. F D fee 100K but stake in lieu of cash to a per cent. Second  
26 phase 200 A. FD has 2 per cent at this stage. JB offered some of his land at  
27 max 40 K PA for 10 A. US Surgical 80 A? At 100 K per annum."
- 28
- 29 Just looking at that. I think what that means is JB offered some of his land  
15:08:29 30 at maximum 40,000 per acre for 10 acres, would you agree with that

- 15:08:34 1 A. I never saw that before and I have no recollection of it whatsoever.
- 2 Q. 716 No, no, no I'm not suggesting to you Mr. Bolger that you were present at this
- 3 meeting. What I am saying to you, I thought I had explained it, is this is an
- 4 apparent record made by Mr. Eddie Kay of Allied Irish Bank of an attendance on
- 15:08:50 5 Mr. Frank Dunlop on the 20th of May 1992?
- 6 A. Yes.
- 7 Q. 717 When Mr. Dunlop is seeking to borrow money. Do you understand?
- 8 A. Yes.
- 9 Q. 718 There is no suggestion that you were present at this meeting.
- 15:09:01 10 A. Yes.
- 11 Q. 719 All right. Now, in that the next line says FD needs 400 K for JB and roll up
- 12 of one year. Now, Mr. Dunlop has told the Tribunal that he understands JB to
- 13 refer to you but he says and has told the Tribunal that he does not believe
- 14 that he ever sought to borrow money on your behalf, do you understand?
- 15:09:23 15 A. Yes.
- 16 Q. 720 Do you know anything about this Mr. Bolger?
- 17 A. Nothing.
- 18 Q. 721 Did you have any discussion with Mr. Dunlop at any stage or particularly in May
- 19 of 1992 seeking to borrow money or to increase your investment in Citywest with
- 15:09:36 20 funds that might have emanated from Mr. Dunlop?
- 21 A. No.
- 22 Q. 722 Did you ever seek to borrow funds in any circumstances from Mr. Dunlop?
- 23 A. No.
- 24 Q. 723 On the 22nd of May which is two days after this meeting takes place at 7327 you
- 15:09:53 25 ring Mr. Dunlop twice. You will see there 4:25 and 5:25.
- 26 A. Yes.
- 27 Q. 724 Right. Do you think it's possible that that might have anything to do with Mr.
- 28 Dunlop's attending at the bank on the 20th of May?
- 29 A. I wouldn't think so.
- 15:10:11 30 Q. 725 Okay. If Mr. Dunlop was in the bank Mr. Bolger looking to borrow 400,000

- 15:10:15 1 pounds for JB whom he has identified as Mr. Jim Bolger. Is it the position  
2 that he was doing so without your knowledge?
- 3 A. Correct.
- 4 Q. 726 And that you know nothing about any request of Mr. Dunlop in relation to  
15:10:31 5 Citywest or seeking to borrow money to increase a stake in Citywest?
- 6 A. No.
- 7 Q. 727 All right. Can I ask you just in relation to the material at 7294. Had you in  
8 fact offered any of your land at a particular price in connection with Citywest  
9 development?
- 15:10:51 10 A. No, I never did any dealing for Citywest or took any active part in it other  
11 than being an investor and it was I who brought the deal to the table in the  
12 first place but having done that I exited the scene.
- 13 Q. 728 All right. Did you provide any land yourself in connection with Citywest?
- 14 A. No.
- 15:11:09 15 Q. 729 So that you were part of the, you were the initiating factor and you were part  
16 of the consortium thereafter, is that right?
- 17 A. Correct.
- 18 Q. 730 But you didn't yourself put up any actual land, is that right?
- 19 A. No, no.
- 15:11:21 20 Q. 731 So that whoever this refers to, it factually cannot be a reference to you?
- 21 A. I wouldn't think so.
- 22 Q. 732 All right. And even if it was, Mr. Dunlop was making this submission without  
23 your knowledge, is that the position?
- 24 A. That's correct.
- 15:11:41 25 Q. 733 Can I ask you what happened to the foal in September at weaning time,  
26 Mr. Bolger?
- 27 A. Nothing happened to it.
- 28 Q. 734 Well did you select a foal?
- 29 A. Oh, I did yes.
- 15:11:49 30 Q. 735 And what foal was that?

- 15:11:51 1 A. It was out by Project manager out of Fuji.
- 2 Q. 736 Sorry before I get on that. In relation to the matter I was just discussing
- 3 that is on screen there is one further document I should show you. 7437. This
- 4 again is Allied Irish Bank attendance on Mr. Dunlop of the 12th of June 92.
- 15:12:11 5 And you will see there US Surgical needs 80 acres at 120,000 per acre. No. 2.
- 6 15 profit units 10 acres granted by Jim Bolger. Now it's no longer an initial,
- 7 isn't that right Mr. Bolger?
- 8 A. Yes.
- 9 Q. 737 Right. And the following line says 14 acres at 28,000 per acre option from Jim
- 15:12:34 10 Bolger. Now, do you know anything about that?
- 11 A. I don't.
- 12 Q. 738 Did you ever have an option on any of the land at either Newlands or Citywest?
- 13 A. No.
- 14 Q. 739 Do you ever remember any discussion about an American company called US
- 15:12:52 15 Surgical?
- 16 A. I heard, I heard that they were interested in buying land there but it never
- 17 came to anything.
- 18 Q. 740 That's buying land at Citywest, is that right?
- 19 A. Yes, yes.
- 15:13:02 20 Q. 741 Okay. But other than that, you weren't aware of anything?
- 21 A. No, and I had no direct involvement.
- 22 Q. 742 Can you offer any explanation as to why Mr. Dunlop would be providing
- 23 information like this to Allied Irish Bank?
- 24 A. I have no idea.
- 15:13:17 25 Q. 743 And if I can just. Sorry. Just take you back in relation to the selection
- 26 process in September of 1992 in relation to the foal. Did you select a foal
- 27 from Mr. Dunlop?
- 28 A. I did, yes.
- 29 Q. 744 And what foal did you select?
- 15:13:35 30 A. She was by Project Manager out of Fuji

- 15:13:39 1 Q. 745 And I think that you provided to the Tribunal at 1312 a document described as  
2 the Produce Record for Fuji, is that correct?  
3 A. That's right.
- 4 Q. 746 And there is an arrow there beside 1992 and it has unnamed filly by Project  
15:14:02 5 manager, is that the ...?  
6 A. That's correct.
- 7 Q. 747 What happened to that animal?  
8 A. She collided with her partner in the paddock the following year and she broke  
9 her neck and died.
- 15:14:14 10 Q. 748 Uh-huh. And what happened to Mr. Dunlop's investment?  
11 A. Well sure he lost his money at that stage, the filly was dead.
- 12 Q. 749 Yes. And you will see there that in 1994 on that document there is another  
13 foal, isn't that right, by Fujij out of Last Project, is that right?  
14 A. No it's by Project Manager out of Fujij and it was called Last Project.
- 15:14:43 15 Q. 750 Last Project?  
16 A. Yeah.
- 17 Q. 751 And do you see the two in 1990 and 1991 were both unnamed?  
18 A. Yes.
- 19 Q. 752 Did they survive?  
15:14:50 20 A. I don't know, I can't remember.
- 21 Q. 753 I am sorry. I'm not making myself clear?  
22 A. I said I don't know whether.
- 23 Q. 754 What?  
24 A. They were unnamed at that time. I don't know what happened to them.
- 15:15:02 25 Q. 755 All right what I'm trying to establish here is the mere fact that the words  
26 "unnamed" is written there doesn't mean that they died?  
27 A. In other words no no no. They're not named when that was printed.
- 28 Q. 756 All right. Now in the normal course of events when a foal is born what steps  
29 are taken to register the birth?  
15:15:19 30 A. About three months later its registered with Weatherby's and a foal certificate

15:15:24 1 is issued and the foal certificate has the name of the sire and the damn and  
2 the name of the damn's sire and the colour and the breeder.

3 Q. 757 And would such a foal certificate have been applied for in the case of Mr.  
4 Dunlop's foal?

15:15:43 5 A. Oh, yes, yeah.

6 Q. 758 And would such a foal certificate have issued to you presumably?  
7 A. Yes, yes, yes.

8 Q. 759 And you furnished a document at 19941, which is information supplied by  
9 Weatherby's Ireland Limited, isn't that correct?

15:16:01 10 A. That's correct.

11 Q. 760 And at paragraph it says "We note the Bay of filly born on 12th of the 5th 92  
12 by Project Manager out of Fujitsu died in 1993"?

13 A. Yes.

14 Q. 761 Were you not issued duplicate passports for dead animals?

15:16:13 15 A. Yes.

16 Q. 762 Had they in fact issued a passport at that stage in relation to the foal?  
17 A. At that time passports were not issued for animals unless they had a name.

18 Q. 763 Uh-huh?  
19 A. And this foal did not have. Foals are not named at that stage. Recently we  
15:16:30 20 had over 700, 737 foals sold at Goffs in November and none was named. So it's  
21 most unusual to name a foal.

22 Q. 764 That wasn't my question Mr. Bolger?  
23 A. No but I know from previous correspondence with you that you found it hard to  
24 believe that a foal couldn't have a name.

15:16:53 25 Q. 765 No I think you --  
26 A. A lot was made of it when Mr. Dunlop was questioned on this. And the media had  
27 a good laugh about the foal that died that never had a name and never had a  
28 passport.

29 Q. 766 What I was asking you about and we may be completely at cross purposes  
15:17:08 30 Mr. Bolger and it may be due to my lack of knowledge in this area. The word

- 15:17:14 1 duplicate passport for dead animals and what I wanted to ask you where they  
2 trying to suggest, Weatherby's, that they had in fact issued a passport in  
3 respect of this animal and if in what with you said --
- 4 A. No, no, no. I think by then you might have been looking for the passport.
- 15:17:29 5 Q. 767 This is a document, I think, Mr. Bolger addressed to you from Denise Kennedy  
6 and provided by you to the Tribunal on foot of your affidavit of discovery?
- 7 A. Yes.
- 8 Q. 768 Yes.
- 9 A. So I would have asked Weatherby's at that stage for a duplicate passport.
- 15:17:44 10 Q. 769 Yes but I had understood there to be a difference and correct me if I'm wrong  
11 Mr. Bolger between a passport and registration of an unnamed foal?
- 12 A. Yes, the registration gives you a duplicate. Sorry. The registration gives  
13 you a foal certificate.
- 14 Q. 770 But I had understood the passport to be a different thing to the foal  
15 certificate?
- 15:18:03 15 A. That's correct. It is different.
- 16 A. Yes. That the passport only issues when the animal is named, is that right?
- 17 Q. 771 Yes. That the passport only issues when the animal is named, is that right?
- 18 A. No, that's not the situation. That was the situation at that time.
- 19 Q. 772 Right.
- 15:18:14 20 A. But it is not the situation now. The situation now is that when a foal is  
21 registered you get a passport but at that time when the foal was registered you  
22 only got a foal certificate.
- 23 Q. 773 Yes. That's what I understood the position to be and that's why I was putting  
24 to you when they say "we do not issue duplicate passports." There is a  
25 suggestion that a passport had in fact been issued?
- 15:18:32 26 A. Oh, you could draw that inference from that letter.
- 27 Q. 774 But in fact what had been issued was the certificate, isn't that the position?
- 28 A. Yes.
- 29 Q. 775 That's all I was trying to clarify?
- 15:18:43 30 A. Okay.

- 15:18:44 1 Q. 776 That in fact there hadn't been a passport for this animal?
- 2 A. No.
- 3 Q. 777 The reason for that is that it hadn't been named?
- 4 A. Correct.
- 15:18:52 5 Q. 778 You had in fact been provided with a certificate?
- 6 A. That's correct.
- 7 Q. 779 Now, that certificate does not go to ownership if I understand it correctly,
- 8 Mr. Bolger, isn't that right?
- 9 A. No it just states the name of the breeder and the information that I've
- 15:19:04 10 mentioned already.
- 11 Q. 780 So there would be nothing on that certificate when it issued to indicate that
- 12 Mr. Frank Dunlop was the owner of the animal?
- 13 A. He wasn't the owner when that issued.
- 14 Q. 781 All right. Even if he had been the owner would that have been recorded on it?
- 15:19:17 15 A. If he had bred the foal it would have been recorded but he didn't breed the
- 16 foal.
- 17 Q. 782 He is not recorded in any event of anything to do with the animal?
- 18 A. No.
- 19 Q. 783 Did you provide Mr. Dunlop with any documentation in relation to the purchase
- 15:19:32 20 of this animal?
- 21 A. I don't think so, no.
- 22 Q. 784 All right. In your affidavit of discovery Mr. Bolger at 19934. You will see
- 23 there at paragraph three no passport ever issued for the horse as it had not
- 24 been named and at this time passports were only issued when the horse had been
- 15:20:02 25 named. That's why I was asking you about the sentence in the Weatherby's
- 26 document but at paragraph 2 you say "I have had but have not now in my
- 27 possession or power the documents relating to the matters in question set forth
- 28 in the second schedule".
- 29
- 15:20:19 30 And in the second schedule at page 19937. You detail documents that you did



- 15:20:27 1 have but you no longer have in relation to the transaction with Mr. Dunlop or  
2 the sale of the foal and item one is "invoice to Mr. Dunlop resale of horse"
- 3 A. Yes.
- 4 Q. 785 So what you are swearing to there in your affidavit of discovery is that there  
15:20:46 5 was an invoice in relation to the sale of the horse that issued to Mr Dunlop  
6 and I had understood you now to just tell the Tribunal that there were no  
7 documents in relation to the sale of the animal to Mr. Dunlop?
- 8 A. No, I understood you were asking me did I give Mr. Dunlop any documentation.
- 9 Q. 786 Yes?
- 15:21:01 10 A. And the answer to that was no.
- 11 Q. 787 Well this says "invoice to Mr. Dunlop resale of horse"?
- 12 A. Yeah but that doesn't mean that I gave it to him. It was raised in my books.
- 13 Q. 788 Oh, I see. There is an invoice in your books?
- 14 A. There was.
- 15:21:15 15 Q. 789 There was an invoice?
- 16 A. Yeah, there would have been.
- 17 Q. 790 Yes?
- 18 A. Yes.
- 19 Q. 791 An invoice in your books. And what would that invoice have said Mr. Bolger?
- 15:21:23 20 A. That the price of animal was 60,000 and 4,000 for keep.
- 21 Q. 792 All right. And what was the purpose of that invoice?
- 22 A. For my own accounting records.
- 23 Q. 793 For what purpose?
- 24 A. To keep proper books of record.
- 15:21:42 25 Q. 794 Well where would you have entered it for example in what book or record would  
26 that have been entered?
- 27 A. Well we had a sales book and the invoice would have been written on that.
- 28 Q. 795 And at the end of the year the sales book would have been written up, isn't  
29 that right?
- 15:21:53 30 A. Correct.

- 15:21:53 1 Q. 796 And would you would have furnished the documentation to your accountants?
- 2 A. That's correct.
- 3 Q. 797 And together you would have furnished your sales book to your accountants who
- 4 would have been able to verify the global figure back to the sales book, isn't
- 15:22:05 5 that right.
- 6 A. Yes, yes.
- 7 Q. 798 And what was to the sales book?
- 8 A. Well we only keep our records for six years because I have the office in my
- 9 house and there just isn't room to keep storing stuff you know year on year.
- 15:22:19 10 Q. 799 And is it your normal practice that when you raise an invoice such as this you
- 11 don't make a copy and send it to the person who is buying the animal?
- 12 A. It would depend on -- if it was a person in the business I would send it to him
- 13 but a casual customer like Frank who wouldn't have been dealing in horses, I
- 14 wouldn't have, possibly wouldn't have bothered to send it.
- 15:22:44 15 Q. 800 All right. And when the animal died did you contact Mr. Dunlop?
- 16 A. Oh, yes, yes, yes.
- 17 Q. 801 And what information did you provide to him?
- 18 A. I told him what had happened.
- 19 Q. 802 And did Mr. Dunlop for example seek any documentation from you in relation to
- 15:22:59 20 say the write off of his investment?
- 21 A. No.
- 22 Q. 803 Did you provide any documentation to Mr. Dunlop in relation to the death of the
- 23 animal?
- 24 A. I don't think so, no.
- 15:23:12 25 Q. 804 Right. In the normal course, Mr. Bolger, what would have happened to such --
- 26 would you have called a vet. If the animal was dead would you have called a
- 27 vet for any purpose, would that be necessary?
- 28 A. The other animal was badly injured and we called the vet for the other animal.
- 29 The other animal had a serious shoulder injury and she was lame for some time.
- 15:23:32 30 Q. 805 Would you have informed Weatherby's of the fact that the animal had died?

- 15:23:36 1 A. I'm not sure whether that happened or not.
- 2 Q. 806 In the normal course of events what would happen?
- 3 A. You would return the passport or the foal certificate and tell them that it was
- 4 dead.
- 15:23:46 5 Q. 807 And do you think that happened in this case?
- 6 A. I don't know, I'm not sure.
- 7 Q. 808 And in the documentation there from Weatherby's that you -- excuse me, you
- 8 provided to the Tribunal, I think, at 19941. This communication is dated
- 9 September 2004, isn't that right?
- 15:24:13 10 A. Yes.
- 11 Q. 809 And this appears to note that the, that a particular filly born on the 12th of
- 12 May died in 1993. Isn't it likely that this was the first notification to
- 13 Weatherby's that the animal had died?
- 14 A. Not necessarily. The letter doesn't say that.
- 15:24:33 15 Q. 810 But you don't have any other document showing that you informed Weatherby's at
- 16 the time that the animal died?
- 17 A. I do not.
- 18 Q. 811 And do you have any documentation at all Mr. Bolger in relation to this animal?
- 19 A. No, not other than what has been given to you. I don't have anything else.
- 15:24:53 20 Q. 812 All right. And at the time you didn't have anything else other than the
- 21 invoice that you created for your own books if I understand you correctly, is
- 22 that right?
- 23 A. That's correct, yeah.
- 24 Q. 813 Would that invoice which you created, would that have identified Mr. Dunlop as
- 15:25:08 25 the owner or purchaser of the animal?
- 26 A. It would, yes.
- 27 Q. 814 Do you keep a listing of your owners?
- 28 A. No, only through their, through the horses.
- 29 Q. 815 Yes?
- 15:25:21 30 A. We keep a list of their telephone numbers so we would have them in that way.

- 15:25:26 1 Q. 816 A list of the?
- 2 A. Contacts.
- 3 Q. 817 Of contacts for the owners but in other words within your sales book or
- 4 creditors listing or debtors listing?
- 15:25:35 5 A. Well we would have it in the debtors listing yes. We would have a list of
- 6 debtors, would give the names obviously.
- 7 Q. 818 Yes. And again if you wanted to invoice Mr. Dunlop for any expenses in
- 8 relation to the animal you would have invoiced him, you would have needed to be
- 9 able to contact him to invoice him, isn't that right?
- 15:25:52 10 A. There weren't supposed to be any debits because he had paid the keep up front.
- 11 Q. 819 And after. When did the animal die?
- 12 A. The animal died in July or August of -- sorry 1993.
- 13 Q. 820 Would there have been any question of a refund to Mr Dunlop arising out of any
- 14 unspent farrier's fees or keep or anything of that sort?
- 15:26:15 15 A. It wasn't very much and I must say it was negligent of me not to address it but
- 16 I didn't address it so and he didn't ask me.
- 17 Q. 821 Right?
- 18 A. But there would have been a a small amount due back to him.
- 19 Q. 822 But that was never the subject matter of any discussion between you?
- 15:26:47 20 A. No no. That was the sort of relationship we had anyway that while when he was
- 21 paying for the animal it was a few quid short, there was nothing made of it and
- 22 equally when the animal died there would have been a small refund due to Frank
- 23 and there was nothing made of that.
- 24 Q. 823 Can I show you a document at 20661, please. This is a note that's made by Mr.
- 15:27:04 25 Dunlop on a diary and I want to just draw to your attention under the document
- 26 that begins 18,000 JER, the second last entry there is Jim B 20,000 pounds, do
- 27 you see that?
- 28 A. I do.
- 29 Q. 824 This is a document that Mr. Dunlop has dated as being created by him in or
- 15:27:22 30 around November of 1992 and it's a listing of his assets you understand.

- 15:27:27 1 A. I do.
- 2 Q. 825 And I just want to draw to your attention there that Mr. Dunlop has recorded an  
3 asset held by Mr. Jim B which he says is you in the value of 20,000 pounds.  
4 Now if Mr. Dunlop had spent 60,000 Pounds on a horse with you in 1992 one would  
15:27:46 5 have expected that asset listing to be 60,000 pounds, do you understand?  
6 A. If it was the horse that he was referring to.  
7 Q. 826 Well was?  
8 A. I don't know that from what's there.  
9 Q. 827 Of course not. But was there any other transaction or matter that you had with  
15:27:59 10 Mr. Dunlop other than the horse in 1992 that might have resulted Mr. Dunlop  
11 putting that entry in his diary in November 1992?  
12 A. I don't think so, no.  
13 Q. 828 All right. Can I show you also at 6902. This is a note made by Mr. John Ahern  
14 of Allied Irish Bank on the 29th of July 1992 and again it's listing a schedule  
15:28:25 15 of Mr. Dunlop's assets. At the very bottom in brackets of the page you will  
16 see share in horse (Jim Bolger 22,000 pounds). Do you see that?  
17 A. I do, yes.  
18 Q. 829 Clearly the Jim Bolger, I suggest to you Mr. Bolger, has to be you, isn't that  
19 right?  
15:28:44 20 A. I would think so.  
21 Q. 830 Yes. Mr. Dunlop appears to be valuing the share in the horse at 22,000 pounds  
22 isn't that right? That's what's recorded?  
23 A. Well I don't see the word value there but I see what you are saying.  
24 Q. 831 All right what's recorded there is "share in horse (Jim Bolger 22,000 pounds)"?  
15:29:04 25 A. Yes.  
26 Q. 832 In the first place it doesn't say foal owned. It refers to a share in horse,  
27 isn't that right?  
28 A. Yes.  
29 Q. 833 It doesn't refer to the fact that Mr. Dunlop is the owner of the animal in its  
15:29:16 30 entirety, isn't that right?

- 15:29:19 1 A. Not from that, yeah.
- 2 Q. 834 And it also identifies the amount as 22,000 pounds, isn't that right?
- 3 A. Correct.
- 4 Q. 835 Yet by July of 1992 Mr. Dunlop has paid you almost 64,000 pounds, isn't that
- 15:29:32 5 right?
- 6 A. That's correct.
- 7 Q. 836 Right. Can you assist the Tribunal at all as to why it would be that Mr.
- 8 Dunlop would have indicated in July of 1992 that what he had was a share in a
- 9 horse and that the value was 22,000 pounds?
- 15:29:46 10 A. Is that Mr. Dunlop's writing.
- 11 Q. 837 That's Mr. John Ahern's writing?
- 12 A. Well.
- 13 Q. 838 On foot of an attendance with Mr. Dunlop?
- 14 A. Well it would appear that if he means that has anything to do with the horse
- 15:30:00 15 that it's inaccurate.
- 16 Q. 839 It's wrong, isn't that right?
- 17 A. Yeah.
- 18 Q. 840 I mean if your evidence and Mr. Dunlop's evidence to the Tribunal is correct
- 19 what's written down there is wrong, isn't that right?
- 15:30:09 20 A. Yes.
- 21 Q. 841 Because Mr. Dunlop didn't have a share in a horse he owned a foal and he hadn't
- 22 paid 22,000 pounds for it. He paid 60,000 Pounds plus expenses?
- 23 A. That's correct.
- 24 Q. 842 But the document clearly doesn't record that, isn't that right?
- 15:30:23 25 A. This document here.
- 26 Q. 843 Yes?
- 27 A. No.
- 28 Q. 844 So there are two documents created by Mr. Dunlop in 1992. One in July 92 and
- 29 one in November 1992 which appear to refer to an investment with you of the
- 15:30:37 30 order of 20 or 22,000 pounds and that has to be incorrect, isn't that right?

- 15:30:42 1 A. Correct yes.
- 2 Q. 845 Did you have any transaction with Mr. Dunlop in 1992 other than the horse?
- 3 A. No.
- 4 Q. 846 All right. And can you assist the Tribunal at all as to why Mr. Dunlop would
- 15:30:57 5 have written down one for his own purposes and second for the bank's purposes
- 6 that information?
- 7 A. I have no idea.
- 8 Q. 847 All right. If for example and this is speculation Mr. Bolger, that in fact
- 9 what had happened is Mr. Dunlop had bought a foal for 20,000 pounds plus
- 10 15:31:16 expenses then this information would be more accurate, isn't that right?
- 11 A. Whose speculation is that.
- 12 Q. 848 I am.
- 13 A. I don't think you are entitled to say that.
- 14 Q. 849 Well what I am saying to you is that there is two pieces of documentation
- 15:31:37 15 Mr. Bolger created by Mr. Dunlop in 1992. The first is information he provides
- 16 his bank Manager in July of 1992 which is some nine weeks after he makes the
- 17 final payment to you, isn't that right?
- 18 A. That's correct yeah.
- 19 Q. 850 And in that information, if it is the information that he has provided to
- 15:31:53 20 Mr. John Ahern, his bank Manager, that in fact a share in a horse, Jim Bolger
- 21 22,000 pounds, if for a moment assume that's correct, right? And if you take
- 22 that in conjunction with the entry Mr. Dunlop makes for himself and himself
- 23 alone in November '92 which records Jim B 20,000 pounds, that suggests that Mr.
- 24 Dunlop had a transaction with you to the value of 20,000 -- 22,000 pounds in
- 15:32:22 25 1992, do you understand?
- 26 A. It wouldn't suggest it to me because I know otherwise.
- 27 Q. 851 I am just saying that this independent contemporaneous document that was never
- 28 meant to be subjected to any scrutiny records otherwise Mr. Bolger, isn't that
- 29 right.
- 15:32:36 30 A. I don't agree with you.

15:32:38 1 Q. 852 All right. But you say and it's your position that you didn't have any such  
2 transaction with Mr. Dunlop?  
3 A. For 22,000.  
4 Q. 853 Yes?  
15:32:47 5 A. No. And could I ask you to refer to page 70 of your cross-examination with Mr.  
6 Dunlop.  
7 Q. 854 Well could you give me the day, Mr. Bolger?  
8 A. The 23rd of October.  
9 Q. 855 Do you have a day reference, is it 736 or 789, do you have anything?  
15:33:08 10  
11 CHAIRMAN: Well you can read out, Mr. Bolger. It's probably quicker.  
12  
13 MS. DILLON: Day 779  
14 A. Just to show you how amounts can get mixed up. "Question 393. And then I  
15:33:22 15 think that you borrow around this time. You borrow on the 15th of May 1992 you  
16 borrow 29,000 that you paid to Mr. Bolger?" That's your question.  
17  
18  
19 Q. 856 Yes, and it should have been ...  
15:33:33 20 A. And Mr. Dunlop says yes. And then approximately one minute later question No.  
21 395 and you say "Right. So that in fact if you look at the sequence if one  
22 looks at 7252, maybe that's your reference, you see that in May of 1992 while  
23 you were dealing with Allied Irish Bank and while you were seeking to borrow  
24 money on behalf of Mr. Bolger and when it's clear that you were not going to  
15:34:02 25 get the money from the bank for whatever reason on the 15th of May 1992 you  
26 borrow 23,917.81".  
27  
28 And then about 20 minutes later and a few pages out on page 80. Question 476  
29 and you say "all you list is the 20,000 pounds that you borrowed of which you  
15:34:35 30 paid to Mr. Bolger?" and Mr. Dunlop says "yes."



15:34:39 1  
2 So here's an instance where it goes from 29,000 pounds to 23,917 and back to  
3 20,000.  
4

15:34:48 5 MS. DILLON: The reference to 20,000 pounds in that extract Mr. Bolger, not to  
6 cut across you, is a reference to the document at page 20661 which records Jim  
7 B 20,000  
8 A. Fair enough. From 29 to 23 in one minute. So I mean this is 16 years ago and  
9 you're asking me to tell you that it's possible that Mr. Dunlop had two horses  
10 or whatever you're getting at, I can't help you with that. I can only help you  
11 with the animal that he gave me 60,000 for and 4,000 pounds keep.  
12 Q. 857 For which you have no records at all?  
13 A. Sorry.  
14 Q. 858 For which you have no records at all, isn't that the position?  
15:35:28 15 A. That's not true. The money is there. That's a record. Otherwise we wouldn't  
16 be here.  
17

18 CHAIRMAN: Mr. Bolger, just to explain. We see the document in relation to  
19 details given to the bank referring apparently to a horse or a share of a horse  
15:35:42 20 for 22,000. And that prompts the Tribunal to ask necessary questions to  
21 establish what that meant. Clearly, based on your evidence there was only one  
22 horse worth approximately 60,000 Pounds  
23 A. That's correct.  
24

15:36:00 25 CHAIRMAN: But there is that reference there. So that's why we have to ask  
26 the questions about it.  
27 A. And I am pointing out that as happened here in the space of one minute it went  
28 from 29,000 to 23,917.  
29

15:36:16 30 CHAIRMAN: Well the 29,000. That's only two weeks ago. And this is 16 years

15:36:21 1 ago.  
2  
3 CHAIRMAN: Well the 29,000 I think is an error. It should be 23.  
4  
15:36:28 5 MS. DILLON: 23,917  
6 A. I think there are a few errors with the 22,000 as well.  
7  
8 CHAIRMAN: Is there a figure of 20,000. There is a figure of 20,000.  
9  
15:36:36 10 MS. DILLON: The figure of 20,000 pounds ...  
11  
12 CHAIRMAN: And a figure of 22,000 is in the record.  
13  
14 MS. DILLON: What led Mr. Bolger to refer back to the transcript was when I  
15:36:46 15 was asking him about the two contemporaneous records at 206 I believe it is,  
16 61. Now Mr. Bolger doesn't accept that the Jim B is a reference to him as I  
17 understand his evidence. I think the reference to 20,000 pounds Sir arises  
18 from the entry Mr. Dunlop made in the back of his own diary in relation to his  
19 assets in November of 1992  
15:37:10 20 A. Okay, yeah.  
21 Q. 859 And that Mr. Bolger doesn't accept that the reference to Jim B is in fact a  
22 reference to him although Mr.--  
23 A. No, I said that I didn't know anything about it.  
24 Q. 860 Mr. Dunlop has told the Tribunal that it is. In fact that the only Jim B that  
15:37:25 25 he knew was Mr. Bolger and any references to Jim B are a reference to  
26 Mr. Bolger. And that -- what I had been putting to Mr. Bolger is that entry is  
27 made by Mr. Dunlop in November of 1992 in circumstances where it's not expected  
28 to be the subject of any scrutiny and together with an entry that is made in  
29 the Allied Irish Bank's records on the 29th of July 1992 at 6902 which contains  
15:37:56 30 the notation "share in horse (Jim Bolger) 22 K." Which apparently is part of

15:38:06 1 the listing of Mr. Dunlop's assets because the 22,000 is totted at the side  
2 with the other assets which are also added up to give.  
3  
4 CHAIRMAN: All right. Well that seems to be the position. Mr. Bolger's  
15:38:18 5 evidence is that he is not aware of any horse involving or valued at 20 or  
6 22,000 pounds connected to Mr. Dunlop at the time. So ...  
7  
8 MS. DILLON: And I think finally, Mr. Bolger, there is a cheque of the 8th of  
9 July '96 at 12623 which is a cheque drawn on the account of Mr. Seamus Hughes  
15:38:50 10 which is I think was endorsed by Mr. Hughes at 23624. And which is lodged to  
11 the account of Mr. Dunlop. Can you explain to the Tribunal how that came to be  
12 A. That was a bet that I arranged for him.  
13 Q. 861 You arranged for who?  
14 A. For Frank Dunlop.  
15:39:15 15 Q. 862 With who?  
16 A. I don't know who the bookmaker was but obviously Seamus Hughes placed the bet  
17 for me.  
18 Q. 863 Who is Mr. Hughes?  
19 A. He is a race goer who often bets on horses.  
15:39:30 20 Q. 864 Did you ask Mr. Hughes to place a bet for Mr. Dunlop?  
21 A. No, I asked him to place a bet. I didn't tell him who it was for.  
22 Q. 865 And then Mr. Hughes writes you a cheque, is that the position, or a cheque made  
23 out to cash in fact?  
24 A. That's correct, yeah.  
15:39:43 25 Q. 866 And did you give that cheque to Mr. Dunlop?  
26 A. I had, yes.  
27 Q. 867 What arrangement had you made with Mr. Dunlop about placing bets for Mr.  
28 Dunlop?  
29 A. I haven't any solid arrangement with him but at that time I must have given him  
15:39:58 30 a tip for a horse and he asked me to back it for him.

- 15:40:02 1 Q. 868 Had he done that before, was that part of your relationship.
- 2 A. We did it a few times at the races, yes.
- 3 Q. 869 Did you place bets for Mr. Dunlop? I'm asking you this specific matter. Had
- 4 you done something like this before or after for Mr. Dunlop?
- 15:40:16 5 A. I have no recollection.
- 6 Q. 870 And I think?
- 7 A. But I, you know, I would meet people at the races that I would know as well as
- 8 Frank Dunlop and I'd tip horses or tell them to back it or maybe arrange it for
- 9 them but I don't specifically remember doing one for Frank other than that one.
- 15:40:36 10 Q. 871 But you do remember that one?
- 11 A. I only remember it because the cheque is there.
- 12 Q. 872 And at 13188. This is a cheque made out to you which is endorsed by you on the
- 13 following page please?
- 14 A. Yes.
- 15:40:54 15 Q. 873 And there is a second cheque which is a cheque drawn on the account of James
- 16 and Sheila Owens which is, I think, made out to you and endorsed by you is that
- 17 right?
- 18 A. Yes, yes.
- 19 Q. 874 And those cheques are given to Mr. Dunlop?
- 15:41:05 20 A. That's correct, yeah.
- 21 Q. 875 And what was that in connection with?
- 22 A. There is a correction to be made to the letter that I sent to you calling it
- 23 Leeson Lane. It was in fact Leeson Close. I had done business with a man that
- 24 had owned the premises and he had told me that he was thinking of retiring.
- 15:41:24 25 And I felt that there were development opportunities about the premises and I
- 26 went to have a look at them with Frank and we agreed that he would progress the
- 27 matter further and that money was to pay for some surveys and architects fees
- 28 and things like that. In other words to get the ball rolling.
- 29 Q. 876 Did the ball ever get rolling Mr. Bolger?
- 15:41:52 30 A. No, no.

- 15:41:53 1 Q. 877 Did you ever see any appraisal or surveyor architects report in relation to the  
2 premises at Leeson Close?
- 3 A. No, but I think you will know better about this than I will. The Tribunal  
4 began to sit or was muted around about that time and I think Frank lost  
15:42:20 5 interest and I didn't pursue it.
- 6 Q. 878 I think in your statement. In fact it's a letter to Ms. McKenzie which is then  
7 provided to the Tribunal at 1317. In relation to this matter you say  
8 "following a few conversations with Mr. Dunlop over the following months I  
9 concluded he was not keen to progress the matter and I was not prepared to go  
15:42:34 10 it alone. He subsequently agreed to refund the four and a half thousand pounds  
11 to me but to date that has not happened?"
- 12 A. Yes.
- 13 Q. 879 Was there any documentation surrounding your arrangement with Mr. Dunlop in  
14 relation to Leeson Close other than the two cheques that you endorsed and gave  
15:42:50 15 to him?
- 16 A. No, that's it.
- 17 Q. 880 So is it fair to say then Mr. Bolger that in relation to your transactions with  
18 Mr. Dunlop that the only documentary trail that exists are either lodgements to  
19 bank accounts or copy cheques that have been procured by the Tribunal?
- 15:43:03 20 A. That's correct, yeah.
- 21 Q. 881 And that you have no documentation in relation to either the agreement you made  
22 with Mr. Dunlop in relation to Leeson Close in 1998 or the purchase of the  
23 horse other than the transactions involving your bank accounts?
- 24 A. That's correct. I wouldn't be big into writing letters and confirming  
15:43:25 25 arrangements and that sort of thing.
- 26 Q. 882 Is it the position then the Tribunal may take it, it was not your normal  
27 practice in 1992 to write to potential purchasers confirming the sale, the  
28 amount and the detail?
- 29 A. That's correct.
- 15:43:37 30 Q. 883 Right. And that in fact it was an entirely paperless transaction?

- 15:43:43 1 A. Yeah. In our business there is a huge element of trust and Frank obviously  
2 trusted me, as most people in the business do.
- 3 Q. 884 Uh-huh?
- 4 A. So we wouldn't be into putting things on paper in the same way as the rest of  
15:44:00 5 the business world would be. I mean, I compete in a sport, in a competitive  
6 sport and that takes up 99.9 per cent of my time and energy and that's the way  
7 it has to be to compete at the top level in flat racing in Europe.
- 8 Q. 885 Is it the position that the Tribunal may take it Mr. Bolger from somebody with  
9 your level of experience and expertise in the business that in general the  
15:44:27 10 transaction that you conducted with Mr. Dunlop you say was a normal transaction  
11 and one where it was replicated on many occasions in your business?
- 12 A. I wouldn't say replicated on many occasions but I would be very happy to tell  
13 you that if I were to place an ad in any of the trade journals this coming week  
14 offering one of my foals which would be selected in September for the amount of  
15:44:54 15 money that was specified there, even indexed for inflation today, that I would  
16 be inundated with applications.
- 17 Q. 886 No, you misunderstood my question Mr. Bolger?
- 18 A. Sorry.
- 19 Q. 887 I had understood from what you had told the Tribunal that you appear to be  
15:45:09 20 suggesting to the Tribunal that the paperless nature of your transaction with  
21 Mr. Dunlop is something that is common in your business?
- 22 A. Oh, yes, yes, yes, yes.
- 23 Q. 888 And what I was asking you is it the position then and is it your evidence to  
24 the Tribunal that transactions of this type are replicated on a daily and  
15:45:27 25 ongoing basis in your books?
- 26 A. Yes.
- 27 Q. 889 So that one would, if one were for any reason to examine your books next week  
28 let's say for example one would find any number of similar transactions where  
29 no paper is generated to the purchaser in relation to the money that they  
15:45:44 30 spent?

15:45:45 1 A. As I explained to you previously when the money is transferred by credit  
2 transfer there wouldn't be any receipt in a situation like that. But obviously  
3 when horses are sold invoices are done for them and as I explained to you  
4 before, the invoice may not have been sent to Frank Dunlop but it was raised in  
15:46:07 5 my books. And today we would still have proper books of record.

6 Q. 890 Thank you, Mr. Bolger.

7

8 CHAIRMAN: Mr. Bolger, could I just ask you about the invoice you say that you  
9 raised an invoice but it was retained in your books?

15:46:22 10 A. Yes.

11

12 CHAIRMAN: It wasn't sent to Mr. Dunlop. When you use the term invoice. Are  
13 you simply referring to the particulars of sale from which an invoice would be  
14 drawn if it was required say or do you say you actually prepare an invoice?

15:46:36 15 A. We prepare an invoice for everything that's sold.

16

17 CHAIRMAN: All right. And you don't send it out?

18 A. And for training fees etc.

19

15:46:43 20 CHAIRMAN: All right. And the other I think in I wanted to ask you was Mr.  
21 Dunlop paid for this horse in advance or paid for this foal in advance of  
22 getting the foal?

23 A. Yes, on the understanding that it was to be selected when all the foals were  
24 weaned.?

15:47:11 25

26 CHAIRMAN: Yes. But is that. It may not be, I don't know. But is that  
27 unusual that somebody ...

28 A. It would be slightly unusual. But as I said earlier, if I were it place an ad  
29 on a similar arrangement today I would be inundated with calls.

15:47:17 30

15:47:17 1 CHAIRMAN: But the practice would normally be that somebody would, you  
2 presumably have to go looking for the money at some stage having chosen the  
3 foal?

4 A. I could have sold Frank a foal at that time for 60,000 pounds but by waiting  
15:47:31 5 until September I was giving him the best chance and I picked the best looking  
6 filly in the bunch.

7  
8 CHAIRMAN: I can understand that. It was just the question I had was related  
9 to the fact that he was in fact borrowing some of this money but he was in fact  
10 paying you in advance?

11 A. I wasn't aware that he was borrowing the money and had I been aware I wouldn't  
12 have let him do it. I'd have sold him two-thirds of the animal.

13  
14 CHAIRMAN: Yes and then collected the balance later

15:47:57 15 A. No, I would have just sold him two thirds and left him with a two third  
16 interest.

17  
18 CHAIRMAN: Mr. McGonigal do you want to ask a question?

19  
15:48:07 20 MR. MCGONIGAL: No questions.

21  
22 JUDGE FAHERTY: It's really akin to the Chairman's question. In fact it's  
23 almost the same question. Your evidence and my understanding of it is that by  
24 June of 1992 Mr. Dunlop had paid over 63,900 odd for the purchase of the foal

15:48:23 25 A. Yes.

26  
27 JUDGE FAHERTY: Together with the upkeep as I understand your evidence  
28 regarding the agreement?

29 A. Yes.

15:48:29 30



15:48:29 1 JUDGE FAHERTY: You selected this foal as I understand it in September 1992

2 A. Yes.

3

4 JUDGE FAHERTY: And can I just ask you, what was the status of Mr. Dunlop in

15:48:38 5 your mind vis-a-vis any foal between June and September 1992?

6 A. The status.

7

8 JUDGE FAHERTY: I will put it another way perhaps. Say in August Mr. Dunlop

9 had turned up on your doorstep and said that he had changed his mind?

15:48:55 10 A. Yes.

11

12 JUDGE FAHERTY: Had he bought ...

13 A. I would have given him back his money if he said that he changed his mind.

14

15:49:02 15 JUDGE FAHERTY: I see I see. Can I just ask you one other thing. I don't

16 know anything about horse breeding I have to admit. In terms of when you

17 assigned the foal would it be normal to put Mr. Dunlop's name on some document

18 or indeed of any potential purchaser of a horse

19 A. It wouldn't be normal no.

15:49:21 20

21 JUDGE FAHERTY: And are there any insurance, is this an insurable

22 A. I don't do insurance. The only thing I'm guilty of here is not insisting that

23 Frank Dunlop insure.

24

15:49:33 25 JUDGE FAHERTY: You anticipated my next person

26 A. Personally I don't insure.

27

28 JUDGE FAHERTY: That's fair enough. That was in fact my next question. Mr.

29 Dunlop suffered a fairly substantial loss

15:49:44 30 A. He did, yes. And with hindsight it would have been better had it had been

15:49:48 1 insured.  
2  
3 JUDGE FAHERTY: By September obviously when you assigned the foal you had an  
4 animal, selected by yourself obviously and assigned if I can put it like that  
15:49:57 5 to Mr. Dunlop  
6 A. Yes.  
7  
8 JUDGE FAHERTY: How come you didn't advise him of that so that he could have  
9 if he wanted to or indeed perhaps have removed the foal had he wished to rear  
15:50:07 10 it himself  
11 A. We have a very low mortality rate on our farm.  
12  
13 JUDGE FAHERTY: I see  
14 A. And probably if he had said to me well will you insure it for me I would have  
15:50:19 15 done it.  
16  
17 JUDGE FAHERTY: I see. All right. Thanks very much  
18 A. Thank you.  
19  
15:50:22 20 CHAIRMAN: Thank you very much, Mr. Bolger  
21 A. Thank you.  
22  
23  
24  
15:50:26 25 **THE-WITNESS-THEN-WITHDREW**  
26  
27  
28 CHAIRMAN: That concludes our business today. And we are sitting at 10.30 in  
29 the morning.  
15:50:31 30

15:50:31 1 MS. DILLON: Yes, Sir.

2

3 CHAIRMAN: Thank you.

4

15:51:17 5 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

6 **WEDNESDAY, 16TH JANUARY 2008, AT 10.30 A.M.**

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