

10:21:26 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY, 12TH FEBRUARY 2008,**

2 **AT 10.30 A.M:**

3

4 CHAIRMAN: Good morning, Ms. Dillon.

10:38:02 5

6 MS. DILLON: Good morning, Sir. The first witness this morning, Mr. Sean
7 Gilbride, please.

8

9 **MR. SEAN GILBRIDE HAVING BEEN SWORN, WAS QUESTIONED BY**

10:38:07 10

MS. DILLON AS FOLLOWS:

11 Sean Gilbride.

12

13 CHAIRMAN: Good morning, Mr. Gilbride.

14 A. Good morning.

10:38:34 15

16 Q. 1 MS. DILLON: Good morning, Mr. Gilbride.

17 I think you have previously given evidence to the Tribunal, isn't that correct?

18 A. That's right.

19 Q. 2 And I think that you were elected to Dublin County Council initially in 1985

10:38:48 20

and again I think in 1991, isn't that right?

21 A. That is correct.

22 Q. 3 And you would have been a candidate in the Local Elections in June of 1991?

23 A. Yes.

24 Q. 4 You are and have been a member of the Fianna Fail party, isn't that right?

10:38:59 25

A. That's right.

26 Q. 5 And you were re-elected to Fingal County Council remained a member of Fingal

27 County Council until 1998, isn't that right?

28 A. '99.

29 Q. 6 '99. And I think you didn't stand for election --

10:39:12 30

A. No.

10:39:12 1 Q. 7 -- isn't that right, in that Local Election in 1999?
2 A. No, I didn't.
3 Q. 8 But when the Council separated in January of 1994, you moved from the old
4 Dublin County Council to the functional area of Fingal County Council, isn't
10:39:25 5 that right?
6 A. That's correct.
7 Q. 9 And it would be fair to say that the Quarryvale and Neilstown lands were
8 located within the functional area of South Dublin County Council, isn't that
9 right?
10:39:33 10 A. Correct.
11 Q. 10 Now, your ward is north Dublin, isn't that right?
12 A. Yeah. Balbriggan.
13 Q. 11 Or was I should say, Balbriggan. And that would be a considerable distance
14 away from west Dublin, isn't that right?
10:39:44 15 A. Yes.
16 Q. 12 And you were I think a teacher by profession, isn't that the position?
17 A. That's true.
18 Q. 13 Now, can I ask you first of all. I think from evidence that Mr. Gilmartin has
19 given to the Tribunal and you might agree or disagree with this, as you wish,
10:39:57 20 Mr. Gilbride. Mr. Gilmartin suggests that his family would have been known to
21 your family and your family known to his from Sligo.
22 A. That's right.
23 Q. 14 Would you agree with that?
24 A. Yes.
10:40:06 25 Q. 15 Now, did you know Mr. Gilmartin when you were growing up?
26 A. Yeah, I would have remembered him playing football now that would be about it,
27 I wouldn't have gone to school with him or anything like that. But I would
28 have remembered him playing football for the local team.
29 Q. 16 Would Mr. Gilmartin have been older than you, Mr. Gilbride?
10:40:22 30 A. Yeah.

- 10:40:23 1 Q. 17 Would he have left the locality by the time you became a young man?
- 2 A. He would, yes.
- 3 Q. 18 Did you in later years come to meet Mr. Gilmartin again in Dublin?
- 4 A. Yes, I did.
- 10:40:32 5 Q. 19 Would you just tell the Tribunal the circumstances in which you came to meet
6 with Mr. Gilmartin again?
- 7 A. Yeah. Senator Willie Farrell, who was also from our local area at home phoned
8 me and asked me would I meet Mr. Gilmartin and said he was involved in
9 developments around Dublin and he was having difficulties and that he asked
10:40:54 10 would I meet him, I said that I would. Now, to the best of my recollection, he
11 gave me Mr. Gilmartin's phone number and asked me would I ring him, which I did
12 some time afterwards and after several false starts, I met Mr. Gilmartin in his
13 office in Stephen's Green, which was Arlington Securities I think was the name
14 of the company, I met him there.
- 10:41:21 15 Q. 20 When you say that Mr. Farrell gave you Mr. Gilmartin's phone number, was that a
16 phone until in Ireland?
- 17 A. No, it was a phone number in Luton.
- 18 Q. 21 In Luton. And did you ring Mr. Gilmartin in Luton?
- 19 A. Yeah, that's to the best of my recollection. He might have rang me but I think
10:41:35 20 that I actually rang him and said that I would meet him.
- 21 Q. 22 Do you remember what Mr. Farrell told you, Mr. Gilbride, when he rang you?
- 22 A. He just said that he was having difficulties with his, what do you call it his
23 development in Dublin, that's what he said.
- 24 Q. 23 That Mr. Gilmartin was having difficulties with his developments in Dublin?
- 10:41:51 25 A. Yes.
- 26 Q. 24 And when Mr. Farrell ring you, did Mr. Farrell ring you because you were a
27 member of the Council?
- 28 A. Yeah, a member of the Council and because he knew me from home, I would have
29 known the Farrells all my life.
- 10:42:05 30 Q. 25 So Mr. Farrell was from Sligo, Mr. Gilmartin was from Sligo and you were from

10:42:11 1 Sligo?

2 A. That's correct.

3 Q. 26 And Mr. Farrell turned to you when Mr. Gilmartin came to him with difficulties

4 is that what happened?

10:42:18 5 A. That's what happened.

6 Q. 27 Now, did Mr. Farrell give you an outline of what Mr. Gilmartin's difficulties

7 were when he rang you?

8 A. He didn't, no, he just said that he was having difficulties.

9 Q. 28 Difficulties with, I think you said with development.

10:42:29 10 A. Yeah.

11 Q. 29 And was Mr. Farrell able to tell you where those developments were?

12 A. It's a long time ago, I couldn't say if he did or not. He may have, now, I'm

13 not too sure whether he mentioned it specifically but he did say that he was

14 having difficulties.

10:42:52 15 Q. 30 Yes. Just in relation to your meeting with Mr. Gilmartin on this occasion.

16 Mr. Gilmartin told the Tribunal that it was his recollection that Mr. Farrell

17 drove Mr. Gilmartin out to meet you somewhere at a club in County Dublin, do

18 you have any recollection of that?

19 A. Yes, I have a very good recollection of it.

10:43:08 20 Q. 31 Yes.

21 A. Actually, I think he said that he drove him out and that we met in some cricket

22 club.

23 Q. 32 Yes, you met at some club?

24 A. Yes.

10:43:15 25 Q. 33 Did that happen?

26 A. No, it didn't happen. It didn't.

27 Q. 34 And you are satisfied that if it had happened you would have remember it, is

28 that right?

29 A. No, I'm absolutely certain that I met him in the Arlington offices off St.

10:43:29 30 Stephen's Green quite near the Shelbourne Hotel.

- 10:43:31 1 Q. 35 Is it possible that you might have met him before that meeting in the company
2 of Mr. Farrell?
- 3 A. No, I never met him in the company of Mr. Farrell. Never and I think
4 Mr. Farrell has also said that.
- 10:43:41 5 Q. 36 Yes.
- 6 A. Never!
- 7 Q. 37 When you met with Mr. Gilmartin, Mr. Gilbride, what did Mr. Gilmartin tell you?
- 8 A. He ... at the time, I want to get this right. It was he had a big plan for
9 Quarryvale and he showed me what his plan was, it was a massive plan far larger
10 than what came through in the end. He was building houses and the Hermitage
11 Golf Club at this stage golf club and he was putting up a Sports Stadium that
12 side of the road as well, and there was a lot of houses apart from the shopping
13 centre in there, not the Edmondstown lands there, I think it was St. Loman's
14 lands and he showed me all of that. It looked very impressive. And I did ask
10:44:06 15 him or he asked -- with the Arlington Securities that arose well Bachelor's
16 Walk and he said I'm out of Bachelor's Walk now he said, Arlington Securities
17 are dealing with that. I have nothing to do with it.
- 18 Q. 38 And what problems did Mr. Gilmartin identify to you?
- 19 A. He was, he would find it very hard dealing with officials, he was trying to buy
10:45:09 20 land from Dublin Corporation and he had seemingly had made an offer and it
21 hadn't, he hadn't got a reply and he didn't seem to understand the way that
22 things were done in Ireland and he was talking, he seemed to be under the
23 impression that the government could give him permission to go ahead with this.
24 So I explained to him how it could be done, should be done. He was talking
10:45:44 25 about a Section 4 and things like that and things to go through. The only
26 thing I said it can be done, such a large project, is by the County Development
27 Plan.
- 28 Q. 39 And when was this conversation with Mr. Gilmartin now can you remember?
- 29 A. Yeah, I wouldn't give an exact date. But I know Tommy Boland was Chairman of
10:46:04 30 the Council at the time. And Tommy Boland was Chairman from I think it was

10:46:09 1 July '90 to the following '91, 'cos I remember going to Tommy Boland and asking
2 Tommy Boland would he meet him. So, now, I won't be certain. I'd say myself,
3 maybe September '90. It might have been before that but I know Tommy Boland
4 was Chairman at the time.

10:46:32 5 Q. 40 Yes. In your first conversation with Mr. Gilmartin --
6 A. Yes.
7 Q. 41 -- did he indicate to you that one of the difficulties he was then having was
8 buying land from the Council?
9 A. No, not from the corporation.

10:46:42 10 Q. 42 From the corporation.
11 A. Yes, he did, yes.
12 Q. 43 And that he had put in a bid and it hadn't been accepted, is that right?
13 A. Well he hadn't made any reply.
14 Q. 44 That he hadn't got a reply?

10:46:54 15 A. Uh-huh.
16 Q. 45 And that happened in June of 1989, Mr. Gilbride?
17 A. Yeah.
18 Q. 46 So I think --
19 A. No, I'm absolutely certain it was in 1990.

10:47:06 20 Q. 47 The problem that Mr. Gilmartin --
21 A. Oh, yeah.
22 Q. 48 -- identified to you at your first meeting --
23 A. Oh yeah.
24 Q. 49 -- was a problem that was current?

10:47:12 25 A. Yes.
26 Q. 50 In 1989, do you understand?
27 A. Yeah.
28 Q. 51 And was not a problem that Mr. Gilmartin had in 1990?
29 A. Now, at the time I'm sure that Tommy Boland was Chairman of the Council at the
10:47:31 30 time.

10:47:31 1 Q. 52 You --

2 A. Now, whether it had been resolved or not. Maybe he mentioned that it was a

3 problem that he had. But I'm certain at the time that it hadn't come through,

4 you know, that it hadn't. As far as what my recollection of it was, that it

10:47:51 5 hadn't been finalised.

6 Q. 53 Yes. Mr. Gilmartin's --

7 A. Yeah.

8 Q. 54 -- tender for the Council lands was accepted by Dublin Corporation in June of

9 1989?

10:47:59 10 A. No, no.

11 Q. 55 And therefore I just want to suggest to you, Mr. Gilbride --

12 A. Yeah, yeah.

13 Q. 56 -- that if Mr. Gilmartin was telling you at your first meeting that he had a

14 difficulty with buying lands or getting a response from the corporation, that

10:48:20 15 meeting had to have taken place prior to June of 1989?

16 A. My recollection of it is, and I am fairly certain, I am certain on this, that

17 Tommy Boland was Chairman of the Council at the time. And Tommy Boland was

18 elected Chairman in July 1990.

19 Q. 57 Yes, I had understood your evidence to be that when you brought Mr. Gilmartin

10:48:37 20 to meet Mr. Boland, that Mr. Boland was at that stage Chairman of Dublin County

21 Council?

22 A. That's right, yes.

23 Q. 58 But that I don't understand you to say, Mr. Gilbride, subject to anything that

24 you want to say, that it was only after Mr. Boland was appointed Chairman of

10:48:51 25 the Council that you met Mr. Gilmartin?

26 A. I remember distinctly going into Mr. Boland's office, the chairman's office in

27 the Council and asking him would he meet Mr. Gilmartin. Now, I didn't

28 introduce him. I asked him would he meet him and they did connect up

29 afterwards themselves. I wasn't with them when they met but I do distinctly

10:49:17 30 remember that.

- 10:49:17 1 Q. 59 Yes and Mr. Boland would have been a local councillor, isn't that right?
- 2 A. Yes, in the Blanchardstown area.
- 3 Q. 60 In the Blanchardstown area. But just to go back to your first meeting with Mr.
- 4 Gilmartin.
- 10:49:27 5 A. Yeah.
- 6 Q. 61 You were told by Mr. Farrell that Mr. Gilmartin was experiencing difficulties
- 7 --
- 8 A. Difficulties, yes.
- 9 Q. 62 -- in relation to developments in Dublin?
- 10:49:33 10 A. Yes.
- 11 Q. 63 And Mr. Farrell hadn't been any more specific than that to you.
- 12 A. No, he hadn't, no.
- 13 Q. 64 And when you met Mr. Gilmartin and I asked you about the difficulties you said,
- 14 that the matter about which Mr. Gilmartin complained was dealing with the
- 10:49:48 15 officials.
- 16 A. Yes.
- 17 Q. 65 And the fact that he wasn't able to get a response in relation to an offer of
- 18 land that he was trying to buy from the corporation, is that right?
- 19 A. That's right, yes.
- 10:49:56 20 Q. 66 And Mr. Gilmartin's difficulties with buying the land from the corporation, Mr.
- 21 Gilbride, were over by June of 1989?
- 22 A. Uh-huh.
- 23 Q. 67 And his tender for those lands had been accepted by the corporation, by June of
- 24 1989.
- 10:50:08 25 A. Maybe he mentioned it as one of the difficulties that he had. But I am
- 26 absolutely certain that I did not meet him as early as 1989.
- 27 Q. 68 Fine. In your conversation with Mr. Gilmartin when you met him first, was the
- 28 only difficulty outlined by Mr. Gilmartin to you a difficulty in dealing with
- 29 officials?
- 10:50:25 30 A. He said that he had met ministers and things like that and he was under the

10:50:34 1 impression that they would have straightened everything out for him.

2 Q. 69 If we just try and concentrate now, Mr. Gilbride, on the difficulties or

3 problems that Mr. Gilmartin identified to you when you met him first, all

4 right? Okay. Mr. Farrell --

10:50:49 5 A. Yeah.

6 Q. 70 -- sends Mr. Gilmartin to you because he is having problems, isn't that right?

7 A. Yes.

8 Q. 71 You meet Mr. Gilmartin and you are therefore meeting a man whom you know in

9 advance has problems with developments in Dublin?

10:50:59 10 A. Yeah.

11 Q. 72 Now, just outline to the Tribunal the problem that is were identified by Mr.

12 Gilmartin to you when you met him, whenever that was?

13 A. His main difficulty as I explained to you was that he had great difficulty in

14 acquiring the land and I think that was our main conversation at the time and

10:51:24 15 he said he was being blocked and I asked him who was he being blocked by and he

16 named that there were other developers that were trying to block him, do you

17 know.

18 Q. 73 Well, no, I don't know, Mr. Gilbride, and you will have to tell the Tribunal --

19 A. Yeah.

10:51:42 20 Q. 74 -- what other developers were blocking Mr. Gilmartin?

21 A. Well the Green Property company who were developing Blanchardstown, he said

22 that they were opposed to him and they had tried to acquire the land in what do

23 you call it, in Quarryvale as well.

24 Q. 75 Yes.

10:51:57 25 A. You know. He mentioned meeting with members of the council earlier and he

26 didn't go in to any great detail about, I don't know how many he said he met.

27 But he said that he had met some of them and nothing had, nothing seemed to

28 have happened. One of the main things I said to him, we had a long

29 conversation, was his, he seemed to have been that he was it was going to be

10:52:43 30 like England that the minister could grant the planning permission and as I

10:52:50 1 said earlier, I explained to him that he had to start off and work under the
2 County Development Plan. And that anything that had happened in the past
3 forget about it, that we were just going to go ahead from there. And I told
4 him that I would introduce him to one of the local councillors in that area,
10:53:16 5 which was Colm McGrath, I did ask Colm McGrath to meet him and take it on
6 board, which he did.

7 Q. 76 Did you know, Mr. Gilbride, by this stage that Mr. Lawlor and Mr. Gilmartin had
8 met?

9 A. Not at that stage. Some time afterwards I, after I had mentioned -- talked to
10:53:46 10 Tommy Boland I was in Mr. Gilmartin's office in Arlington one evening again and
11 Mr. Lawlor came in and I said to him, Tommy Gilmartin said, I forget now, how
12 did you know I was here and he said that Tommy Boland had told him. I remember
13 that and he had said his plan there and he showed it to Liam Lawlor and he
14 didn't express any great disquiet about it. Liam Lawlor suggested changes that
10:54:19 15 he should make in the plan and things like, that which were actually
16 incorporated in the plan afterwards. But he did, as far as I remember now, say
17 to me that Mr. Lawlor had met him in London with Arlington at one stage.

18 Q. 77 Did, when you met Mr. Gilmartin did Mr. Gilmartin mention Mr. George Redmond to
19 you?

10:54:42 20 A. I think he said that he had met him, yes.

21 Q. 78 Did Mr. Gilmartin say to you that he felt that Mr. Redmond was blocking his
22 acquisition of the lands in Quarryvale and that he was promoting the efforts of
23 Green Property?

24 A. At this stage now and maybe someone can look it up, Mr. Prendergast was manager
10:55:15 25 of Dublin County Council at the time I met Tom Gilmartin and maybe that would
26 help verify the dates. 'Cos I went, after Willie Farrell asked me to meet Mr.
27 Gilmartin I went to Mr. Prendergast and had a meeting with him and asked him
28 did he know anything about Mr. Gilmartin and what he was planning. And I
29 remember the reply was, well the government seemed to be happy with him. Now,
10:55:40 30 again, if I could look up the date, I know Mr. Prendergast was the manager, it

10:55:46 1 wasn't Mr. Redmond. Mr. Redmond had gone at the time.

2 Q. 79 No, what I had asked you, Mr. Gilbride -- one of the only matter that you

3 remember Mr. Gilmartin complaining about or the time that you first met Mr.

4 Gilmartin was a complaint non-specific in relation to name about difficulties

10:56:01 5 in acquiring land from Dublin Corporation, isn't that right?

6 A. That's right, yeah.

7 Q. 80 Now, in that context did Mr. Gilmartin make a complaint to you about Mr. George

8 Redmond?

9 A. I can't remember if he did or not. And there is no good saying that I do if I

10:56:20 10 didn't. 'Cos Mr. Redmond at the time was manager for County Dublin and the

11 lands in Quarryvale were in Dublin Corporation lands.

12 Q. 81 Yes.

13 A. So, I mean, I wouldn't see what ...

14 Q. 82 You have a recollection of Mr. Gilmartin complaining to you, Mr. Gilbride --

10:56:40 15 A. Yes.

16 Q. 83 -- that Green Property --

17 A. Yeah, that's right.

18 Q. 84 -- were trying to buy the land that he was interested in in Quarryvale?

19 A. I do, yes.

10:56:46 20 Q. 85 That issue was resolved by June of 1989 and I can show you 20122, Mr. Gilbride,

21 on the screen beside you.

22 A. Yeah.

23 Q. 86 The letter from the corporation accepting Mr. Gilmartin's tender.

24 A. Yeah.

10:56:57 25 Q. 87 So Mr. Gilmartin had not got any problem after this date in June of 1989 in

26 terms of acquiring the land from the corporation because his tender had been

27 accepted.

28 A. Yeah.

29 Q. 88 Do you see that?

10:57:11 30 A. I accept that.

10:57:12 1 Q. 89 Yes.

2 A. Now, I do accept it. But I am absolutely certain.

3 Q. 90 Okay.

4 A. One, that John Prendergast was manager of Dublin County Council at the time.

10:57:25 5 And two, that Tommy Boland was Chairman. And I do know that Tommy Boland was

6 Chairman from July '90 to ... until the next Local Elections.

7 Q. 91 Yes, I am only suggesting to you, Mr. Gilbride, that if your recollection in

8 relation to Mr. Gilmartin's only complaint and in fact the only complaint that

9 you can tell the Tribunal --

10:57:43 10 A. Yes.

11 Q. 92 -- that Mr. Gilmartin made to you was a complaint in relation to his acquiring

12 the corporation lands at Quarryvale.

13 A. Yeah.

14 Q. 93 That issue was dead in the water --

10:57:51 15 A. Yeah.

16 Q. 94 -- by June of 1989.

17 A. Yeah.

18 Q. 95 And that is evidenced by the letter of acceptance from the corporation at page

19 20122 on screen, isn't that right?

10:58:00 20 A. No, I accept that. That was one of the complaints.

21 Q. 96 Yes. Now what were the rest of the complaints, Mr. Gilbride?

22 A. He didn't seem to know how to get it off the ground.

23 Q. 97 Right. So what did Mr. Gilmartin complain to you about what was not happening?

24 A. As I said to you, Ms. Dillon, he just didn't seem to know what to do.

10:58:29 25 Q. 98 Right.

26 A. He thought that the government could give him planning permission or the

27 Minister for the Environment and I explained to him that that was not the way

28 it was done here.

29 Q. 99 Did you know that he had retained the services of Mr. Ciaran O'Malley a

10:58:45 30 certified planner?

- 10:58:46 1 A. No.
- 2 Q. 100 Did you know that Mr. Ciaran O'Malley had given him advices about the
3 Development Plan and matters such as that sort?
- 4 A. No, no.
- 10:58:53 5 Q. 101 All right. Now, what I am trying to focus on here, Mr. Gilbride, with not a
6 great deal of success it must be said, is the start of your relationship with
7 Mr. Gilmartin because what you were told the Tribunal is that Mr. Farrell came
8 to you because --
- 9 A. He phoned me.
- 10:59:07 10 Q. 102 -- because Mr. Gilmartin was a having difficulties.
- 11 A. Yes.
- 12 Q. 103 The only difficulty you have identified so far that Mr. Gilmartin complained
13 about, is the one in relation to the land?
- 14 A. That's true.
- 10:59:16 15 Q. 104 Which as we've seen was finished by June of 1989, isn't that right?
- 16 A. That's right, yeah.
- 17 Q. 105 Now, the other matter that you remember discussing with Mr. Gilmartin, you make
18 a general comment, Mr. Gilbride, to the effect that Mr. Gilmartin didn't seem
19 to know how things were work in the Ireland, isn't that right?
- 10:59:30 20 A. That's right, yes.
- 21 Q. 106 So how did things work in Ireland, what did you explain it to Mr. Gilmartin?
- 22 A. I explained to Mr. Gilmartin that this would have to go through the County
23 Development Plan, it was such a large project. And that the County Development
24 Plan had started, it had started in '87 to the best of my recollection. And we
10:59:50 25 were working through the process.
- 26 Q. 107 Yes.
- 27 A. And that's the way it had to be done.
- 28 Q. 108 And did you explain to Mr. Gilmartin that if the matter was to proceed through
29 the county development plan it would require the support of the councillors?
- 11:00:01 30 A. Oh, yes.

- 11:00:02 1 Q. 109 To change the zoning on the Quarryvale lands?
2 A. I did, yes.
3 Q. 110 All right. So what you advised him then I assume, Mr. Gilbride, is he would
4 need the support of councillors?
11:00:12 5 A. Oh, yes.
6 Q. 111 And did he at any stage mention to you that he had discussed anything to do
7 with Quarryvale with other councillors?
8 A. Yes, that he had a couple of years previously. He did say that he had met some
9 councillors a couple of years previously.
11:00:26 10 Q. 112 Now, who did he tell you that he had met because obviously that's a matter that
11 you would have been interested in because there were people whose support you
12 could call on to help Mr. Gilmartin, isn't that right?
13 A. He told me he had met Mr. Lawlor.
14 Q. 113 All right.
11:00:35 15 A. Now, and he told me that actually that he had arranged a meeting but with other
16 councillors but that he hadn't met them. He may have mentioned other names, I
17 don't have any recollection but he did tell me that he had met Mr. Lawlor.
18 Q. 114 So at the end of your first meeting you knew the following.
19 A. Yes.
11:00:58 20 Q. 115 You knew that Mr. Gilmartin had had a difficulty with official.
21 A. Yes.
22 Q. 116 In relation to the acquisition of the corporation lands.
23 A. Yes.
24 Q. 117 You knew that he had met with Mr. Lawlor.
11:01:06 25 A. Yes.
26 Q. 118 Did Mr. Gilmartin tell you what Mr. Lawlor had advised him to do?
27 A. He didn't, no.
28 Q. 119 Did Mr. Gilmartin tell you for example that Mr. Lawlor was being paid or had
29 been paid by Arlington Securities?
11:01:18 30 A. Yes he did, yes.

- 11:01:19 1 Q. 120 He told you that?
- 2 A. Not at the first time, no, it was afterwards.
- 3 Q. 121 He told you that Mr. Lawlor was being paid by Arlington?
- 4 A. Yes, afterwards.
- 11:01:27 5 Q. 122 Ask Mr. Gilmartin express himself happy with what Mr. Lawlor was doing?
- 6 A. Well the particular evening that Mr. Lawlor came to the --
- 7 Q. 123 No. I want you to stay with your first meeting now. This is all that we're
- 8 discussing now, Mr. Gilbride, is the first meeting that you had with Mr.
- 9 Gilmartin about Mr. Gilmartin's difficulties. So in that first meeting when
- 11:01:47 10 you became aware that Mr. Lawlor had met Mr. Gilmartin --
- 11 A. Uh-huh.
- 12 Q. 124 -- did Mr. Gilmartin express himself to be happy with Mr. Lawlor?
- 13 A. It's hard to say. Whether he was or not, he, it's not a question I can answer.
- 14 I mean, I can do my best but all I can say is that he told me. It wasn't
- 11:02:20 15 actually at the first meeting, Ms. Dillon, it was at the second meeting when I
- 16 was with Mr. Gilmartin that Mr. Lawlor came in to the office. After that
- 17 meeting he told me.
- 18 Q. 125 Right. At your first meeting with Mr. Gilmartin when Mr. Gilmartin complained
- 19 about the difficulties in relation to the land.
- 11:02:35 20 A. Yeah.
- 21 Q. 126 Did Mr. Gilmartin tell you that he had made complaints to Mr. Sean Haughey and
- 22 Mr. Frank Feeley?
- 23 A. No he didn't.
- 24 Q. 127 Did he tell you that he had had conversations in 1989 with the Gardai in
- 11:02:46 25 relation to matters that he was complaining about?
- 26 A. No he didn't.
- 27 Q. 128 Did Mr. Gilmartin make any complaint to you about demands substantial demands
- 28 of money being made from him in connection with Quarryvale or indeed Arlington?
- 29 A. No he didn't.
- 11:02:58 30 Q. 129 Did Mr. Gilmartin indicate to you that he had spoken to other people including

11:03:04 1 Mr. Willie Farrell, about the difficulties that he Mr. Gilmartin said he was
2 having?
3 A. He told me he had spoken to Mr. Farrell.
4 Q. 130 Uh-huh?
11:03:10 5 A. And he also said that he had met some government ministers.
6 Q. 131 But did Mr. Gilmartin explain to you that he had gone to see senior County
7 Council officials making complaints specifically about Mr. George Redmond and
8 Mr. Liam Lawlor?
9 A. No, he didn't.
11:03:31 10 Q. 132 Did he indicate to you that Mr. Lawlor and probably other councillors had
11 looked for, had looked for money --
12 A. No.
13 Q. 133 -- from him?
14 A. No, he didn't.
11:03:39 15 Q. 134 Did he ever give you any indication that councillors had asked him for a sum of
16 100,000 pounds for example, in return for their support?
17 A. No, he did not.
18 Q. 135 He never made any complaint to you?
19 A. No.
11:03:49 20 Q. 136 At all in relation to anything that was happening?
21 A. Well --
22 Q. 137 When you met him first?
23 A. No, he didn't.
24 Q. 138 All right.
11:03:57 25 A. Do you mind if I go back again.
26 Q. 139 Yes.
27 A. He did complain about the difficulty he was having and as I said to you, if he
28 raised a thing about the land, he did raise it and I know it was when Tommy
29 Boland was chairman, I know John Prendergast was manager as well. And I did
11:04:19 30 say to him look it, we are starting this thing a new, forget about the past

11:04:26 1 it's what we're going to do from now on.

2 Q. 140 If Mr. Gilmartin had told you, Mr. Gilbride, that Mr. Lawlor had asked him for

3 significant sums of money that's something that you'd remember, isn't that

4 right?

11:04:36 5 A. Yes I would remember it.

6 Q. 141 And you would have been shocked by it I assume?

7 A. Yes.

8 Q. 142 And if you had been told that other councillors had asked Mr. Gilmartin for

9 significant amounts of money you would have remembered it?

11:04:46 10 A. Yes, I would have remembered it.

11 Q. 143 What do you think now looking back on it that if Mr. Gilmartin had told you

12 then when you met him in 1990 or 1989, what would you have advised Mr.

13 Gilmartin to do?

14 A. Well I mean as far as -- he didn't.

11:05:00 15 Q. 144 Well if he had told you?

16 A. That's a hypothetical question. I'm not going to answer hypothetical questions

17 you know, he didn't tell me.

18 Q. 145 He didn't tell you.

19 A. He didn't tell me.

11:05:11 20 Q. 146 All right. Were you surprised then when you subsequently found out, Mr.

21 Gilbride, that in 1989, Mr. Gilmartin had complained to the police?

22 A. Yes, I was yeah. He didn't mention any of these things to me.

23 Q. 147 And that he had complained to Mr. Feeley.

24 A. Yeah.

11:05:25 25 Q. 148 Who was then --

26 A. Uh-huh.

27 Q. 149 -- the most senior official of Dublin County, isn't that right?

28 A. Yes.

29 Q. 150 He had complained to Mr. Sean Haughey, isn't that right?

11:05:35 30 A. I mean this is what is reported. I am not saying it's right. He didn't.

- 11:05:40 1 Q. 151 Well I think it's a little bit more than what's reported. I think Mr. Feeley's
2 contemporaneous note which he made in February 1989.
3 A. Yeah.
4 Q. 152 Records the complaints then being made by Mr. Gilmartin, isn't that right?
11:05:52 5 A. If you say so.
6 Q. 153 Yes. Isn't that the position?
7 A. Yeah.
8 Q. 154 And were you surprised then when you heard subsequently that after you had met
9 Mr. Gilmartin, that Mr. Gilmartin had made a litany of complaints about both
11:06:05 10 officials and certain councillors?
11 A. Well --
12 Q. 155 Was that a surprise to you?
13 A. Well, now, a lot of the information that we're talking about now came out years
14 later.
11:06:17 15 Q. 156 Uh-huh.
16 A. And at that stage nothing would surprise me.
17 Q. 157 All right. Did you introduce Mr. Gilmartin to Mr. Colm McGrath?
18 A. Yes, I did.
19 Q. 158 Yes.
11:06:31 20 A. No, well, I asked Colm McGrath would he meet him.
21 Q. 159 Uh-huh.
22 A. And Colm McGrath went over to the Arlington offices and met him, yes.
23 Q. 160 And from the beginning, Mr. Gilbride, did you support Mr. Gilmartin?
24 A. Yes I did, yeah.
11:06:44 25 Q. 161 In what he was attempting to do?
26 A. Yes.
27 Q. 162 Right. And what advice did you give him about what you felt could be
28 successfully brought through the Development Plan for Quarryvale?
29 A. When I saw the project first as I said to you, it was very large and maybe if
11:07:07 30 you go back, I mean he was talking about acquiring Hermitage Golf Club, he was

- 11:07:13 1 talking about acquiring saint, I think it's St. Loman's lands that are out
2 there beside it as well. And I am not digressing when I say I mentioned
3 earlier that Liam Lawlor came to the offices one evening when I was there and
4 he had this big project laid out or a model of it and Liam Lawlor advised him
11:07:37 5 that he wanted a cut about at least about half of it out, the lands and the on
6 the Hermitage Golf Club side, St. Loman's side and also advised him, which I
7 remember well, that he'd have to put a step way in, and get rid of the lights,
8 I remember that. It was a good project, it was an area that needed
9 development, we had been waiting for years for the town centres to start and
11:08:02 10 planning permission had been given and they weren't starting. And I thought it
11 was a very good, here was someone who was going to do something for the area.
- 12 Q. 163 And what was Mr. Gilmartin's reaction when Mr. Lawlor advised him to cut the
13 project by 50 per cent?
- 14 A. I'd say, put it this way, he took his advice in the end. I mean ...
- 11:08:29 15 Q. 164 I am asking you, Mr. Gilbride, for Mr. Gilmartin's reaction when Mr. Lawlor
16 advised him to cut the size of the project by 50 per cent?
- 17 A. At that particular time he listened but the one specific one I do remember is,
18 that he told him that he would have to get rid of the lights and get the slip
19 road in to it, you know. I can't ...
- 11:09:05 20 Q. 165 Well was Mr. Gilmartin happy with the advice?
- 21 A. I'd say he was happy enough, yes.
- 22 Q. 166 Mr. Gilmartin has told the Tribunal on many occasions that he was not happy
23 with any suggestion that the size of the project should be reduced?
- 24 A. Well, now, he didn't ...
- 11:09:23 25 Q. 167 The late Mr. Lawlor told the Tribunal when he was here and in statements --
- 26 A. Yeah.
- 27 Q. 168 -- that he was it was his recollection also that Mr. Gilmartin was angry with
28 Mr. Lawlor for suggesting that the size of the project be reduced. Now, does
29 that accord with your recollection of it?
- 11:09:40 30 A. It doesn't. Because I have no great recollection of it but I do remember

- 11:09:45 1 Mr. Lawlor saying cut out that, cut out that, put in a slip road there and it
2 all happened fairly quickly, you know. I can't ... I don't remember any anger
3 or anything like that.
- 4 Q. 169 And you yourself, Mr. Gilbride, you weren't in that area, isn't that right,
11:10:09 5 area, it wasn't your local area?
- 6 A. It wasn't, no.
- 7 Q. 170 And the fundamental step in changing the planning or the zoning status of those
8 lands was to bring a motion, isn't that right?
- 9 A. That's right.
- 11:10:18 10 Q. 171 So did you assist Mr. Gilmartin in preparing a motion?
- 11 A. No, I did not, no.
- 12 Q. 172 Why didn't you do that? I mean isn't that the first step to initiating change
13 under the Development Plan?
- 14 A. Mr. McGrath did that.
- 11:10:30 15 Q. 173 Mr. McGrath did that?
- 16 A. Uh-huh.
- 17 Q. 174 In February of 1991, isn't that right?
- 18 A. Well when the motions had be in by --
- 19 Q. 175 The 15th?
- 11:10:39 20 A. Was it, yeah.
- 21 Q. 176 The last day for the receipt of motions for exchanging lands was the 15th of
22 February '91.
- 23 A. Yeah.
- 24 Q. 177 Why didn't you draft a motion for Mr. Gilmartin prior to that date in let's say
11:10:50 25 in early '91 or indeed in late 1990, to change the zoning status of the lands?
- 26 A. Well as you mentioned, it wasn't my area and Mr. McGrath was willing to do it
27 and that's the way it happened.
- 28 Q. 178 Well if I show you the motion at 20392.
- 29 A. Yeah.
- 11:11:09 30 Q. 179 This is the motion and it's date stamped the 15th of February '91. You see the

- 11:11:19 1 date stamp in the square in the centre, Mr. Gilbride?
- 2 A. Oh, yes.
- 3 Q. 180 And if you just look at the top part of the motion which is the proposing the
- 4 change of the lands in Quarryvale lands to D and E, isn't that right?
- 11:11:31 5 A. Yes.
- 6 Q. 181 Okay. And that's signed by Colm McGrath and it's dated February of 1991?
- 7 A. That's right, yeah.
- 8 Q. 182 Now, would you just tell the Tribunal what you know about the circumstances in
- 9 which that motion was drafted?
- 11:11:42 10 A. I don't have any great recollection of the motion being drafted.
- 11 Q. 183 You were a supporter of --
- 12 A. Oh, yes, I was yes.
- 13 Q. 184 -- of Mr. --Sorry, Mr. Gilmartin's development, isn't that right?
- 14 A. Oh, yes.
- 11:12:01 15 Q. 185 From the very beginning. You say that you introduced Mr. McGrath to him, isn't
- 16 that right?
- 17 A. Oh, yes. I did, yeah.
- 18 Q. 186 I think Mr. Gilmartin recollects that Mr. McGrath introduced you to him but
- 19 leaving that aside. Whoever introduced whom. You from the beginning were a
- 11:12:15 20 supporter of his project, isn't that right?
- 21 A. That's correct.
- 22 Q. 187 So did you have any discussions with Mr. McGrath about getting in the motion?
- 23 A. I have no great recollection of it. I mean, probably I asked him was he
- 24 putting it in or something like that and he told me he was and but I mean I
- 11:12:35 25 didn't help him in the motion. There was a certain way you had to draft it and
- 26 that was it but I may have talked to him Colm McGrath about was the motion
- 27 going in and as far as I remember, yes, he said it was.
- 28 Q. 188 The Quarryvale lands were zoned E, industrial under the 1983 plan, isn't that
- 29 right?
- 11:13:02 30 A. Yeah.

- 11:13:02 1 Q. 189 Now you know probably better than anybody else in this room, Mr. Gilbride, that
2 in order to change the zoning status of those lands a motion had to go in,
3 isn't that right?
- 4 A. Yes.
- 11:13:12 5 Q. 190 And you also know that time limits are given for the lodging of motions, isn't
6 that right?
- 7 A. That's right, yeah.
- 8 Q. 191 And you would have known the time limit for the lodging of the motion in
9 relation to the Quarryvale lands, isn't that right, isn't that the position?
- 11:13:24 10 A. We would have got a letter out from the Council.
- 11 Q. 192 Yeah.
- 12 A. Saying right that motion's in, that's to be in by such a date, yes.
- 13 Q. 193 And you would have known the closing date for the motion for the Quarryvale
14 lands, isn't that right?
- 11:13:36 15 A. Yeah.
- 16 Q. 194 And what happens if a motion is lodged with the Council after the closing date?
- 17 A. It's not taken.
- 18 Q. 195 It's null and void, isn't that right?
- 19 A. Uh-huh.
- 11:13:45 20 Q. 196 And it won't be taken. So the most important initial step in changing the
21 zoning status of any lands is to get the motion in, isn't that right?
- 22 A. Yes.
- 23 Q. 197 Now, I want you to tell the Tribunal what you did for Mr. Gilmartin in relation
24 to putting in a motion to change the zoning status of the Quarryvale lands from
11:14:01 25 the time you met him, which according to you is mid 1990, isn't that right?
- 26 A. That's right, yeah.
- 27 Q. 198 Okay. So would you just tell the Tribunal what you did?
- 28 A. I introduced him, I won't say I introduced him -- I asked Colm McGrath to meet
29 him and at other stages, I don't know how many times I would have met Mr.
11:14:26 30 Gilmartin, maybe four or five times in that period and I introduced him to

- 11:14:32 1 other councillors, I introduced him to Tommy Boland. I remember bringing
2 Councillor McGennis over to his office to meet him as well and I remember
3 introducing him to a number of councillors saying what he was doing and left
4 him to talk to them and tell them what he was doing. But on the motion, well
11:15:00 5 if you want to go back to it, Colm McGrath was enthusiastic about it, he said
6 that he would support it and put in the motion. Now, on the -- my part in
7 that, I can't remember any argument on it. I would have asked Colm was the
8 motion going in and he told me that it was and it went in.
- 9 Q. 199 It went in with one signature, isn't that right?
- 11:15:30 10 A. Yeah that's right, yeah.
- 11 Q. 200 And there is no cross party support signing for that motion, isn't that right?
- 12 A. No, not, well you see it there, yes.
- 13 Q. 201 And did you speak for example to Councillor Therese Ridge who would have been a
14 local Councillor in the area?
- 11:15:43 15 A. No, I think Colm McGrath would have spoken to her, you know, and it was ... I
16 mean, I would have spoken to a number of Fianna Fail councillors. I can't
17 remember how many, but I would have seen that this man was from home, he had a
18 very good project and asked them to support it, yes I would have done that.
- 19 Q. 202 You would have explained to Mr. Gilmartin when you met him first --
- 11:16:15 20 A. Yeah.
- 21 Q. 203 -- I think if I understand your evidence correctly --
- 22 A. Yeah.
- 23 Q. 204 -- that the correct way to go about achieving what he desired was through the
24 Development Plan?
- 11:16:23 25 A. Yes.
- 26 Q. 205 And you would have explained to him if he hadn't known it prior to you meeting
27 him, that the first step in the process is to get a motion before the council
28 to alter the status of the lands, isn't that right?
- 29 A. That's true.
- 11:16:34 30 Q. 206 And that in order to successfully get that motion through, a majority of the

- 11:16:36 1 councillors must vote in favour of it?
- 2 A. That's true.
- 3 Q. 207 But unless the motion is down before the Council there's nothing to vote on,
- 4 isn't that right?
- 11:16:43 5 A. That's right.
- 6 Q. 208 Did you you assist Mr. McGrath or anybody else in drafting that motion?
- 7 A. I didn't no.
- 8 Q. 209 Did you discuss it with Mr. Lawlor?
- 9 A. No.
- 11:16:49 10 Q. 210 All right. And did you discuss at any stage with Mr. Gilmartin did you check
- 11 with him as to whether or not he had got a motion?
- 12 A. I knew -- Colm McGrath told me that the motion was going in.
- 13 Q. 211 Right. And do you know why it was that the motion didn't go in until the 15th
- 14 of February 1991, which was which was the last day for the receipt of motions?
- 11:17:09 15 A. I don't.
- 16 Q. 212 Right. Did you have any discussion with Mr. Colm McGrath about Allied Irish
- 17 Bank's involvement in the acquisition of the Quarryvale lands?
- 18 A. No, I didn't. Now ... in my meetings with Mr. Gilmartin he was keen that
- 19 things would progress. And one of his expressions was "the clock is ticking
- 11:17:42 20 away" and from that I got the distinct impression that he had borrowed a lot of
- 21 money and that interest was mounting up and that he wanted things to progress
- 22 fairly quickly.
- 23 Q. 213 Did you contact Mr. Gilmartin by telephone in or around the 15th of February
- 24 1991, in relation to this motion?
- 11:18:06 25 A. I may have, Ms. Dillon, I may have. If you are asking me to remember a
- 26 particular phone call that happened 15 or 16 years ago, I wouldn't be able to
- 27 answer that.
- 28 Q. 214 Did you --
- 29 A. I may have or he may have phoned me.
- 11:18:27 30 Q. 215 Yes. Do you remember telephoning Mr. Gilmartin and telling him that unless he

- 11:18:32 1 did a deal with Allied Irish Bank that motion, that's dated the 15th of
2 February '91, would not be lodged?
- 3 A. That never happened.
- 4 Q. 216 All right. So that you didn't contact him about Allied Irish Bank?
- 11:18:50 5 A. I did not.
- 6 Q. 217 Okay. Did you discuss with Mr. Colm McGrath at any stage, the relationship
7 that Mr. Gilmartin had with Allied Irish Bank?
- 8 A. No.
- 9 Q. 218 Right.
- 11:18:55 10 A. Never!
- 11 Q. 219 Did your only knowledge of Mr. Gilmartin's relationship with Allied Irish Bank
12 something that you have learnt from Mr. Gilmartin?
- 13 A. No.
- 14 Q. 220 No.
- 11:19:06 15 A. After the motion was passed, that would be in May 1991.
- 16 Q. 221 Uh-huh.
- 17 A. I remember we were meeting afterwards, I think it was in the Royal Dublin, and
18 there was a man from Allied Irish Bank there, Mr. Keane, and I was introduced
19 to him. And that was my first awareness that there was any Allied Irish Bank
20 or any other bank.
- 11:19:29 21 Q. 222 So prior to the 16th of May '91 you had no knowledge?
- 22 A. No, absolutely none.
- 23 Q. 223 Right. Even in your conversations with Mr. Gilmartin?
- 24 A. No, no. He never, no.
- 11:19:41 25 Q. 224 When did you become aware that Mr. Dunlop had an involvement in Quarryvale?
- 26 A. Now, again, I can't put a date on it but I do remember meeting Mr. Gilmartin,
27 Mr. Dunlop and Mr. O'Callaghan outside Dublin County Council and Mr. Gilmartin
28 introduced Mr. O'Callaghan to me and he said this is my partner and he walked
29 away.
- 11:20:14 30 Q. 225 And was this in or around May of 1991 at the time of --

11:20:18 1 A. No, it would be before that.

2 Q. 226 Before --

3 A. It would be before that, yes.

4 Q. 227 And was this a chance meeting, Mr. Gilbride, or was it an arranged meeting?

11:20:26 5 A. No, it was an arranged meeting I think I got a phone call from Mr. Gilmartin
6 asking me to meet him in Dublin County Council actually I remember meeting him
7 outside Dublin County Council.

8 Q. 228 Yes.

9 A. Now, I can't put an exact date on it but it was before May, I know that.

11:20:49 10 Q. 229 Right.

11 A. Yeah.

12 Q. 230 But you think that you met Mr. Dunlop with Mr. O'Callaghan and Mr. ?

13 A. Mr. Gilmartin.

14 Q. 231 Mr. Gilmartin.

11:20:58 15 A. Yes.

16 Q. 232 Right.

17 A. I know I did. I'm certain of it because that's when I was introduced to Mr.
18 O'Callaghan.

19 Q. 233 Right. Now prior to that you had known Mr. Dunlop, isn't that right?

11:21:06 20 A. Yes, I had, yeah.

21 Q. 234 And I think you have previously told the Tribunal, Mr. Gilbride, that the only
22 common business you had with Mr. Dunlop was the Development Plan, is that
23 right?

24 A. Yes.

11:21:16 25 Q. 235 Right. And that other than that you had no other business together, isn't that
26 right?

27 A. Well I would have counted him as a friends, you know, I had met him previously
28 when he had been secretary of Fianna Fail and things like that, I would have
29 known.

11:21:30 30 Q. 236 Yes. But insofar as you attend meetings in Mr. Dunlop's office and insofar as

11:21:36 1 you sign motions on behalf of Mr. Dunlop's clients. Your relationship that
2 exists between you is that you are a County Councillor and Mr. Dunlop is a
3 lobbyist, isn't that right?
4 A. Yes, yeah.

11:21:46 5 Q. 237 And in summary I want to show you. We will look at some of these individually
6 later at 25955. This is a summary of the contact initially in '91 and '92
7 between yourself and Mr. Dunlop.
8 A. Yeah.

9 Q. 238 As recorded in Mr. Dunlop's diaries or Mr. Dunlop's telephone attendances?
11:22:07 10 A. Yeah.

11 Q. 239 And if we could have the following page, please, which deals with 1993 in the
12 main and then the page after that that deals with 1990 part of 1994 and the end
13 of '93?
14 A. Uh-huh.

11:22:21 15 Q. 240 Now, within that there is extensive telephone conversations and a number of
16 meetings, isn't that right, Mr. Gilbride?
17 A. Yeah, I would have met him regularly around Dublin County Council offices and
18 telephone what do you call it, a lot of the times I was returning telephone
19 calls.

11:22:40 20 Q. 241 Yes.
21 A. You know.

22 Q. 242 And if you were returning telephone calls, Mr. Gilbride --
23 A. Uh-huh.

24 Q. 243 -- to Mr. Dunlop it follows that Mr. Dunlop was seeking to contact you about
11:22:49 25 something, isn't that right?
26 A. Oh, yes yeah uh-huh.

27 Q. 244 And the position is still the same, Mr. Gilbride, that the only common matter
28 that you had with Mr. Dunlop related to the development man plan, isn't that
29 right, is that fair to say?
11:23:00 30 A. That's fair to say, yes.

- 11:23:02 1 Q. 245 Is it also fair to say that from the very beginning of your involvement with
2 Mr. Gilmartin, that you were a supporter of the Quarryvale development?
3 A. Yes.
4 Q. 246 Right. Albeit that you didn't sign the motion in February of 1991, isn't that
11:23:14 5 right?
6 A. No, no, no, no.
7 Q. 247 How many times would you have met Mr. Gilmartin do you think, Mr. Gilbride
8 before you met Mr. Gilmartin with Mr. O'Callaghan and Mr. Dunlop?
9 A. Mr. Gilmartin, he came to Dublin irregularly. I'd say four or five times,
11:23:41 10 maybe six, you know.
11 Q. 248 Yes.
12 A. That would be it.
13 Q. 249 You met Mr. Gilmartin five or six times?
14 A. Yeah.
11:24:00 15 Q. 250 Before you met him with Mr. O'Callaghan and Mr. Dunlop?
16 A. Yeah, I'd say around that, yeah.
17 Q. 251 In all of those meetings did Mr. Gilmartin ever complain to you about the
18 conduct of any councillors or any politicians?
19 A. No.
11:24:04 20 Q. 252 Did Mr. Gilmartin ever complain to you about the conduct of any officials?
21 A. As I said, in my first meeting with him, yes.
22 Q. 253 But in that you don't identify any specific official about whom Mr. Gilmartin
23 complained, isn't that right?
24 A. That's right, yeah.
11:24:22 25 Q. 254 You don't have -- you don't identify Mr. Gilmartin as having complained about
26 anybody by name, isn't that right, Mr. Gilbride?
27 A. That's right yes.
28 Q. 255 You have a recollection of a non-specific complaint --
29 A. Yeah.
11:24:33 30 Q. 256 -- about a difficulty in acquiring land from the corporation?

- 11:24:36 1 A. That's right.
- 2 Q. 257 But in all of your meetings with Mr. Gilmartin, is it your position that Mr.
- 3 Gilmartin never complained to you about any interference in his development by
- 4 way of political interference?
- 11:24:47 5 A. The only one that was the evening Mr. Lawlor came in called in to Arlington, he
- 6 mentioned afterwards that Mr. Lawlor had been, had gone to a meeting with him
- 7 in London and he was being paid and some monies, yes, that was the only one
- 8 that he mentioned to me.
- 9 Q. 258 But other than that, and I will come back to that in a second, Mr. Gilbride, is
- 11:25:12 10 it your evidence to the Tribunal that Mr. Gilmartin never complained to you
- 11 about anybody's conduct in connection with Quarryvale?
- 12 A. No, that's my recollection, yes.
- 13 Q. 259 So that there was never any question of complaint about being blocked by
- 14 national politicians or being blocked by local politicians i.e. councillors or
- 11:25:31 15 complaints about the conduct of officials?
- 16 A. From the time that I met Mr. Gilmartin and gave him my advice, things advanced.
- 17 Q. 260 Yes.
- 18 A. You know, and there was no reason to complain.
- 19 Q. 261 I'm asking you now, Mr. Gilbride, from your recollection of your six
- 11:25:48 20 conversations with Mr. Gilmartin, it's your recollection and your evidence to
- 21 the Tribunal that Mr. Gilmartin did not make any complaints about either
- 22 national politicians or senior politicians or local politicians?
- 23 A. No, no.
- 24 Q. 262 Can I take you back to what he told you about Mr. Lawlor?
- 11:26:03 25 A. Yes.
- 26 Q. 263 Now, when Mr. Lawlor came to the meeting and made his comments about after he
- 27 had left Mr. Gilmartin spoke with you, is that right?
- 28 A. That's right, yes.
- 29 Q. 264 And what exactly did Mr. Gilmartin tell you about Mr. Lawlor?
- 11:26:14 30 A. He said that he had -- I had met him before. I can't remember how many times

11:26:26 1 he had said that he had met him but he said that he had gone to a meeting in
2 London which Mr. Gilmartin was having with Arlington Securities and Mr.
3 Lawlor's name came in. And Arlington Securities I'm sure it was, had paid him
4 or were paying him some monies.

11:26:45 5 Q. 265 All right. And if I just stop you there --
6 A. Yeah.
7 Q. 266 -- about that little issue?
8 A. Yeah.
9 Q. 267 Mr. Gilbride. Mr. Lawlor was a member of the Fianna Fail party.

11:26:53 10 A. That's right, yes.
11 Q. 268 You were a member of the Fianna Fail party. Mr. Lawlor was a national
12 politician and you were a local politician, isn't that right?
13 A. Yes.
14 Q. 269 Mr. Lawlor at that stage was also a member of Dublin County Council?

11:27:03 15 A. Yes he was at that stage, yes.
16 Q. 270 And when you heard that Arlington -- you knew from Mr. Gilmartin that Arlington
17 were developing or attempting to develop along the Quays in Dublin, isn't that
18 right?
19 A. Yes.

11:27:13 20 Q. 271 Albeit within the functional area of the corporation, isn't that right?
21 A. Yes.
22 Q. 272 And you knew that Arlington was an English company, isn't that right?
23 A. Yes, I did yeah.
24 Q. 273 And Mr. Gilmartin told you that Mr. Lawlor had gone over to a meeting in
11:27:25 25 Arlington?
26 A. That's right.
27 Q. 274 Did he tell you that Mr. Lawlor wasn't invited to that meeting or arrived
28 unexpectedly?
29 A. No, he just told me that he was at the meeting.

11:27:33 30 Q. 275 He was at the meeting. And did you tell you after that meeting Mr. Lawlor was

11:27:36 1 being paid some money by Arlington?

2 A. Yes, he did yeah.

3 Q. 276 And was it --

4 A. Whether it was by Arlington or Mr. Gilmartin my recollection isn't clear but I

11:27:45 5 know that at that stage that Arlington were dealing with the Bachelor's Walk,

6 Mr. Gilmartin said that he had no involvement with it.

7 Q. 277 Right. And was it your understanding that Mr. Lawlor was being paid by

8 Arlington?

9 A. I am hesitant to answer that.

11:28:06 10 Q. 278 Well you knew one thing, Mr. Gilbride.

11 A. Yes.

12 Q. 279 You knew that Mr. Lawlor was being paid, isn't that right?

13 A. Yeah.

14 Q. 280 Now, in what capacity did you understand Mr. Lawlor was being paid?

11:28:15 15 A. I didn't understand what capacity he was being paid. Mr. Gilmartin said that

16 he informed that he was being paid and didn't mention any sum or anything like

17 that and that was about it.

18 Q. 281 But sure that must have put you on red alert, Mr. Gilbride. The idea that a

19 national politician was being paid by a developer in any guise was something

11:28:44 20 that must have caused every alarm bell in your political antennae to go off,

21 isn't that right?

22 A. Well at the time Mr. Gilmartin informed me of it and he didn't ... I won't say

23 he, he mentioned the fact. He didn't complain or anything like that and that

24 was Mr. Gilmartin and Mr. Lawlor's business, it wasn't mine.

11:29:08 25 Q. 282 All right. Did you ask the most obvious question, Mr. Gilbride? Did you ask

26 him how much Mr. Lawlor was being paid?

27 A. No, I didn't actually, no.

28 Q. 283 What did you ask him?

29 A. I didn't ask him anything. He informed me of it and that was it.

11:29:24 30 Q. 284 Right. Mr. Gilmartin is a developer who is proposing to develop one of the

11:29:28 1 biggest developments in Dublin.

2 A. That's right, yeah.

3 Q. 285 You are advising him in your capacity as a elected local representatives who is

4 a member of a political party, isn't that right?

11:29:39 5 A. Uh-huh.

6 Q. 286 In the course of your discussions with Mr. Gilmartin who was the developer, Mr.

7 Gilmartin tells you that another member of your party is being paid money,

8 isn't that right?

9 A. Yes.

11:29:52 10 Q. 287 Now, the first question you'd ask is what for? Why are you paying Mr. Lawlor.

11 Did you ask that question?

12 A. No.

13 Q. 288 Right. The second question I suggest a person would ask is how much?

14 A. No.

11:30:05 15 Q. 289 No. So you didn't ask him --

16 A. I didn't.

17 Q. 290 -- why Mr. Lawlor was being paid and you didn't ask him how much Mr. Lawlor was

18 being paid?

19 A. No, I didn't.

11:30:13 20 Q. 291 Why not?

21 A. Because, Ms. Dillon, I explained to you at the very beginning I was dealing

22 with, what was happening at the time. I was trying to advise and help Mr.

23 Gilmartin to get Quarryvale off the ground and what had happened in the past I

24 wasn't interested in, I told Mr. Gilmartin that.

11:30:33 25 Q. 292 Well did you ask him Mr. Gilmartin are they political donations?

26 A. I've no recollection of that. I am not being pinned to anything like that. He

27 informed me of it and that was it.

28 Q. 293 Yes. And when the Garda inquiry started in 1993 and you were written to in

29 common with all councillors by Councillor Pat Rabbitte to assist in the Garda

11:30:59 30 inquiry, isn't that right?

- 11:31:00 1 A. Yes.
- 2 Q. 294 And you got a letter similar to the letter at 17116. You remember this letter
- 3 which was the letter that was sent asking all councillors to assist with the
- 4 Garda inquiry arising out of statements made by Mr. Michael Smith and articles
- 11:31:20 5 in the newspapers at the time, isn't that right?
- 6 A. Yes.
- 7 Q. 295 Now, and it was asked. "I would appreciate it if any councillors who feels
- 8 that he or she can be of assistance in any way with this matter would make
- 9 contact with Inspector Guiney without delay."
- 11:31:35 10 And I would assume, Mr. Gilbride, that you were contacted by either Inspector
- 11 Guiney or his team in common with all other councillors?
- 12 A. Yeah, I think it was Inspector Guiney.
- 13 Q. 296 Right. And you would have been asked I assume by Inspector Guiney in common
- 14 with all other councillors whether you were aware of any monies being paid by
- 11:31:49 15 any developer to a Councillor, isn't that right?
- 16 A. No, I was asked had I received any monies.
- 17 Q. 297 Right. And to which you replied?
- 18 A. I said I had got political donations.
- 19 Q. 298 Yes. And this was in 1993, isn't that right?
- 11:32:04 20 A. Yes.
- 21 Q. 299 And did you at that stage for example disclose to the Gardai that the money
- 22 that you had received from Mr. Owen O'Callaghan?
- 23 A. No.
- 24 Q. 300 No.
- 11:32:15 25 A. Sorry. I got political donations and that was it. That was the only question
- 26 that I was asked.
- 27 Q. 301 Yes. But did you disclose the money you had received from Mr. Owen
- 28 O'Callaghan?
- 29 A. No.
- 11:32:26 30 Q. 302 In that context?

11:32:27 1 A. I wasn't asked that question.

2 Q. 303 You weren't asked the question. Did you tell the Gardai about the fact that

3 you knew that Mr. Liam Lawlor had received money from a development company?

4 A. No.

11:32:36 5 Q. 304 Is that because you weren't asked the question?

6 A. Yes.

7 Q. 305 I see. And had you been asked the question, Mr. Gilbride, would you have told

8 the Guards about the fact that Mr. Lawlor had received money from Arlington?

9 A. If I had been asked the question, again it's hypothetical, yes, probably I

11:32:54 10 would but I hadn't been. I was asked about my own dealings.

11 Q. 306 Yes. And did you ever disclose to anybody, Mr. Gilbride, the fact that you

12 were aware that Mr. Gilmartin had told you that Mr. Lawlor had been paid money

13 either by himself or by Arlington? Did you ever tell anybody else that?

14 A. No, I don't think so.

11:33:14 15 Q. 307 Did you tell say for example the Fianna Fail inquiry in 2000?

16 A. Well there is a record of that some place.

17 Q. 308 Yes.

18 A. I didn't insofar as I remember. I was asked about my own dealings and that was

19 it. I wasn't asked about anyone else.

11:33:32 20 Q. 309 But you had been told by Mr. Gilmartin of payments being made to Mr. Lawlor?

21 A. Yes.

22 Q. 310 Isn't that right?

23 A. That's right, yeah.

24 Q. 311 But you didn't tell anybody about it?

11:33:43 25 A. No.

26 Q. 312 And even your own senior party person in the, Mr. Michael Smith when in 1993,

27 he called upon everybody --

28 A. Uh-huh.

29 Q. 313 -- to assist in the Garda inquiry and he made his speeches about rezoning being

11:33:57 30 a debased currency in Dublin. Did you think to go to Mr. Smith at that stage

- 11:34:00 1 and say look, I know something?
- 2 A. No, I didn't, no.
- 3 Q. 314 I know about payments that are supposed to have been made to Mr. Lawlor?
- 4 A. I didn't, no.
- 11:34:07 5 Q. 315 Were you surprised by the fact that Mr. Lawlor was being paid when Mr.
- 6 Gilmartin told you?
- 7 A. I probably was. Again, it was mentioned at that and that was it, you know.
- 8 Q. 316 Right. Did you believe Mr. Gilmartin when he told you?
- 9 A. I had no reason to disbelieve him.
- 11:34:31 10 Q. 317 Did he talk to did you talk to Mr. Lawlor about it?
- 11 A. No.
- 12 Q. 318 Why not?
- 13 A. Because it had nothing to do with me. It was between Mr. Gilmartin and
- 14 Mr. Lawlor.
- 11:34:41 15 Q. 319 And in May of 1991, Mr. Gilbride, Mr. McGrath's motion came on for hearing
- 16 before the Council, isn't that right?
- 17 A. That's right, yes.
- 18 Q. 320 And you supported that motion, isn't that right?
- 19 A. I did, yes.
- 11:34:53 20 Q. 321 In it's amended form at 20392. It was amended and passed, isn't that right?
- 21 A. That's right.
- 22 Q. 322 And you supported that?
- 23 A. Yes.
- 24 Q. 323 And the effect of the amendment was to put a limit on the amount of retail
- 11:35:09 25 development that would be permitted on the Quarryvale development although not
- 26 limited by square footage, isn't that right?
- 27 A. Sorry.
- 28 Q. 324 The amendment is at the bottom.
- 29 A. This is the 1991 amendment.
- 11:35:19 30 Q. 325 Yes.

- 11:35:19 1 A. Yeah. Yeah, yeah.
- 2 Q. 326 And while there is no square footage outlined there, the effect of the
3 amendment was to put some limit on the amount of commercial or retail
4 development that would be permitted on the Quarryvale site?
- 11:35:39 5 A. I think there was a figure mentioned actually of 500 square metres or something
6 like that.
- 7 Q. 327 Yeah. Were you there on the date of the day of the vote?
- 8 A. Oh, yes I was, yeah.
- 9 Q. 328 And do you remember Mr. Gilmartin being present?
- 11:35:55 10 A. Yes, he was.
- 11 Q. 329 Was he in a room in the Royal Dublin Hotel can you remember?
- 12 A. I can't remember but I do remember meeting him. I actually I think he came in
13 to the meeting myself as far as I remember but I remember meeting him
14 afterwards.
- 11:36:11 15 Q. 330 And do you remember there being a room in the Royal Dublin Hotel or in one of
16 the local hotels?
- 17 A. I don't, no, no.
- 18 Q. 331 According to --
- 19 A. I, there may have been but I don't have any recollection of it. I was at the
11:36:27 20 meeting.
- 21 Q. 332 And at the meeting were you seeking the support of other councillors for the
22 motion?
- 23 A. Not on the particular day. I had spoken to other councillors previously or Mr.
24 Gilmartin had spoken to them. There wasn't any great hassle about it, it
11:36:45 25 passed very easily as far as I remember.
- 26 Q. 333 Do you remember Green Property being present?
- 27 A. Yes, I do, yes.
- 28 Q. 334 And do you remember there being difficulties in relation to Green Property and
29 that Green Property weren't happy with what was being proposed and that they
11:37:02 30 only expressed their satisfaction when the amendment was put in. Do you

- 11:37:05 1 remember that, Mr. Gilbride?
- 2 A. I have a recollection of it, yes.
- 3 Q. 335 Yes. And do you remember that in fact it became a very divisive issue in the
4 Local Elections which followed?
- 11:37:16 5 A. Yes, I do remember that, yes.
- 6 Q. 336 And do you have any recollection of being present of having conversation with
7 Mr. Gilmartin on the day of the vote?
- 8 A. Well I know that I spoke to him afterwards, but on the day of the vote, I may
9 have spoken to him probably if he was at the meeting I probably would have
11:37:38 10 spoken to him, why not. But I did meet him afterwards I'm fairly sure it was
11 the Royal Dublin.
- 12 Q. 337 That's the after the meeting, is that right?
- 13 A. After the meeting, yes.
- 14 Q. 338 So on on the day of the vote you did meet with Mr. Gilmartin, isn't that right?
- 11:37:49 15 A. Sure if he was there I would have, yes.
- 16 Q. 339 And did you meet with Mr. Dunlop?
- 17 A. If he was there, yes I would have met him yes.
- 18 Q. 340 And do you remember Mr. Dunlop being present in the room in the Royal Dublin?
- 19 A. Afterwards?
- 11:38:02 20 Q. 341 At any stage.
- 21 A. Yeah, I remember him afterwards he would have been present there yeah.
- 22 Q. 342 And do you remember Mr. Gilmartin getting angry in the course of that day at
23 all?
- 24 A. No, I don't.
- 11:38:11 25 Q. 343 Do you remember Mr. Gilmartin complaining and saying that everything was a set
26 up and he was going to go for the Fraud Squad. Do you remember anything such
27 as that sort?
- 28 A. Mr. Gilmartin was very happy with what happened on a day. That's what I do
29 remember. He was delighted.
- 11:38:36 30 Q. 344 Do you remember Mr. Gilmartin complaining that he was being set up and saying

11:38:36 1 that if -- that he was going to go for the Fraud Squad and Mr. John Deane being
2 present?

3 A. No, I don't.

4 Q. 345 And you, is it your recollection that Mr. Gilmartin was as happy with what was
11:38:47 5 happening at all stages when you met him?

6 A. He was absolutely delighted.

7 Q. 346 Yes.

8 A. And if I may add, a day or two after that vote, it might have been the day
9 after or maybe two days after, I met Mr. Gilmartin in the Buswells Hotel, he
11:39:07 10 had a friend with him. As far as I remember Colm McGrath was there as well.
11 We had tea with Mr. Gilmartin, he was very, very happy. I drove him to Dublin
12 Airport and he was, he thanked me profusely for all of my help and advise.

13 Q. 347 And did you have a good relationship with Mr. Gilmartin?

14 A. Yes, I did.

11:39:29 15 Q. 348 You got on well with him?

16 A. Got on very well with him.

17 Q. 349 And you never had any falling out with Mr. Gilmartin, isn't that right?

18 A. Not at that stage.

19 Q. 350 Right. And you never sought any political donation or monies from Mr.
11:39:41 20 Gilmartin, isn't that right?

21 A. Never.

22 Q. 351 Right. Did you seek any political donations in May or June of 1991 from Mr.
23 Dunlop?

24 A. No, I didn't.

11:39:50 25 Q. 352 Did Mr. Dunlop make any donation or payment to you in May or June of '91?

26 A. Yes he did.

27 Q. 353 How much did he pay you?

28 A. 2,000 pounds.

29 Q. 354 And how did he pay you that, Mr. Gilbride?

11:40:01 30 A. He paid me in cash.

- 11:40:02 1 Q. 355 And where did he pay you?
- 2 A. In my house.
- 3 Q. 356 And did he arrive unexpectedly or was it by arrangement?
- 4 A. He phoned me. At about -- Local Elections around the time he phoned me some
- 11:40:14 5 time during the day and said that I would be canvassing and I would be home
- 6 sometime after nine. I think sometime after that he came.
- 7 Q. 357 On the same day that he telephoned you?
- 8 A. Yes.
- 9 Q. 358 At 5116, which is an extract from Mr. Dunlop's diary. You will see there on
- 11:40:30 10 the 28th of May, there is an entry for "5 o'clock Sean Gilbride in the Gresham"
- 11 do you see that entry?
- 12 A. Yes.
- 13 Q. 359 Mr. Dunlop has told the Tribunal that at that meeting which followed on from
- 14 the meeting the day before at which Mr. Boland was present, that at the meeting
- 11:40:47 15 on the 28th of May, you asked him for 15,000 pounds for your support for
- 16 Quarryvale and he agreed to pay you 12,000 pounds which you agreed to accept.
- 17 Do you agree with that?
- 18 A. I don't, no.
- 19 Q. 360 No.
- 11:40:58 20 A. No.
- 21 Q. 361 Did you have any discussion with Mr. Dunlop about the amount of the donation?
- 22 A. No absolutely none.
- 23 Q. 362 And when Mr. Dunlop telephoned you what exactly did he say, Mr. Gilbride?
- 24 A. He said that I wanted to meet me.
- 11:41:11 25 Q. 363 And did he tell you why he wanted to meet you?
- 26 A. I don't think he did specifically. I was surprised.
- 27 Q. 364 And did he come out to your house?
- 28 A. He did, yes.
- 29 Q. 365 And did you tell him how to get there?
- 11:41:21 30 A. I don't know if I did. I probably would have given him directions once he had

- 11:41:31 1 reached Skerries, yes.
- 2 Q. 366 Yes.
- 3 A. From the Bridge Inn where I lived, I probably would have, yeah.
- 4 Q. 367 And when he arrived at your house what happened?
- 11:41:42 5 A. I met him, he had a briefcase with him I remember and he said that he wanted to
6 make a donation to me for the Local Elections. I said grand. He produced a
7 sheet of paper, an A4 sheet as far as I remember with Frank Dunlop heading on
8 it. And he asked me would I sign that receipt, which I did.
- 9 Q. 368 Before you got to signing the receipt had he produced the money, Mr. Gilbride?
- 11:42:15 10 A. Yes he had, yeah.
- 11 Q. 369 How did he produce it, did he produce it in an envelope or was it counted out
12 in front of you or what happened?
- 13 A. It wasn't ... I don't think it was in an envelope. It wasn't counted out in
14 front of me. He said there's 2,000 pounds there.
- 11:42:32 15 Q. 370 Mr. Dunlop left a bundle of cash down in front of you, is that is that right,
16 or handed it to you?
- 17 A. He handed it to me, yes.
- 18 Q. 371 He handed you you say 2,000 pounds, you say, in cash and he asked you to sign a
19 receipt?
- 11:42:44 20 A. That's right. Yes.
- 21 Q. 372 Mr. Dunlop denies that he got you to sign a receipt and that's a matter that's
22 at issue behind you?
- 23 A. He can go back to the garage again and have another good look.
- 24 Q. 373 Go back to?
- 11:42:56 25 A. Well he seems to find a lot of things in his garage.
- 26 Q. 374 The matters that aren't at issue between you are the following, Mr. Gilbride.
27 There is no issue between you that you made an arrangement for Mr. Dunlop to
28 come out to your house?
- 29 A. Oh, no, no, no.
- 11:43:06 30 Q. 375 There's no issue between you that Mr. Dunlop paid money to you, isn't that

- 11:43:18 1 right?
- 2 A. No.
- 3 Q. 376 There is no issue between you that that money was in cash, isn't that right?
- 4 A. No.
- 11:43:18 5 Q. 377 And there is no issue between you that that money was paid after the Quarryvale
6 vote but before the conclusion of the Local Elections, isn't that right?
- 7 A. It was during the Local Elections.
- 8 Q. 378 All right. And after the Quarryvale vote Mr. Dunlop says, and do you agree
9 with that?
- 11:43:26 10 A. I don't. If it's ... I don't see ... in all of his diaries and all of his
11 recollections, I'm surprised he hasn't it down that he was out in my house that
12 he was meeting me at some stage.
- 13 Q. 379 Just in relation to that 2,000 pounds and recollections --
- 14 A. Yeah.
- 11:43:50 15 Q. 380 -- Mr. Gilbride. If you look at 5634. Now, the Local Elections are over,
16 isn't that right?
- 17 A. That's right, yeah.
- 18 Q. 381 They are over by the end of June, isn't that right?
- 19 A. Uh-huh.
- 11:44:03 20 Q. 382 And the new Council has been elected and you will see there a lodgement on the
21 1st of August 1991?
- 22 A. That's right, yes.
- 23 Q. 383 Made by you to your savings account, isn't that right?
- 24 A. Yeah, I presume so, yes.
- 11:44:18 25 Q. 384 And according to the handwritten annotation beside it you describe that as
26 "donation".
- 27 A. That's right, yes.
- 28 Q. 385 And isn't that right? And I think at 5638. This is lodged?
- 29 A. Yeah.
- 11:44:34 30 Q. 386 In cash, isn't that right?

11:44:35 1 A. Yeah.

2 Q. 387 And, isn't that right?

3 A. Yeah.

4 Q. 388 According to the lodgement docket it's a lodgement of 2,000 pounds in cash?

11:44:42 5 A. That's right, yes.

6 Q. 389 And I think you have previously said --

7 A. That's right.

8 Q. 390 -- isn't that right?

9 A. Yes.

11:44:47 10 Q. 391 That this is what was left over or the balance of the monies from the Local
11 Elections, isn't that right?

12 A. Yes, my family also had made a donation after the Local Elections were over and
13 I think I explained here before what I had done with part of the money which
14 Mr. Dunlop had given.

11:45:03 15 Q. 392 Yes.

16 A. I had made certain donations to certain clubs around the area.

17 Q. 393 Yes. But what you had initially told the Tribunal, isn't that right, Mr.
18 Gilbride, about this money is that contained in this sum of 2,000 pounds was
19 1,000 pounds?

11:45:18 20 A. Well roughly.

21 Q. 394 Roughly?

22 A. Yes.

23 Q. 395 Of the money given to you by Mr. Dunlop.

24 A. That's right true, yes.

11:45:23 25 Q. 396 Now, Mr. Dunlop's money had been given to you prior to the end of June because
26 I think and Mr. Quinn is going to get me the precise date, that the Local
27 Election was sometime around the 25th of June, isn't that right of 1991?

28 A. There isn't any argument about it. I know it was during the Local Elections
29 whether it was, I was out canvassing and I came back after I had been out
11:45:49 30 canvassing and I met Mr. Dunlop.

- 11:45:50 1 Q. 397 And it follows from that, Mr. Gilbride, that you had your meeting with
2 Mr. Dunlop and received the money from Mr. Dunlop prior to the date of the
3 actual vote, isn't that right? And the Local Election --
4 A. Sorry prior to the --
- 11:46:03 5 Q. 398 The date of the Local Election was the 27th of June '91?
6 A. Sorry the vote and the local elections, yes.
7 Q. 399 Was the 27th of June?
8 A. Yes.
9 Q. 400 It follows from that, that that you met with Mr. Dunlop prior to the 27th of
11:46:18 10 June '91, isn't that right?
11 A. Yes.
12 Q. 401 And you make a lodgement to your bank account on the 1st of August 1991, five
13 weeks later, isn't that right?
14 A. Yes.
11:46:26 15 Q. 402 And you say that that comprises approximately 1,000 pounds of the money given
16 to you by Mr. Dunlop?
17 A. That's right, yes.
18 Q. 403 Now, how did you finance your Local Election, Mr. Gilbride?
19 A. Out of my own pocket and I remember spending part of Mr. Dunlop's money apart
11:46:44 20 from donations that I made on some leaflets and things like that.
21 Q. 404 Yes.
22 A. I didn't spend large amounts of money in any election, probably one of the
23 reasons that I wasn't successful as I might have wanted to have been. I didn't
24 have the money.
11:46:59 25 Q. 405 But I'm asking you now, Mr. Gilbride, is in the light of your evidence that the
26 lodgement to your bank account on the 1st of August of 1991, comprises
27 approximately --
28 A. Yeah.
29 Q. 406 -- 1,000 pounds of the 2,000 pounds --
11:47:12 30 A. Yes.

- 11:47:13 1 Q. 407 -- made by Mr. Dunlop and the balance is made up of other contributions?
- 2 A. Yes.
- 3 Q. 408 What did you spend on the Local Election can you remember?
- 4 A. Most I would have been spent on the elections when you were out canvassing you
- 11:47:33 5 would have taken your canvassers out for lunch and tea. You would have had
- 6 some leaflets. I wouldn't be able to put an exact figure on it but it wouldn't
- 7 have been that large.
- 8 Q. 409 In any event, if your evidence is correct, Mr. Gilbride, at the conclusion of
- 9 the Local Elections you had 2,000 pounds in cash?
- 11:47:51 10 A. That's right.
- 11 Q. 410 Left over from whatever funds had been raised, isn't that right?
- 12 A. That's right, yeah.
- 13 Q. 411 Mr. Dunlop says that he paid you 12,000 pounds and that you said something to
- 14 the effect, the lads will be satisfied from that from which he understood that
- 11:48:05 15 you were going to layoff some of that money to some of your colleagues did that
- 16 happen?
- 17 A. No it did not.
- 18 Q. 412 Right. Can I put it to, Mr. Gilbride, as a matter of certainty the money
- 19 that you collected for the local elections must have been greater than 2,000
- 11:48:19 20 pounds in cash if by the 1st of August '91, you were able to lodge 2,000 pounds
- 21 in cash to your bank account, isn't that right?
- 22 A. Yes, that's as I said to you. My family in Sligo, they had a collection among
- 23 themselves and I forget how much but it would have been over ... it would have
- 24 been over 1,000 pounds that they gave me. I know it was after the election was
- 11:48:45 25 over.
- 26 Q. 413 They gave you that money after the election was over?
- 27 A. Yes, that's right, yes.
- 28 Q. 414 That money is not included in the money you spent on the election, isn't that
- 29 right?
- 11:48:52 30 A. Oh, no.

- 11:48:53 1 Q. 415 Mr. Gilbride, because you received that money afterwards, isn't that right?
- 2 A. Yeah.
- 3 Q. 416 But what I am putting to you is that if you had 2,000 pounds left over --
- 4 A. Yeah.
- 11:49:02 5 Q. 417 -- by the 1st of August of 1991, then the amount you spent on the election had
- 6 to have been greater than 2,000 pounds, isn't that right?
- 7 A. Not that -- you seem to be under the impression that I spent lavish sums of
- 8 money on the Local Elections in 1991. I didn't.
- 9 Q. 418 No. What I am suggesting --
- 11:49:25 10 A. I did a lot of knocking on doors and travelling around. I remember getting a
- 11 leaflet printed for my own personal use which probably cost me a couple of 100
- 12 quid and the rest of the leaflets and things would have been paid for by the
- 13 local organisation.
- 14 Q. 419 The duration of the election was approximately a month, isn't that right?
- 11:49:49 15 A. Three weeks to a month, yeah.
- 16 Q. 420 I think in fact the date of the election was called on the 21st of May '91 and
- 17 the vote was the 27th of June '91. So it would have been a month, isn't that
- 18 right? And in the course of that period all I am putting to you, Mr. Gilbride,
- 19 is if on the 1st of August '91, you lodge 2,000 pounds --
- 11:50:08 20 A. Yeah.
- 21 Q. 421 -- then the amount of money that you raised for the Local Elections must have
- 22 been greater than --
- 23 A. Oh, yes.
- 24 Q. 422 -- 2,000 pounds?
- 11:50:15 25 A. I'm not argument about that.
- 26 Q. 423 Yes.
- 27 A. Yeah.
- 28 Q. 424 That's all I was suggesting to you.
- 29 A. That's right all right. Thank you.
- 11:50:23 30 Q. 425 Now, when you were first asked by the Tribunal to disclose the payments or

11:50:28 1 monies that you received from Mr. Dunlop?

2 A. Yes.

3 Q. 426 Did you disclose that payment of 2,000 pounds in June of 1991?

4 A. Now, just to help me out. When I went in in November 1998, to meet barristers

11:50:48 5 at the time I thought that the High Court made a judgement on this, that

6 anything that I said then ... that that was it. That Mr. Flood wasn't to hear

7 anything I said then. Am I right in that Mr. Chairman?

8

9 CHAIRMAN: No, I think you have it the other way around.

11:51:07 10 A. Sorry. I just want to be clear. This arose here with me here before.

11

12 CHAIRMAN: No. The effect of the High Court judgement is the one, I think you

13 are referring to. Was that statements that you had made in the past privately

14 to the Tribunal --

11:51:24 15 A. Yes.

16

17 CHAIRMAN: Were to be disclosed or could be disclosed. Do you follow? In

18 other words, it removed the secrecy that the Tribunal had previously applied to

19 such statements.

11:51:44 20 A. I'm ... my understanding was, you are the man. My understanding was -- I just

21 want to get this clear. That the fact that Mr. Flood hadn't sat in on that

22 interview, that anything that happened in it couldn't be disclosed.

23

24 CHAIRMAN: No, no, no.

11:52:04 25 A. No. That's fair enough.

26

27 MS. DILLON: No.

28 A. Sorry to go back to your question, Ms. Dillon. I didn't, no, at the time, no.

29 Q. 427 Previously when you have been here before, Mr. Gilbride, we have discussed

11:52:16 30 that?

11:52:16 1 A. Yes.

2 Q. 428 Isn't that right? And I think what we said was?

3 A. I didn't disclose it.

4 Q. 429 And you weren't able to produce any reason?

11:52:23 5 A. No.

6 Q. 430 As to why you didn't disclose it, isn't that the position?

7 A. Yeah.

8 Q. 431 So now, I want to take you back again to that and just ask you. Having

9 reflected on it over the period of time. Can you think of any reason as to why

11:52:35 10 when you were first asked by the Tribunal about any payment for Mr. Dunlop,

11 that you wouldn't have disclosed this payment of 2,000 pounds in cash in June

12 of 1991?

13 A. I have thought about it. I don't know why I didn't disclose any donation that

14 I had got, there is no particular reason. I should have disclosed it and I

11:52:56 15 didn't.

16 Q. 432 Right. Now, following on June of -- in May of 1991, you met with Mr. Owen

17 O'Callaghan, isn't that right?

18 A. Yes.

19 Q. 433 And was your first meeting with Mr. O'Callaghan the meeting that you recollect

11:53:11 20 where you met him probably with Mr. Dunlop and Mr. Gilmartin?

21 A. That's right, yes.

22 Q. 434 Can I show you Mr, Gilbride, at 14203, this is an extract from Mr. Dunlop's

23 diary for June of 1991, and at the bottom you will see material that has been

24 overwritten, do you see that at the bottom?

11:53:32 25 A. Yes.

26 Q. 435 And if I show you 25606, this is what was written beneath what was overwritten

27 a moment ago if you follow me, Mr. Gilbride?

28 A. Yes.

29 Q. 436 You will see there is a reference "9 o'clock TG, Tom Gilmartin, OOC, Owen

11:53:50 30 O'Callaghan, C McG Colm McGrath and SG, Sean Gilbride".

- 11:53:55 1 A. Yeah.
- 2 Q. 437 "Buswells Hotel".
- 3 A. Yeah.
- 4 Q. 438 Is that the meeting that you recollect at which you were introduced to Mr.
- 11:54:02 5 O'Callaghan?
- 6 A. No, no, when I was introduced to Mr. O'Callaghan it was outside of Dublin
- 7 County Council but I told you about a while ago.
- 8 Q. 439 Yes.
- 9 A. Yeah, that was the first time.
- 11:54:15 10 Q. 440 And that meeting took place, did that meeting take place before the vote in May
- 11 of '91?
- 12 A. Oh, yes.
- 13 Q. 441 Right. And thereafter did you meet with Mr.-- did you meet with Mr.
- 14 O'Callaghan?
- 11:54:24 15 A. Yes I did, yeah.
- 16 Q. 442 And did you come to an arrangement with Mr. O'Callaghan, a financial
- 17 arrangement?
- 18 A. Yes, in September 1992, I was eager to take some time off from the school and
- 19 devote myself to politics. I was expecting an election and I asked Mr -- well
- 11:54:46 20 I told Mr. O'Callaghan what I would like to do and I asked him would he be able
- 21 to support me and political donations and he agreed to do so. And I took six
- 22 months leave of absence.
- 23 Q. 443 And first of all, when did this meeting with Mr. O'Callaghan take place?
- 24 A. Well I know it was before, what do you call it, well before September '92
- 11:55:13 25 anyway.
- 26 Q. 444 Yes.
- 27 A. It had to have been.
- 28 Q. 445 Well before September '92?
- 29 A. Yeah, it had to have been.
- 11:55:20 30 Q. 446 By June of 1992, according to documentation provided to the Tribunal by Mr.

- 11:55:26 1 Dunlop at 7457. This is a document dated the 17th of June and it's a contact
2 report and you will see there that Mr. Cyril Gallagher was to be contacted by
3 SG, Sean Gilbride, do you see that?
- 4 A. Yeah.
- 11:55:42 5 Q. 447 And then on the following page, two pages on at 7459, Seamus Brock was to be
6 contacted by TF and SG, that would be Tony Fox and Sean Gilbride.
- 7 A. Yeah.
- 8 Q. 448 Donal Marren was to be contacted by Sean Gilbride and Betty Coffey was to be
9 contacted by Sean Gilbride?
- 11:56:03 10 A. Yeah.
- 11 Q. 449 And Mr. Dunlop has told the Tribunal that from the time that he met you in
12 connection with Quarryvale, that you were a member of the strategy team in
13 relation to Quarryvale. Now would you agree with that?
- 14 A. No I wouldn't. I mean, I would have been as I said very supportive of
11:56:20 15 Quarryvale and supportive of Mr. Gilmartin and Mr. O'Callaghan as well but I
16 wouldn't ... never was on a strategy team.
- 17 Q. 450 He says that you attended meetings in his office and at that meeting was Mr.
18 O'Callaghan, Mr. Lawlor, Ms. Marian McGennis on occasion, Mr. Colm McGrath; did
19 you do that?
- 11:56:43 20 A. I remember being in Mr. Dunlop's office but I don't remember Mr. Lawlor being
21 there when I was there, Ms. McGennis being there when I was there or
22 Mr. McGrath. I think I might have met Owen O'Callaghan once in his office.
- 23 Q. 451 Well in all of the meetings that you had recorded in Mr. Dunlop's office in Mr.
24 Dunlop's diary in 1992 and 1993?
- 11:57:02 25 A. Yeah.
- 26 Q. 452 What did they relate to if they didn't relate to Quarryvale?
- 27 A. Now, if they didn't relate to Quarryvale maybe some other matter but, I mean, I
28 did have an interest in Quarryvale. I didn't see myself as being a member of
29 any strategy group or anything like that. I was enthusiastic about it and I
11:57:28 30 would have talked to councillors but I mean there was no arrangement or

11:57:32 1 anything like that I that I would be contacting anyone.

2 Q. 453 All right. You would say then would you, Mr. Gilbride, that you didn't have a

3 particularly close relationship with Mr. O'Callaghan or Mr. Lawlor or

4 Mr. McGrath in relation to Quarryvale would that be fair?

11:57:45 5 A. No, that wouldn't be fair.

6 Q. 454 Okay.

7 A. I did have, with Mr. McGrath, yeah, I would have been ... I would have been

8 friendly with Mr. McGrath apart from Quarryvale but I would have taken an

9 interest in it, yes.

11:57:58 10 Q. 455 And between, say, the time that you first met Mr. O'Callaghan which is some

11 time in or around May of '91?

12 A. No before that.

13 Q. 456 April of '91?

14 A. In April it was, yeah.

11:58:07 15 Q. 457 In or around April of '91. To the time that you made your arrangement with him

16 about taking your sabbatical --

17 A. Uh-huh.

18 Q. 458 -- how many times had you met Mr. O'Callaghan?

19 A. Very hard to say. I mean, I would have met him a number of times.

11:58:27 20 Q. 459 Well would you have met him 20 times?

21 A. No, I would not.

22 Q. 460 Would you have met him 10 times?

23 A. Less.

24 Q. 461 Five times?

11:58:33 25 A. Yeah, five or six, yeah.

26 Q. 462 So you would have met him --

27 A. Uh-huh.

28 Q. 463 -- over a nine month period about five or six times, is that right?

29 A. Yes.

11:58:43 30 Q. 464 Okay. And at some stage in the course of that you discussed with him your

11:58:47 1 desire to take a year off for politics?

2 A. I did, yes.

3 Q. 465 Would you just outline. Because this is the first time that there's been any

4 direct evidence on this, Mr. Gilbride.

11:58:57 5

6 CHAIRMAN: We are moving in to a slightly new issue we might just take a break

7 now for tin minutes.

8

9 MS. DILLON: May it please you, Sir.

11:59:18 10

11 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

12 **AND RESUMED AS FOLLOWS:**

13

14 CHAIRMAN: All right.

12:14:37 15

16 Q. 466 MS. DILLON: Now, Mr. Gilbride, just before the break you were going to tell

17 the Tribunal about your conversation with Mr. O'Callaghan when you approached

18 Mr. O'Callaghan --

19 A. Yeah.

12:14:46 20 Q. 467 -- about the subvention, isn't that right? First of all can you tell the

21 Tribunal when approximately you met with Mr. O'Callaghan?

22 A. It would have been, it would have been before well before sometime during the

23 summer of 1992.

24 Q. 468 Yes.

12:15:07 25 A. I know I didn't apply for a career break or sabbatical until August, so it was

26 sometime before that.

27 Q. 469 So June or July of '92?

28 A. Yeah, yeah around there, yeah, maybe -- probably July I'd say you know.

29 Q. 470 Of 1992?

12:15:26 30 A. Of 1992, yes.

12:15:27 1 Q. 471 Right. And how did you approach Mr. O'Callaghan, how did you arrange to meet
2 him?
3 A. I can't. As I said to you earlier, I would have met him four or five times and
4 whether I phoned him or he phoned me, I forget but I had had general
12:15:57 5 conversations with him regarding my political career and things like that and I
6 had expressed a desire to devote part of my time to try to get a Dail or a
7 Senate seat and I would need time to start knocking on doors and meeting people
8 and things like that and I said that I would like to be able to take some time
9 off and he asked me would he be able to support me in political donations and
12:16:28 10 he agreed.
11 Q. 472 Did you ask Mr. O'Callaghan for help?
12 A. I did, yes, yeah.
13 Q. 473 Yes.
14 A. Oh, yeah.
12:16:36 15 Q. 474 And did he offer to help?
16 A. He did, yes.
17 Q. 475 And what exactly did you ask Mr. O'Callaghan to do for you, Mr. Gilbride?
18 A. I asked him would he be able to support me for the six months I was off that I,
19 as far as I remember, I told him what salary I was getting. I said that if I
12:16:55 20 was able to get that, that I would be very happy that I would be able to spend
21 my time getting ready for elections that I wanted to knock on a lot of doors
22 and get myself generally ready.
23 Q. 476 Now, in fact an election, a General Election was called in November, isn't that
24 right?
12:17:12 25 A. That's right, yes.
26 Q. 477 Did you stand in that election, Mr. Gilbride?
27 A. I went to the convention and that wasn't successful, our strategy changed,
28 there was a new part added, in advance of -- actually to come into north County
29 Dublin and it was decided that there would be no candidate from the Balbriggan
12:17:31 30 area. So I didn't stand no.

12:17:32 1 Q. 478 So in fact in the next General Election which you were aiming for as it were in
2 August and September of '92 which then happened in November of '92, you didn't
3 in fact stand as a candidate, is that right?
4 A. No.

12:17:43 5
6 JUDGE FAHERTY: Mr. Gilbride, can I ask you. Were you expecting a General
7 Election?
8 A. I was, yes.
9

12:17:47 10 JUDGE FAHERTY: And how come you were expecting a General Election?
11 A. Well things were not going well between Mr. Reynolds and Mr. O'Malley, if I may
12 remember at the time.
13
14 JUDGE FAHERTY: Yes. But there had been an election in June of 1989, a
15 General Election.
12:18:01 16 A. That's right, yeah.
17
18 JUDGE FAHERTY: So in the ordinary scheme of things there wouldn't have been
19 an election due in 1992.
12:18:08 20 A. Well we were told that the chances were that there would be an election, yes.
21
22 JUDGE FAHERTY: Sorry, Ms. Dillon.
23
24 Q. 479 MS. DILLON: But in any event you weren't selected?
12:18:26 25 A. No, I wasn't.
26 Q. 480 And did the assistance continue after November of '92?
27 A. Yes it did, yeah.
28 Q. 481 And can I just take you back now to your conversation with Mr. O'Callaghan.
29 First of all who was present when you had this conversation with Mr.
12:18:31 30 O'Callaghan?

- 12:18:31 1 A. I don't think there was anyone present at that.
- 2 Q. 482 Sorry.
- 3 A. As far as, to the best of my recollection there wasn't anyone present except
- 4 myself and Mr. O'Callaghan.
- 12:18:42 5 Q. 483 All right. And did you set up the meeting between yourself and Mr. O'Callaghan
- 6 on a one-to-one basis?
- 7 A. It's hard to remember that but ...
- 8 Q. 484 Did you ever take a career break before for political purposes?
- 9 A. No.
- 12:19:06 10 Q. 485 Is this the only time that you took a career break, is this the only developer
- 11 you ever approached for assistance to help you in this type of endeavour?
- 12 A. That's right.
- 13 Q. 486 Was the single biggest political donation you had ever received the 2,000
- 14 pounds in cash you say you got from Mr. Dunlop in June of 1991?
- 12:19:21 15 A. It was, yes.
- 16 Q. 487 Right. Did you go back to Mr. Dunlop when you decided you would take a career
- 17 break in view of Mr. Dunlop's previous assistance to you and ask him for
- 18 assistance for your career break? Had Mr. O'Callaghan made any -- you have to
- 19 answer for the transcript, Mr. Gilbride?
- 12:19:39 20 A. No, I hadn't. Sorry.
- 21 Q. 488 You didn't go back to Mr. Dunlop?
- 22 A. No.
- 23 Q. 489 Had Mr. O'Callaghan given you any financial assistance prior to you approaching
- 24 him for money?
- 12:19:47 25 A. No, he hadn't.
- 26 Q. 490 All right. Why didn't you go back to Mr. Dunlop who at least had a track
- 27 record of giving you some assistance before you approached Mr. O'Callaghan?
- 28 A. I didn't ... I didn't go back, it didn't go in to my head to go back to him. I
- 29 was quite friendly with Mr. O'Callaghan. We had talked previously as I said
- 12:20:12 30 about my would be political career and he expressed an interest in seeing me

- 12:20:18 1 advance and things like that. And then when I asked him, he was quite
2 agreeable and he agreed to make me those political donations.
- 3 Q. 491 But why did you approach Mr. O'Callaghan?
4 A. Because I was friendly with him.
- 12:20:31 5 Q. 492 You had --
6 A. I got on well with Mr. O'Callaghan.
- 7 Q. 493 You had never met Mr. O'Callaghan prior to some date in 1991?
8 A. That's right, yes.
- 9 Q. 494 Isn't that right?
12:20:40 10 A. No.
- 11 Q. 495 And at some date in 1992, probably June or July of 1992, you have a discussion
12 with Mr. O'Callaghan.
13 A. Yes.
- 14 Q. 496 And you have met him if I understand your evidences correctly, approximately
12:20:52 15 five or six times?
16 A. Yes.
- 17 Q. 497 All right. And you feel sufficiently comfortable with Mr. O'Callaghan to
18 approach him about supporting you for a year while you advance your political
19 career, is this that right?
12:21:05 20 A. Yes. I did, yes.
- 21 Q. 498 And did Mr. O'Callaghan demur at any way at the request that you made?
22 A. No, he didn't because we had, we had discussed before what way my political
23 career was going and I had told him, you know, that it was difficult that I was
24 teaching full-time, on the Council, that I just didn't have time to be knocking
12:21:29 25 on doors doing things that you need to do if you want to get elected to the
26 Dail. And at the time he didn't, he thought it was, I was willing to do that,
27 that he was willing to support me, yes.
- 28 Q. 499 And did you discuss with Mr. O'Callaghan the support that you had given the
29 Quarryvale project?
12:21:46 30 A. I didn't discuss it with him. I mean, he knew that I had given a lot of

12:21:52 1 support to it, to Mr. Gilmartin especially.

2 Q. 500 Yes.

3 A. He was aware of that.

4 Q. 501 Uh-huh. And did you discuss how this would be paid?

12:22:02 5 A. Yes.

6 Q. 502 And what arrangement did you make?

7 A. It would be paid monthly.

8 Q. 503 And how much would you be paid monthly?

9 A. As far as I remember, and it's in the, it's in my financial details, it's I

12:22:17 10 think it's 1,750 was my salary at the time.

11 Q. 504 Did you agree that a figure of 1,750 pounds?

12 A. Yes.

13 Q. 505 Okay. And did you have a discussion with Mr. Dunlop about this money?

14 A. Yeah.

12:22:30 15 Q. 506 Or in September?

16 A. Yeah I met Mr. Dunlop, I told him what I was doing and what was happening, yes.

17 Q. 507 And did you meet Mr. Dunlop in circumstances where you were looking for your

18 cheque?

19 A. I can't remember that, you know, this came up before as far as I remember but I

12:22:53 20 ... I haven't any great recollection of it but I do remember this was here

21 before with me.

22 Q. 508 Yes. If you look at 8062, Mr. Gilbride?

23 A. Yes.

24 Q. 509 This is a letter written by you, isn't that right?

12:23:07 25 A. That's right, yes.

26 Q. 510 It's dated -- it appears to be the 28th of September '92, is that right?

27 A. The 18th.

28 Q. 511 The 18th?

29 A. I think, yeah.

12:23:21 30 Q. 512 And it --

- 12:23:21 1 A. Yeah.
- 2 Q. 513 It states "Dear Frank, the figure I mentioned to you 1,750 a month, made up of
- 3 1,500 pounds pay, plus 250 pounds which is made up of pension, PRSI and health
- 4 insurance. Yours faithfully Sean Gilbride. PS I am off until the end of
- 12:23:36 5 March, seven months."
- 6 A. Actually I remember this coming up here before.
- 7 Q. 514 Yes.
- 8 A. Because I had actually one of my, in my financial statements I had put it down
- 9 as I thought it was tax rebate and it actually wasn't.
- 12:23:48 10 Q. 515 Well I think in fact --
- 11 A. Yeah.
- 12 Q. 516 I think in fact, Mr. Gilbride, it's not that you discovered what you had
- 13 identified as a tax rebate not to be a tax rebate. I think it was --
- 14 A. Pointed out, yeah.
- 12:24:00 15 Q. 517 Isn't that right?
- 16 A. Yeah, yeah.
- 17 Q. 518 But just dealing with this letter first of all. Now, can you explain to the
- 18 Tribunal, the circumstances in which you wrote that letter to Mr. Dunlop in
- 19 September of '92?
- 12:24:09 20 A. As far as I, as far as my recollection of it is Mr. Dunlop was aware that I was
- 21 getting these donations he asked me had I got it in September and I said I
- 22 hadn't. He said I'll give you that. Write me a note so that I can send it off
- 23 and claim it back myself.
- 24 Q. 519 If you just slow that down a little?
- 12:24:29 25 A. Yeah.
- 26 Q. 520 Mr. Gilbride.
- 27 A. Yeah.
- 28 Q. 521 You met with Mr. Dunlop?
- 29 A. Yes.
- 12:24:33 30 Q. 522 Did you meet with Mr. Dunlop to say to him that you hadn't got your cheque?

12:24:37 1 A. No.

2 Q. 523 Or you hadn't been paid?

3 A. No, I didn't.

4 Q. 524 How did you come to discuss this with Mr. Dunlop?

12:24:42 5 A. I think as far as I remember he asked me what was happening with Mr.

6 O'Callaghan and I said I hadn't got any monies. He said you write me a note

7 stating, I'll send it off and I'll be reimbursed and I'll give it to you, which

8 he did.

9 Q. 525 Was your discussion with Mr. Dunlop in September 1992, about the fact that you

12:25:07 10 had an agreement with Mr. O'Callaghan to be paid and you hadn't been paid?

11 A. That would be it, yes. It wasn't, it was probably something else and he

12 mentioned then had I been paid and I said no.

13 Q. 526 Well how did Mr. Dunlop know about your relationship --

14 A. I told him about it.

12:25:27 15 Q. 527 You told him about it?

16 A. Long before that.

17 Q. 528 You had told him about your arrangement.

18 A. Oh, yes I had yeah.

19 Q. 529 Mr. Dunlop has told the Tribunal that it was only when you came to him looking

12:25:37 20 for the money that he became aware of the fact that you had made this

21 arrangement with Mr. O'Callaghan?

22 A. No.

23 Q. 530 You don't agree with that?

24 A. No I don't agree with it.

12:25:44 25 Q. 531 You had told Mr. Dunlop about this previously?

26 A. Yes, previously.

27 Q. 532 All right. After you had made the agreement with Mr. O'Callaghan?

28 A. Mr. O'Callaghan, yes.

29 Q. 533 Now can I ask you about this, Mr. Gilbride, in June and July of 1992, you knew

12:26:00 30 that the Quarryvale vote was going to come back in before the Council, isn't

12:26:04 1 that right?

2 A. Oh, yes, yeah.

3 Q. 534 Did you disclose to your colleagues on Dublin County Council the fact that Mr.

4 O'Callaghan was financing your year off school?

12:26:14 5 A. No, I didn't, no.

6 Q. 535 Do you not think --

7 A. I may now, I may have mentioned it to one or two but I mean it wasn't, I didn't

8 publicise it, no.

9 Q. 536 Well do you not think, Mr. Gilbride, that it would have been a relevant factor

12:26:30 10 for your colleagues on the Council to have known, that your political sponsor

11 as it were, or the person who was paying for you to be off school?

12 A. Uh-huh.

13 Q. 537 And advancing your political career was the person whose development you were

14 promoting in Dublin County Council?

12:26:44 15 A. No, at the time I didn't, Ms. Dillon, no. I didn't think that.

16 Q. 538 You didn't think that it was a relevant factor for your colleagues to know?

17 A. No.

18 Q. 539 That the developer of Quarryvale was the person who was paying you to take a

19 year off school?

12:26:57 20 A. No.

21 Q. 540 Right.

22 A. I didn't at the time, no.

23 Q. 541 Do you think now, Mr. Gilbride, looking back on it with the benefit of

24 hindsight that in fact it might have been wiser to disclose your relationship

12:27:08 25 with Mr. O'Callaghan to your colleagues on the Council?

26 A. With the benefit of hindsight is great, we all have 20/20 vision afterwards.

27 At the time, no I didn't.

28 Q. 542 Yes. And prior to you entering into your agreement with Mr. O'Callaghan, did

29 you seek any guidance from head office as to whether or not it was appropriate

12:27:26 30 for you to take this money from Mr. O'Callaghan in circumstances in which his

- 12:27:30 1 development was up for consideration by you and your colleagues on Dublin
2 County Council?
- 3 A. No, I didn't.
- 4 Q. 543 Did you go to the leader of Fianna Fail party on Dublin County Council and ask
12:27:50 5 them for directions or advice as to whether or not it was appropriate that you
6 should accept this money or assistance from Mr. O'Callaghan, when his
7 development was up for consideration by you and your colleagues?
- 8 A. No, I did not.
- 9 Q. 544 When you were seeking the support of your colleagues for Mr. O'Callaghan's
12:27:57 10 development, did you disclose to any of them at any of the Fianna Fail meetings
11 in advance of the Council, that you were in fact in receipt of this money from
12 Mr. O'Callaghan?
- 13 A. No, I did not.
- 14 Q. 545 Right. Why didn't you do that, Mr. Gilbride?
- 12:28:08 15 A. At the time I didn't see any need for it.
- 16 Q. 546 Did you not think that it was a relevant factor that your colleagues ought to
17 know about this a special relationship or additional relationship that you had
18 with Mr. O'Callaghan?
- 19 A. No, I didn't.
- 12:28:21 20 Q. 547 Right. Did you tell Mr. Colm McGrath for example about the fact that you had
21 made this arrangement with Mr. O'Callaghan?
- 22 A. I am not sure. There is no good saying -- I am not sure if I did or not. I
23 may have. I'm not sure.
- 24 Q. 548 Yes. Is the only person that you were you were absolutely certain you
12:28:45 25 discussed the matter with Mr. Frank Dunlop?
- 26 A. Yes, I'm sure I did discuss it with him, yes.
- 27 Q. 549 Right. So other than Mr. Dunlop and Mr. O'Callaghan, obviously, do you
28 recollect discussing this with any member of Dublin County Council and if so
29 who?
- 12:29:00 30 A. I don't. I don't remember specifically discussing it with anyone. I may have,

- 12:29:08 1 I don't know.
- 2 Q. 550 If you had discussed it with somebody it's likely you would recollect it, Mr.
- 3 Gilbride, isn't that right?
- 4 A. More than likely, yes.
- 12:29:20 5 Q. 551 In any of your conversations with Mr. Tom Gilmartin did you disclose to Mr.
- 6 Gilmartin, the fact that you had made this arrangement with Mr. O'Callaghan?
- 7 A. Now, as I mentioned to you during our recess, I left Mr. Gilmartin back at
- 8 Dublin Airport a day or two after the vote in 1991. I didn't have contact with
- 9 Mr. Gilmartin again until the night before the vote in December '92.
- 12:29:48 10 Q. 552 Uh-huh.
- 11 A. Where he phoned me in my house and asked me to vote against Quarryvale. And I
- 12 asked him, I said why. I said are you still a partner there and he said I am,
- 13 I still have 40 per cent. And I said why do you want me to vote against it,
- 14 isn't it only cutting your own throat. He said I want it to go down. I didn't
- 12:30:14 15 have any conversation with Mr. Gilmartin from the day I drove him to the
- 16 airport until that night when he phoned me. So I didn't disclose anything to
- 17 Mr. Gilmartin. I hadn't any conversation with him.
- 18 Q. 553 Uh-huh. And did you disclose any relationship, this relationship or this
- 19 agreement that with you had with Mr. O'Callaghan to Mr. Lawlor?
- 12:30:34 20 A. No.
- 21 Q. 554 So that in effect, you didn't disclose it to anybody except Mr. O'Callaghan who
- 22 was involved with you and Mr. Dunlop in some time prior to September of 1992?
- 23 A. Yes, that would be very likely.
- 24 Q. 555 And at the time you didn't consider it appropriate I suggest, Mr. Gilbride, to
- 12:30:50 25 disclose it to your colleagues on the Council because if you had thought it was
- 26 appropriate you would have told them about, it isn't that right?
- 27 A. Yes.
- 28 Q. 556 But you didn't consider --
- 29 A. No not at the time no I didn't.
- 12:30:59 30 Q. 557 -- that it was a relevant factor that they should know about?

- 12:31:02 1 A. No.
- 2 Q. 558 All right. Now after you were not selected. I mean I will rephrase that.
- 3 When you were not selected to stand in the November 1992 election, did you
- 4 enter into, did you cease the arrangement with Mr. O'Callaghan at that stage?
- 12:31:15 5 A. No, I didn't no.
- 6 Q. 559 Okay. Did you continue it for the agreed period?
- 7 A. Yes.
- 8 Q. 560 Which was up to the middle of the following year or early in the following
- 9 year, isn't that right?
- 12:31:23 10 A. March. I think it was March.
- 11 Q. 561 Yes. And when you made your arrangement with Mr. O'Callaghan, would you have
- 12 known for example that the vote would be coming up some time in late 1992 about
- 13 Quarryvale and Dublin County Council?
- 14 A. The way the Development Plan was going --
- 12:31:40 15 Q. 562 Yes.
- 16 A. -- it was hard to know when it would come up.
- 17 Q. 563 Well let me put it to you. Let me make it easy for you then, Mr. Gilmartin
- 18 (sic).
- 19 A. Mr. Gilbride.
- 12:31:51 20 Q. 564 Mr. Gilbride, when you made your arrangement with Mr. O'Callaghan in June or
- 21 July of 1992?
- 22 A. Uh-huh.
- 23 Q. 565 The Quarryvale situation had not been voted on a second time, isn't that right?
- 24 A. No, no, no, no, no.
- 12:32:03 25 Q. 566 And when you received your first payment from Mr. O'Callaghan, the Quarryvale
- 26 had not been voted on, isn't that right?
- 27 A. That's right.
- 28 Q. 567 And when you were not selected to stand for Fianna Fail in the Local Election
- 29 of November '92, Quarryvale hadn't been voted on, isn't that right?
- 12:32:17 30 A. That's right.

- 12:32:26 1 Q. 568 Quarryvale was in fact voted on in December of 1992, isn't that right?
- 2 A. That is correct.
- 3 Q. 569 And that's approximately half way through --
- 4 A. Yeah.
- 12:32:26 5 Q. 570 -- your financial arrangement with Mr. O'Callaghan, isn't that right?
- 6 A. That's correct.
- 7 Q. 571 It would follow from that all of that, Mr. Gilbride, that when you made your
- 8 arrangement with Mr. O'Callaghan, you knew that the Quarryvale second vote
- 9 would come up in the course of the following year, isn't that right?
- 12:32:39 10 A. In the course of the following year or year and a half.
- 11 Q. 572 Yes. It's unlikely to have been a year and a half, Mr. Gilbride, and you would
- 12 have known that, isn't that right?
- 13 A. You never know what's going to happen.
- 14 Q. 573 Well you would have known it I suggest from, Mr. Gilbride, from the
- 12:32:55 15 correspondence you got from the Council indicating to you when it was likely
- 16 various pieces of land or various areas were coming up for consideration, isn't
- 17 that right?
- 18 A. Yes. But in September.
- 19 Q. 574 All right.
- 12:33:04 20 A. But in September or July or August when it was 1992, there would have been no
- 21 idea then at that stage anything was coming up.
- 22 Q. 575 Can you remember when you met with Mr. Dunlop, arising out of this
- 23 correspondence that's on screen at 8062, whether in fact Mr. Dunlop made a
- 24 payment to you on behalf of Mr. O'Callaghan?
- 12:33:26 25 A. That was my understanding, yes.
- 26 Q. 576 And did Mr. Dunlop pay you by way of cheque can you remember or did Mr. Dunlop
- 27 pay you cash?
- 28 A. As far as I remember it was by cheque but I think on the financial statement
- 29 which the end of September there, I think it was a sum of 1,650.
- 12:33:49 30 Q. 577 I don't want you to misunderstands me. I am asking you now about a payment by

12:33:56 1 Mr. Dunlop?

2 A. Yes, yes I know that, yeah.

3 Q. 578 On behalf of Mr. O'Callaghan.

4 A. Yeah.

12:34:00 5 Q. 579 There is a payment of the 30th of September '92 by Mr. O'Callaghan to you?

6 A. Yeah.

7 Q. 580 Now prior to that?

8 A. Yeah prior to that.

9 Q. 581 Did you get a payment from Mr. Dunlop?

12:34:08 10 A. Yes.

11 Q. 582 Right. And that payment was that by, if it was a cheque was that a cheque

12 signed by Mr. Dunlop?

13 A. Yes.

14 Q. 583 Right. Is it, do you think it's possible that you may have in fact received

12:34:18 15 cash from Mr. Dunlop?

16 A. I don't. I haven't a recollection of it now but I know that Mr. Dunlop made a

17 payment, yes.

18 Q. 584 Yes. I think that at 812 -- at 8129. On the 30th of September 1992?

19 A. Yeah.

12:34:40 20 Q. 585 There is a cheque stub made out to Sean Gilbride in the sum of 1,750?

21 A. Yeah.

22 Q. 586 Described there on the Riga cheque payments book --

23 A. Yeah.

24 Q. 587 -- cheque stub as to be refunded by Barkhill, isn't that right?

12:34:54 25 A. Yes, yes.

26 Q. 588 And that I think is debited at 8131 on the 7th of October, from the account of

27 Riga?

28 A. Yes.

29 Q. 589 And at 8141. You will see on the 5th of October, do you see that, on the 5th

12:35:16 30 of October '92, a lodgement of 200 pounds?

- 12:35:19 1 A. Sorry.
- 2 Q. 590 Sorry 25th of October. Do you see that?
- 3 A. Sorry?
- 4 Q. 591 It might be easier if I show you 8143?
- 12:35:42 5 A. 9th of October 28th.
- 6 Q. 592 If you just look at this, this is a lodgement to your current account?
- 7 A. Yeah, what date.
- 8 Q. 593 On the 5th of October '92. It's about five up from the bottom under the
- 9 heading credits.
- 12:35:55 10 A. Yes.
- 11 Q. 594 And you will see there a sum of 1,550, do you see that?
- 12 A. Yes.
- 13 Q. 595 Described by you as tax refund?
- 14 A. Yes.
- 12:36:04 15 Q. 596 Yes.
- 16 A. That's right, yeah.
- 17 Q. 597 And that's an error, isn't that right?
- 18 A. That's right. We went through this before.
- 19 Q. 598 And at 8144, Mr. Gilbride, this is the lodgement docket recording 1,550 pounds
- 12:36:20 20 being lodged, isn't that right?
- 21 A. Yes that's right, yes.
- 22 Q. 599 But in the top corner of that you will see a reference that says 1,550 to
- 23 savings and then to current account and then 200 pounds to savings?
- 24 A. Yes yes.
- 12:36:33 25 Q. 600 And that shows that that is a breakdown of a cheque for 1,750, isn't that
- 26 right?
- 27 A. That's right yes.
- 28 Q. 601 On the 5th of October?
- 29 A. Yeah.
- 12:36:40 30 Q. 602 And you lodge 1,550 to your current account and 200 pounds to your Savings

12:36:46 1 Account, isn't that right?

2 A. That's right, yes.

3 Q. 603 And that is the cheque from Mr. O'Callaghan that you received on the 30th of

4 September 1992?

12:36:52 5 A. Yes, I presume that's.

6 Q. 604 Isn't that right?

7 A. That's right, yeah.

8 Q. 605 And that cheque is in addition to the money you received from Mr. Dunlop?

9 A. That's right, yes.

12:37:04 10 Q. 606 And that's your recollection of the payment, isn't that right?

11 A. That's correct.

12 Q. 607 So that you approach Mr. Dunlop and have a conversation with him about the

13 money. He pays you 1,750 and then at the end of the month you receive 1,750

14 from Mr. O'Callaghan, isn't that right?

12:37:22 15 A. That's right.

16

17 JUDGE FAHERTY: When was the arrangement to start, Mr. Gilbride?

18 A. September.

19

12:37:28 20 JUDGE FAHERTY: September.

21 A. Yeah.

22

23 JUDGE FAHERTY: And were you to be paid, how were you to be paid when you were

24 teaching, was it in arrears?

12:37:38 25 A. Yeah, monthly.

26

27 JUDGE FAHERTY: Right. And your contract with the VEC, would that, when would

28 that have expired?

29 A. At the end of August.

12:37:46 30

12:37:46 1 JUDGE FAHERTY: At the end of August.

2 A. End of August.

3

4 JUDGE FAHERTY: If you had gone back to the VEC you would have expected to

12:37:52 5 have been paid in the ordinary way at the end of the September?

6 A. Yes.

7

8 JUDGE FAHERTY: I see.

9

12:37:57 10 Q. 608 MS. DILLON: And at 8348, on the 28th of October 1992, Mr. Gilbride, there is a

11 cheque drawn on Mr. O'Callaghan's personal account.

12 A. Yeah.

13 Q. 609 It's cheque No. 1220.

14 A. Uh-huh.

12:38:11 15 Q. 610 Which is made payable to you, isn't that right?

16 A. Yes.

17 Q. 611 And I think that at 8349, that's endorsed by you on the reverse, isn't that

18 right?

19 A. That's right.

12:38:23 20 Q. 612 And I think is lodged at 8351. On the 3rd of November as to 1,650 pounds to

21 your personal account with your wife, isn't that right?

22 A. That's right, yes.

23 Q. 613 So that you, that second direct payment from Mr. O'Callaghan is 1,650 pounds is

24 lodged to your account?

12:38:48 25 A. Account.

26 Q. 614 Isn't that right?

27 A. Yep.

28 Q. 615 Right. Now, did you keep a record yourself of these payments as they came in?

29 A. I didn't, no.

12:38:55 30 Q. 616 You didn't.

- 12:38:55 1 A. I didn't.
- 2 Q. 617 Right.
- 3 A. More than likely on that one I kept out 100 pounds cash because it was 1,750.
- 4 Q. 618 And I think in December of 1992 at 8621, which is the third direct payment from
- 12:39:14 5 Mr. O'Callaghan. There is a cheque in the sum of 1,750 pounds?
- 6 A. Yes.
- 7 Q. 619 Which can be seen at 8622.
- 8 A. Yes.
- 9 Q. 620 Which is drawn on Mr. O'Callaghan's personal account.
- 12:39:25 10 A. Yes.
- 11 Q. 621 Now, you wouldn't have been privy I assume, Mr. Gilbride, to any repayments
- 12 that passed between Mr. O'Callaghan and his company Riga?
- 13 A. No.
- 14 Q. 622 No. But this cheque is endorsed by you at 8623.
- 12:39:38 15 A. Yeah.
- 16 Q. 623 Isn't that right?
- 17 A. Yes.
- 18 Q. 624 And is lodged by you at 8640.
- 19 A. Yes.
- 12:39:43 20 Q. 625 And on the 4th of December as to 1,650 pounds, isn't that right?
- 21 A. Yes.
- 22 Q. 626 Right. To that account, isn't that the position?
- 23 A. That's it.
- 24 Q. 627 Now, what is clear, therefore, what has happened insofar as those three
- 12:40:01 25 payments are concerned, you are getting 1,750 pounds per month, isn't that
- 26 right?
- 27 A. That's right, yes.
- 28 Q. 628 And according to the letter that you wrote to Mr. Dunlop in September 1992 --
- 29 A. Yeah.
- 12:40:10 30 Q. 629 -- that comprises your pay plus PRSI and insurance, isn't that right?

- 12:40:16 1 A. That's correct.
- 2 Q. 630 Now, I think that in January of 1993, at 9035 --
- 3 A. Yes.
- 4 Q. 631 -- there is a payment of 5,000 pounds.
- 12:40:31 5 A. That's right yes.
- 6 Q. 632 Now would you just explain to the Tribunal the circumstances in which you came
7 to make an arrangement with Mr. O'Callaghan for that particular payment?
- 8 A. Yes, I do remember it. It was off the General Election and during the Senate
9 campaign and I'd be been talking to Mr. O'Callaghan and he asked me what I'd
10 been doing and I explained to him that I had been out canvassing for a month in
11 the General Election and that I had gone with one of my colleagues who was on
12 the Senate trail and that I had quite a lot of expenses. I didn't ask him for
13 any money at the time. He asked me for the my account number and I gave him my
14 account number and the sum of money was put into it. But I did explain to him
15 that I had had a lot of expenses over the General Election and the Senate
16 campaign with my colleagues and I think you may see it was a direct payment
17 into my account.
- 18 Q. 633 At 9046.
- 19 A. 5,000, yeah.
- 12:41:44 20 Q. 634 Are you saying --
- 21 A. The 8th of January.
- 22 Q. 635 Yes. Are you saying that was a direct payment in by Mr. O'Callaghan?
- 23 A. It was, yes.
- 24 Q. 636 Right.
- 12:41:53 25 A. It was a direct payment in my account.
- 26 Q. 637 And prior to that there was less, you were overdrawn almost to the sum of 1,000
27 pounds, is that right?
- 28 A. That's right, yes.
- 29 Q. 638 And Mr. O'Callaghan paid in this sum for you, is that right?
- 12:42:08 30 A. He did, yeah, that's right yeah.

- 12:42:09 1 Q. 639 Was this part of the arrangement you had made, Mr. Gilbride, for the year's
2 leave of absence or was it over and above?
3 A. Over and above.
4 Q. 640 Are you sure of that?
12:42:19 5 A. I am, yes.
6 Q. 641 So this is an extra payment by Mr. O'Callaghan?
7 A. Yes.
8 Q. 642 So Mr. O'Callaghan in his statements to the Tribunal doesn't differentiate this
9 sum of 5,000 pounds from the other payments of 1,750 a month, isn't that right?
12:42:32 10 A. I haven't seen his statement but I mean it was, it's different in the fact that
11 it's larger and it's a direct payment into my account, it wasn't something that
12 was handed to me.
13 Q. 643 But it is something that you agree with Mr. O'Callaghan is going to be paid
14 because of the additional expenses that you had?
12:42:56 15 A. Yes, yes.
16 Q. 644 In the general election of which you weren't a candidate and in the senate
17 election in which you weren't a candidate if I understand you correctly.
18 A. Except that I probably worked harder in the general election and senate
19 election, I did have a lot of expenses myself with my colleagues.
12:43:12 20 Q. 645 And Mr. O'Callaghan in 3152 in paragraph six states, that "between September
21 '92 and April '93, he made a number of contributions to Sean Gilbride totalling
22 15,500 pounds. Councillor Gilbride requested the support as he was running for
23 the general election in November '92.
24
12:43:32 25 Councillor Gilbride informed me that he was making very serious effort to get
26 elected to either the Dail or failing that to the senate, so much so is that he
27 told me that he was taking six months unpaid leave from his teaching job to try
28 and accomplish this. It was in these circumstances he asked me for support. In
29 view of the support which Councillor Gilbride had given to me and prior to that
12:43:50 30 to Tom Gilmartin, I agreed to support him".

12:43:54 1 A. Yes.

2 Q. 646 And you say that the 5,000 pounds was an additional matter over and above the
3 other arrangement from 1,750 pounds per month?

4 A. That is my recollection, yes.

12:44:06 5 Q. 647 And the next payment at 9208.

6 A. Yeah.

7 Q. 648 Is the 8th of February?

8 A. Yeah.

9 Q. 649 A cheque in the sum of 1,750 pounds drawn on the account of Riga, which in fact
12:44:26 10 funds Mr. O'Callaghan's account which in turn writes a cheque in the sum of
11 9212, please. And I think on the 9th of February, cheque No. 1236 drawn on Mr.
12 O'Callaghan's account in favour of you in the sum of 1,750?

13 A. Yeah.

14 Q. 650 So this again is the monthly statement, is that right?

12:44:48 15 A. Yes.

16 Q. 651 After the 5,000 pounds in January of 1992?

17 A. Yes.

18 Q. 652 And again I think that that is lodged by you at 9224.

19 A. Yes.

12:45:00 20 Q. 653 And you have identified a lodgement a credit of 1,750?

21 A. That's that, yes.

22 Q. 654 To this account which is your Savings Account, isn't that right?

23 A. Yes.

24 Q. 655 Right. And this account is in credit, isn't that the position?

12:45:16 25 A. Yes.

26 Q. 656 And was in credit in January of 1992, when you received the 5,000 pounds from
27 Mr. O'Callaghan?

28 A. Yes.

29 Q. 657 Isn't that the position?

12:45:24 30 A. Yes.

- 12:45:25 1 Q. 658 And was it you who made the decision, Mr. Gilbride, as to which account the
2 money would be lodged to?
3 A. No.
4 Q. 659 Well who made the decision?
12:45:35 5 A. Mr. O'Callaghan asked me for my account number and I gave him the, presumably I
6 gave him my current account number.
7 Q. 660 I just want to ask you one thing, Mr. Gilbride, at 9212, you see the cheque is
8 dated, I think in all probability the 4th of February.
9 A. Yeah.
12:45:59 10 Q. 661 Because Mr. O'Callaghan's cheque stub is dated the 4th of February at 9214?
11 A. Yeah. Yes.
12 Q. 662 Assuming for a moment that's correct at 9224, the 1,750 pounds is credited to
13 your account on the 2nd of February, which is two days before Mr. O'Callaghan
14 writes the cheque?
12:46:25 15 A. Uh-huh.
16 Q. 663 Do you see that?
17 A. Yes, yes I do. Sorry. Is that not the 9th of February?
18 Q. 664 Or maybe it is the 9th.
19 A. We can check it out. I'm fairly sure it's the 9th there.
12:46:48 20
21 CHAIRMAN: I think it is the 9th.
22
23 JUDGE KEYS: It is the 9th.
24 A. We'll get a ruler I think and we could move down on it.
12:47:00 25
26 JUDGE FAHERTY: I think it probably is the 9th.
27
28 Q. 665 MS. DILLON: It's the 9th
29 A. Yes.
12:47:04 30 Q. 666 And that is the lodgement of Mr. O'Callaghan's cheque in its entirety, Mr.

12:47:08 1 Gilbride, is that right?

2 A. Yes.

3 Q. 667 Yes. And the next lodgement is at 9302.

4 A. Yeah.

12:47:17 5 Q. 668 And this is the March payment, isn't that right, 1,750 pounds?

6 A. Yeah I presume, I haven't counted it up in front of me -- the bank account up

7 in front of me.

8 Q. 669 Yes I think that's a cheque drawn in your favour and I think that that is

9 longed to your account at 9303?

12:47:38 10 A. Yeah.

11 Q. 670 You see that lodgement, some five up from the bottom?

12 A. Yes, I do yes.

13 Q. 671 And that's the lodgement of that cheque.

14 A. Yes.

12:47:47 15 Q. 672 Isn't that right?

16 A. That's right yeah.

17 Q. 673 And again, that's lodged to your current account, isn't that right?

18 A. Yes.

19 Q. 674 And at 9441 on the 21st of April --

12:48:03 20 A. Yes.

21 Q. 675 -- there is a cheque drawn on Mr. O'Callaghan's personal account in your favour

22 cheque No. 1249, isn't that right?

23 A. Yes.

24 Q. 676 And that I think is also lodged at 9444.

12:48:18 25 A. Yeah.

26 Q. 677 Again, this one is lodged to your Savings Account, isn't that right?

27 A. Yes.

28 Q. 678 Isn't that the position?

29 A. Yeah.

12:48:27 30 Q. 679 Now, who makes the decision as to which account the money would be lodged to?

12:48:40 1 A. Well I make the decision if it's effecting me, I make the decision whether it
2 goes in my current or my savings.

3 Q. 680 All right. That's the last payment from Mr. O'Callaghan, isn't that right?

4 A. That's right, yeah.

12:48:46 5 Q. 681 And that payment is made on the 21st of April 1993?

6 A. Yeah.

7 Q. 682 So what a has happened then according to the documentation, is that starting at
8 the end of September of '92 you are paid 1,750 pounds per month?

9 A. Yes.

12:49:00 10 Q. 683 With the exception of January of 1993, when you are paid 5,000 pounds per
11 month?

12 A. Yeah.

13 Q. 684 And was the sum of 1,750 pounds per month to represent your salary that you
14 were foregoing while you were engaged in your political endeavours, is that
15 right?

12:49:15 15 A. That's right, yes.

16 Q. 685 And the 5,000 pounds was an extra or different payment according to your
17 recollection because of the expenses that you had been involved in in the
18 Senate and the General Elections although you hadn't been a candidate in
19 either?

12:49:28 20 A. Yes.

21 Q. 686 Did it have anything to do with the December 1992 vote, Mr. Gilbride, in Dublin
22 County Council?

23 A. No, nothing to do with it.

12:49:34 24 Q. 687 And wouldn't it appear to somebody looking at it from outside, Mr. Gilbride,
25 wouldn't it appear that if you weren't a candidate in the General Election and
26 if you weren't a candidate in the Seanad election that the matter that you were
27 most involved with was the rezoning of the Quarryvale lands in December '92?

28 A. In the November General Election, I spent more time on the road with my
29 colleagues and in the certain Senate Election which followed, I spent three
12:49:59 30

- 12:50:03 1 weeks with one of my colleagues going around the country.
- 2 Q. 688 Yes but did you --
- 3 A. Yeah.
- 4 Q. 689 -- did you seek support among your colleagues for Mr. O'Callaghan's development
- 12:50:15 5 in December of 1992?
- 6 A. I don't think there was any great need to seek support, I mean, people were
- 7 quite supportive of it, as I explained to you earlier. We had been waiting in
- 8 Dublin County Council for years to get our town centres going and anyone that
- 9 was willing to get in and get them done, we were supportive of Green, we were
- 12:50:38 10 supportive of Monarch Properties out in Tallaght and we were supportive of the
- 11 O'Callaghan and Gilmartin one.
- 12 Q. 690 Well if we just look then at Mr. Dunlop's telephone attendances for November
- 13 1992 at 8465.
- 14 A. Yeah.
- 12:50:51 15 Q. 691 At 11:50, Mr. Gilbride, you ring and the record the note is "on our mobile" and
- 16 a number is given. Did Mr. Dunlop's office provide you with a mobile?
- 17 A. No.
- 18 Q. 692 At any stage?
- 19 A. No.
- 12:51:02 20 Q. 693 Did you recognise the mobile number that's there?
- 21 A. Sorry, where is that.
- 22 Q. 694 You see it's being highlighted now for you. Do you see 11:50 Sean Gilbride?
- 23 A. Yeah.
- 24 Q. 695 Whose mobile was that, Mr. Gilbride?
- 12:51:15 25 A. My own.
- 26 Q. 696 Was that your own?
- 27 A. Yes.
- 28 Q. 697 And did you pay for that yourself?
- 29 A. Yes, I did.
- 12:51:20 30 Q. 698 All right. And did you contact Mr. Dunlop's office coming up to in November

- 12:51:26 1 and coming up to December '92?
- 2 A. Yeah, if it says in the records I did, I mean I have no argument with that,
3 yes.
- 4 Q. 699 And at 8958, you have a meeting on the 1st of December '92, isn't that right,
12:51:40 5 at 5 o'clock in Mr. Dunlop's office?
- 6 A. Yes it says so yes.
- 7 Q. 700 And on 3rd of December at 8676, you ring Mr. Dunlop's office at 11:21 and at
8 4:43, isn't that right?
- 9 A. Yes.
- 12:51:52 10 Q. 701 And on the 4th of December at 8677, at 9:45 you ring Mr. Dunlop's office, isn't
11 that right?
- 12 A. Yes.
- 13 Q. 702 And on the 7th of December '92 at 8684.
- 14 A. Yes.
- 12:52:06 15 Q. 703 You ring Mr. Dunlop's office at 11:51 and tell him that you are in the Council,
16 isn't that right?
- 17 A. Yes.
- 18 Q. 704 Yes. So you are telling him where you can be contacted, isn't that right?
- 19 A. Yes. Sorry, Ms. Dillon, a lot of those cases I am returning calls.
- 12:52:20 20 Q. 705 Yes.
- 21 A. Yeah, I just want to explain that as well.
- 22 Q. 706 Yes but you are in Dublin County Council, isn't that right?
- 23 A. Yes.
- 24 Q. 707 At 8711 on the 8th of December '92 at 2:21 you ring and you are also in Dublin
12:52:34 25 County Council?
- 26 A. Yes.
- 27 Q. 708 You ring again on the following page at 12 minutes past three, isn't that
28 right?
- 29 A. Uh-huh.
- 12:52:39 30 Q. 709 And on the 9th of December at 8719.

12:52:46 1 A. Yeah.

2 Q. 710 At 11:27 you ring and you tell them that you are at home, isn't that right?

3 A. Yeah.

4 Q. 711 Right. And on the 10th of December at 8728 at 2:15.

12:52:57 5 A. Yes.

6 Q. 712 You ring and you say you will call again, isn't that right?

7 A. Yes.

8 Q. 713 And on the 11th of December '92 at 8731 at 9:49 you ring and at 1:25 you ring

9 and you say you are trying the car, isn't that right?

12:53:19 10 A. Yeah.

11 Q. 714 And on the 14th of December '92 at 8761, you ring at 2:27 and you are in the

12 Council but you are trying the mobile, isn't that right?

13 A. Uh-huh.

14 Q. 715 And at 3:52 on the same day, on the following page you ring and you are in the

12:53:31 15 Council, isn't that right?

16 A. Yeah.

17 Q. 716 And at 8782 on the 15th of December '92 at 11:49 you ring Mr. Dunlop's office

18 and at 8783 at 4:40 you ring Mr. Dunlop's office, isn't that right?

19 A. Yes, I have no argument with any of these, Ms. Dillon.

12:53:50 20 Q. 717 No.

21 A. You know.

22 Q. 718 Yes. I had understood you to be trying to suggest to the Tribunal earlier on,

23 Mr. Gilbride --

24 A. Yeah.

12:53:55 25 Q. 719 -- that in November and December you weren't concerned at all with Dublin

26 County Council business that your time was spent assisting other people to get

27 elected?

28 A. Yes.

29 Q. 720 Either to the Dail or to the Seanad, isn't that right?

12:54:06 30 A. Yes.

12:54:06 1 Q. 721 And what I am going to suggest to you now, Mr. Gilbride, is following on the
2 contacts from Mr. Dunlop's office they don't suggest that you were travelling
3 the length and breath of the country seeking support your Senate colleagues it
4 suggests that you were located firmly in Dublin in December 1992, isn't that
12:54:24 5 right?
6 A. No.
7 Q. 722 No.
8 A. No.
9 Q. 723 Well where did you --
12:54:26 10 A. In --
11 Q. 724 In all of the locations --
12 A. They are all long days. In the mornings you, I would be out canvassing. In
13 the afternoons, which would usually be at meetings in Dublin County Council,
14 which I would attend, and in the evenings out canvassing again.
12:54:46 15 Q. 725 Well you weren't canvassing for the General Election in December '92, isn't
16 that right?
17 A. Not at the beginning of it.
18 Q. 726 The 25th of November 1992, was the date of the General Election, isn't that
19 right?
12:55:00 20 A. Quite right, yeah.
21 Q. 727 May the Tribunal take it, Mr. Gilbride, that after the 25th of November '92 you
22 are no longer canvassing for the General Election?
23 A. No, wasn't for the General Election, no.
24 Q. 728 And in particular which, insofar as the Senate campaign was concerned in 1992
12:55:16 25 when did that commence?
26 A. Before Christmas.
27 Q. 729 Yes.
28 A. Now, don't ask me how long before Christmas. I know just before Christmas.
29 Q. 730 Yes, the polling period would have been the 30th of December 1992.
12:55:29 30 A. Yeah.

- 12:55:29 1 Q. 731 To 1st of February 1993, isn't that right?
- 2 A. Yeah.
- 3 Q. 732 Now, do you say then that what you were primarily engaged in in December 1992
- 4 was the promotion of your colleagues for the Senate?
- 12:55:41 5 A. When the Senate was called but as you said if it wasn't called until the 30th
- 6 of December.
- 7 Q. 733 No I said polling was the 30th of December. I think it was called around the
- 8 time of the General Election. The polling was actually from the 30th.
- 9 A. Yeah, well which means it would have been on into January as well, yeah.
- 12:56:02 10 Q. 734 And into February, the beginning of February?
- 11 A. Yeah, yeah well if there was, if the Senate Election hadn't started in
- 12 December, yeah, I would have spent a lot of time around Dublin County Council,
- 13 yeah.
- 14 Q. 735 No. In fairness to you. The Senate would have been called on the 10th of
- 12:56:22 15 November --
- 16 A. Yeah.
- 17 Q. 736 -- but polling would have been?
- 18 A. Yeah.
- 19 Q. 737 The 30th of December, do you understand?
- 12:56:26 20 A. Yeah I do understand that, yes, I do, yeah.
- 21 Q. 738 What I am trying to suggest to you, Mr. Gilbride, is that you seem to be
- 22 suggesting to the Tribunal that you had little or nothing to do with the vote
- 23 in December '92 in relation to Quarryvale, that you were otherwise engaged with
- 24 the Senate campaign?
- 12:56:42 25 A. I never you suggested that.
- 26 Q. 739 All right. Well then we are at cross purposes.
- 27 A. Yeah.
- 28 Q. 740 Do you say that you did do seek support for the Quarryvale project in December
- 29 '92?
- 12:56:52 30 A. If any of my colleagues whom I was friendly with and that they asked me about

- 12:56:58 1 it, I mean it was a topic of conversation. I said that it was a very good
2 project and asked them to support it and they made up their own minds after
3 that.
- 4 Q. 741 Would you have been aware of the fact that many motions counter motions had
12:57:12 5 been brought in to Dublin County Council for December 1992, seeking to overturn
6 the Quarryvale decision?
- 7 A. Yes.
- 8 Q. 742 And would you have known that there was going to be a vote, a contested vote on
9 the Quarryvale motions in December of 1992?
- 12:57:28 10 A. Yes I'd say I would, yes.
- 11 Q. 743 And you were being paid by Mr. O'Callaghan, isn't that right?
- 12 A. That's right, yeah.
- 13 Q. 744 At this time. And I am suggesting to you that what you were engaged in, in
14 December 1992, would have been promoting Mr. O'Callaghan's interests because he
12:57:43 15 was paying you, isn't that right?
- 16 A. No, not because he was paying me, no.
- 17 Q. 745 Well you would have been --
- 18 A. I was promoting, helping, helping Mr. Gilmartin. I was enthusiastic about it
19 and remained enthusiastic about it, and payment had nothing to do with it.
- 12:58:03 20 Q. 746 It had nothing to do with your support for Quarryvale?
- 21 A. No.
- 22 Q. 747 In December 1992 --
- 23 A. Sorry. Mr. Gilmartin never paid me anything. I never asked him for anything.
24 And I supported it.
- 12:58:14 25 Q. 748 Yes. And in December 1992 on the day of the vote did you speak on the
26 telephone to Mr. Gilmartin?
- 27 A. I spoke to him on the telephone the night before. Now, I can't. I remember
28 that well but I can't remember speaking to him on that day, I may have.
- 29 Q. 749 Before the vote?
- 12:58:37 30 A. I may have, I don't know.

- 12:58:38 1 Q. 750 And Mr. Gilmartin wanted you to vote against the motion?
- 2 A. Oh, yes. No, that was the night before.
- 3 Q. 751 The night before?
- 4 A. From the night before, yes.
- 12:58:46 5 Q. 752 And that's because he wanted to collapse the Quarryvale?
- 6 A. Yes.
- 7 Q. 753 Right. Did Mr. Gilmartin in that telephone conversation with you discuss
- 8 capping the motion or that the motion was being capped?
- 9 A. No.
- 12:58:56 10 Q. 754 Right. Did you try and persuade Mr. Gilmartin out of the view that he was
- 11 expressing to you?
- 12 A. I said to him are you still partner in this and he told me that he still had 40
- 13 per cent share in it and I said you're mad.
- 14 Q. 755 And yes and did you go back to either Mr. Dunlop or Mr. O'Callaghan and tell
- 12:59:15 15 them about your telephone call with Mr. Gilmartin?
- 16 A. Yeah, no, I talked to Colm McGrath about it because Colm McGrath also had a
- 17 conversation with him I think. I think Colm rang me to say that Tom Gilmartin
- 18 had been on to him, I know I talked to somebody, Colm McGrath about it. I may
- 19 have mentioned it. It's very hard to remember.
- 12:59:38 20 Q. 756 And on the night of the vote in Dublin County Council, do you remember being in
- 21 the Fianna Fail rooms in Dublin County Council?
- 22 A. I may have been, yes.
- 23 Q. 757 Do you remember Mr. Deane being on the telephone?
- 24 A. I don't. I spent most of it, it was full day's meeting and I spent most of the
- 12:59:56 25 day in the chamber as far as I remember.
- 26 Q. 758 Right. Was there any occasion in which there was a telephone call in the
- 27 Fianna Fail rooms and you answered the telephone on that day, can you remember?
- 28 A. I can't remember it. I mean, if I was in the Fianna Fail rooms and the
- 29 telephone rang and there was no one there I would have lifted up the telephone,
- 13:00:12 30 yes.

- 13:00:12 1 Q. 759 What reason did Mr. Gilmartin give you for wanting to collapse the motion or to
2 collapse the Quarryvale project?
- 3 A. I don't know now that is the truth because he still told me that he was a
4 partner in it and I said sure you are going to loose everything and he said I'd
13:00:28 5 rather see it go down than go out of my control.
- 6 Q. 760 And on the day of the Quarryvale vote, you voted in favour of the Quarryvale
7 motion, isn't that right?
- 8 A. That's right, yes.
- 9 Q. 761 And you voted against the motions that were we'll call them anti-Quarryvale in
13:00:46 10 their global position, isn't that right?
- 11 A. Uh-huh.
- 12 Q. 762 Would it be fair to say that the Quarryvale development was the single most
13 important development to be voted on in December of 1992 in the Council?
- 14 A. Yes, it would have, yes.
- 13:00:56 15 Q. 763 And it was the most contentious and the most high profile, isn't that right?
- 16 A. That's right, yes.
- 17 Q. 764 And it would be fair to say that it had a very high profile politically since
18 the Local Election of 1991, isn't that right?
- 19 A. That's right.
- 13:01:07 20 Q. 765 And notwithstanding all of that, did you not feel that it was incumbent upon
21 you to disclose to your colleagues the relationship that you had with Mr.
22 O'Callaghan and the payments that you were then receiving?
- 23 A. No, I didn't feel it at the time, no.
- 24 Q. 766 I think subsequently, Mr. Gilbride, in 1993 and an amendment was proposed to
13:01:32 25 the written statement, do you remember that?
- 26 A. If you can help me recollect.
- 27 Q. 767 Do you remember that in December 1992, one of the amendments that was made was
28 that the retail element of Quarryvale would be capped at 250,000 square feet?
- 29 A. Yes, I do remember that, yes.
- 13:01:47 30 Q. 768 Isn't that right?

- 13:01:48 1 A. I do remember that, yes.
- 2 Q. 769 And in fact the amendment was that the retail shopping would be restricted to
3 250,000 square feet?
- 4 A. Yes.
- 13:01:57 5 Q. 770 Not greater than 250,000 square feet?
- 6 A. Yes.
- 7 Q. 771 And in June of 1993, an amendment to the Written Statement was proposed, isn't
8 that right?
- 9 A. Yes.
- 13:02:06 10 Q. 772 And that I think was a motion that was brought by, I think the local
11 councillors, isn't that right, at 1157?
- 12 A. Yeah.
- 13 Q. 773 And this was suggesting at the end of the first paragraph that the district
14 town centre be shall be in the order of 250,000 square feet retail floor space?
- 13:02:33 15 A. Yes.
- 16 Q. 774 And I think when the matter came before the Council in June of 1993, you
17 proposed with Councillor Tyndall an amendment, isn't that right?
- 18 A. Yes.
- 19 Q. 775 At 9671.
- 13:02:43 20 A. Yes, if I look at it, yes.
- 21 Q. 776 This is the amendment you will see in the second half of that page?
- 22 A. Yes.
- 23 Q. 777 It was proposed by Councillor Gilbride and seconded by Councillor Tyndall
24 various amendments that were to be made?
- 13:02:55 25 A. Uh-huh.
- 26 Q. 778 To the written motion as put in by the other councillors, do you see that?
- 27 A. Yes, yes.
- 28 Q. 779 Now, would you just tell the Tribunal the circumstances in which you came to
29 propose these amendments?
- 13:03:04 30 A. It's hard looking back on it. As far as I remember the original motion wasn't

13:03:18 1 going well and I think, no I can't be absolutely certain, Mr. Dunlop was there
2 and he asked me would I propose a motion on that and I think that was it. I
3 remember it but I wouldn't be able to go into detail on it but as far as I
4 remember Mr. Dunlop asked myself and Councillor Tyndall.

13:03:48 5 Q. 780 You had on the previous day suggested a different amendment at 9668.
6 A. Uh-huh.
7 Q. 781 On the 34rd of June '93, you will see there a proposal by counter Councillor
8 Tyndall seconded by yourself that the motion be amended by the adding the words
9 "but not exceeding" after the words "in the order of".

13:04:11 10 A. Yes.
11 Q. 782 And do you say that that was the same situation that Mr. Dunlop also asked you
12 to make that amendment?
13 A. Probably, yes.
14 Q. 783 Or is it likely that Mr. O'Callaghan asked you to make the amendment or
15 Mr. Lawlor?

13:04:23 16 A. Mr. Lawlor wasn't there.
17 Q. 784 What was the purpose of you making these amendments, Mr. Gilbride?
18 A. I'd say the purpose of them, just thrown up to me at the time after 15 years.
19 It probably was ... the retail floor space and the retail shopping I think
20 there would have been a difference there. The floor space as far as I
21 remember, and I can't be sure of this, if it was retail floor space, it would
22 allow for more than the 250,000 square feet of retail shopping now as far as I
23 remember.

13:04:57 24 Q. 785 And the 9671, the amendments that you suggested there which are in the second
25 half of that which were ultimately put and passed unanimously?
26 A. Yes.
27 Q. 786 They, I suggest to you, were amendments that were in favour of the developer?
28 A. Oh, yes.
29 Q. 787 Yes. And that these were amendments that were in ease of the development of
13:05:34 30 Quarryvale, isn't that right?

13:05:34 1 A. Yes, that's right, yeah.

2 Q. 788 And is it the position that you put forward those amendments in order to save

3 the motion that Mr. McGrath and Ms. Ridge, Mr. Tyndall had signed because you

4 felt that motion was in difficulty?

13:05:49 5 A. Yeah, that's my recollection.

6 Q. 789 After the Tribunal was established, Mr. Gilbride, did you ever discuss with Mr.

7 Dunlop the payments or donations that you had received from Mr. Dunlop?

8 A. No.

9 Q. 790 Did you ever have any telephone contact with Mr. Dunlop in relation to any

13:06:13 10 payments or donations that you had received?

11 A. The only time I contacted Mr. Dunlop was the day that he collapsed here. I

12 rang his house to ask how he was and that was the only contact. I mean, it

13 wasn't a contact, I spoke to his wife.

14

13:06:30 15 CHAIRMAN: Ms. Dillon, it's one o'clock. It's just gone one o'clock. Are you

16 going to finish Mr. Gilbride today?

17

18 MS. DILLON: I am finished, I think.

19

13:06:44 20 CHAIRMAN: All right. Well he may ... do you wish to cross-examine?

21

22 MR. KEATING: No, Sir, I don't.

23

24 CHAIRMAN: No. Well do you want to leave it at that or do you want to ask him

13:06:53 25 anything else.

26

27 MS. DILLON: No, I think that's really that's it, Sir.

28

29 CHAIRMAN: You don't.

13:06:59 30

13:06:59 1 MS. DILLON: We do have another witness.

2

3 CHAIRMAN: Yes I know that. That concludes your evidence, Mr. Gilbride, for
4 hopefully for good but certainly for the time being.

13:07:10 5 A. Thank you very much.

6

7 CHAIRMAN: Thank you very much.

8

9 **THE WITNESS THEN WITHDREW.**

13:07:13 10

11 CHAIRMAN: We will sit again at 2 o'clock. Is Mr. Dunlop is on at 2 o'clock?

12

13 MS. DILLON: Yes. Mr. Dunlop is on at 2 o'clock but I think it might be
14 possible to fit in Mr. Quinn's witness, Mr. Michael Joseph Cosgrave before him
15 at 2 o'clock subject, if we get an opportunity to try and iron that out.

13:07:27 16

17

18 CHAIRMAN: We don't want to encroach too much into Mr. Dunlop's time. But
19 certainly if it's a short witness we will take it at 2 o'clock.

20

13:07:41 21 MS. DILLON: May it please you, Sir.

22

23 CHAIRMAN: All right.

24

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

13:08:16 26

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28

29

30

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

13:08:16 1
2
3 MS. DILLON: Good afternoon, Sir.
4

14:09:26 5 Before Mr. Quinn starts with Mr. Michael Joseph Cosgrave. Ms. Rafferty,
6 solicitor for Mr. Tony Fox, has an application to make to you in the absence of
7 Ms. Mairead Smith and Breffni Gordon. And I understand that her application is
8 an application to adjourn the cross-examination of Mr. Dunlop which was
9 scheduled to take place this afternoon on behalf of Councillor Tony Fox. And I
14:09:49 10 understand the basis of her application is the non-availability of either of
11 the counsel who represent Mr. Fox before the Tribunal, Sir.
12
13 And I understand that Ms. Rafferty herself is not in a position to proceed this
14 afternoon.

14:10:04 15
16 CHAIRMAN: All right. We will hear what she has to say.
17
18 MS. DILLON: Yes Sir.
19

14:10:10 20 MS. RAFFERTY: Yes, Chairman, both my counsel, both Ms. Mairead Smith and
21 Breffni Gordon are not in a position to cross-examine Mr. Dunlop this
22 afternoon. And we apologise to the Tribunal. We had in fact written to the
23 Tribunal stating that we would be in a position to cross-examine this Thursday.
24 However, where he we are not in a position to cross-examine today and we do
14:10:32 25 apologise.
26
27 CHAIRMAN: Well, the concern we have is the fact that obviously that disrupts
28 our witness schedule to some degree. I understand you have had some
29 considerable notice of the invitation to cross-examine today.
14:10:52 30

14:10:52 1 MS. RAFFERTY: Well we had written to the Tribunal stating that we would be
2 available on Thursday. But as for today, we ...

3

4

CHAIRMAN: That was yesterday, was it?

14:11:00 5

6

MS. DILLON: Yes, that correspondence was received yesterday. Now Mr. Dunlop

7

isn't available on Thursday in any event of this week. So that's not -- the

8

only availability Mr. Dunlop has for cross examination purposes this week is

9

this afternoon. And the effect of not proceeding with Mr. Fox's

14:11:17 10

cross-examination this afternoon would be, that we will be unable to call

11

Mr. Fox tomorrow.

12

13 As I understand that the second part of my friends' application will be to

14 defer the taking of Mr. Fox's evidence until after the conclusion of the

14:11:32 15

cross-examination of on behalf of Mr. Fox. So if you accede to the request for

16

the deferral of the cross-examination, I think it would follow that Mr. Fox's

17

evidence cannot be taken tomorrow.

18

19 CHAIRMAN: Well is that also your application?

14:11:44 20

21

MS. RAFFERTY: Yes it is, Chairman.

22

23 CHAIRMAN: Well that's equally disruptive of the witness schedule. Well, we

24 will accede to your application but strictly on condition that you will be

14:12:00 25

provided with, over the next couple of days, a date for the cross-examination,

26

a new date for the cross-examination of Mr. Dunlop, and a new date for

27

Mr. Fox's attending as a witness. And there will be, and that won't be

28

negotiable and you will have to make arrangements and your counsel will have to

29

make arrangements to be available on those dates.

14:12:25 30

14:12:25 1 So is that clear, that that's the condition on which we will accede to your
2 application?

3

4 MS. RAFFERTY: Yes, Chairman.

14:12:33 5

6 CHAIRMAN: All right.

7

8 MS. RAFFERTY: Thank you.

9

14:12:35 10 MS. DILLON: Yes.

11

12 MR. QUINN: Mr. Michael Joseph Cosgrave, please.

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MR. MICHAEL JOSEPH COSGRAVE HAVING BEEN SWORN, WAS QUESTIONED

BY MR. QUINN AS FOLLOWS:

- 14:12:39 1
- 2
- 3
- 4 CHAIRMAN: Good afternoon, Mr. Cosgrave.
- 14:13:06 5 A. Good afternoon.
- 6 Q. 791 MR. QUINN: Good afternoon, Mr. Cosgrave. Mr. Cosgrave, you have given
- 7 evidence in a number of other modules, isn't that correct?
- 8 A. I have indeed, yes.
- 9 Q. 792 I think you told the Tribunal that you were a Fine Gael member and you were a
- 14:13:18 10 Councillor representing the Howth ward in Dublin County Council?
- 11 A. That's correct.
- 12 Q. 793 And I think in 1994, you moved to Fingal County Council?
- 13 A. I did.
- 14 Q. 794 And I think prior to 1985, you had been a member of Dublin Corporation, isn't
- 14:13:30 15 that right?
- 16 A. Correct.
- 17 Q. 795 And I think in the intervening period you have from time to time been elected
- 18 as member of Dail Eireann, is that correct?
- 19 A. I have been, yes.
- 14:13:37 20 Q. 796 And I think you were written to in 2000, if I could have 1488 please. And
- 21 asked by the Tribunal to provide a statement in relation to the Quarryvale
- 22 matters, isn't that correct?
- 23 A. That's correct.
- 24 Q. 797 And I don't propose to open that correspondence unless you require me to do so?
- 14:13:52 25 A. No.
- 26 Q. 798 I think you received a further letter on the 7th of April 2000 at 149/1492.
- 27 And I think on the 18th of May 2000 at 1493 you responded to the Tribunal in
- 28 relation to both those sets of correspondence, isn't that correct?
- 29 A. That's correct.
- 14:14:08 30 Q. 799 And you I think effectively advised the Tribunal that you had voted for the

14:14:13 1 Quarryvale proposal and that you had been lobbied for and against the proposal,
2 isn't that correct?

3 A. That's correct.

4 Q. 800 And you say that the first, you effectively advised the Tribunal that there
14:14:29 5 were two camps?

6 A. Correct.

7 Q. 801 What you have described as the O'Callaghan/Dunlop camp and the
8 Blanchardstown/Green Property camp, isn't that right?

9 A. That's correct.

14:14:30 10 Q. 802 And that they had both sought your support for their individual positions?

11 A. One for, one against.

12 Q. 803 One for and one against. And then I think on the 14th of June 2001, you were
13 again written to at 1534, and asked to provide a narrative statement in
14 relation to your meetings or attendances you might have had with a series of
15:14:53 15 people there named including Mr. Dunlop, Mr. O'Callaghan, Mr. Gilmartin and
16 others, isn't that correct?

17 A. That's correct.

18 Q. 804 And at 1535 on the 27th of June 2001, I think you responded as follows to that
19 correspondence from the Tribunal.

14:15:06 20

21 You say that: "You met Mr. Frank Dunlop in the environs of Dublin County
22 Council during the Draft Development Plan concerning lands at Quarryvale. You
23 say that Mr. Owen O'Callaghan was present during such briefings. You say you
24 also met both parties on several occasions socially in the Royal Dublin Hotel,
14:15:21 25 O'Connell Street and Conways Public House, Parnell Street. While the rezoning
26 of lands were taking place within Dublin County Council."
27

28 At paragraph two I think you said that "You met Mr. Ambrose Kelly in his
29 offices when you he outlined to you proposals for the National Stadium
14:15:36 30 Neilstown. You say -- these lands are adjacent to the Quarryvale. You also

14:15:39 1 met Mr. Kelly in the marine hotel Sutton in the middle of 2001 in relation to
2 another development in Baldoyle." Is that correct?
3 A. I don't remember meeting Mr. Kelly on another occasion.
4 Q. 805 I think that's what you have advised the Tribunal, at 1535.
14:15:53 5 A. It's not fresh in my recollection at the moment but possibly it did happen.
6 Q. 806 Yes. I will just read to you what your letter says. "I also met Mr. Ambrose
7 Kelly in the Marine Hotel Sutton around the middle of February 2001, in
8 connection with an area Action Plan for the Baldoyle area, when he updated me
9 on proposals for the flood relief programmes for the lands at Baldoyle Race
10 Course. I needed this information to inform the local residents association
11 who were attending my constituency office for such updates."
12 A. Correct. Yes, I accept that.
13 Q. 807 Now, you were asked I think then in June 2003 at 1537, for details of any
14 payments you might have received from Mr. Dunlop, isn't that correct?
14:16:33 15 A. That's correct.
16 Q. 808 And at 14702 I think, on the 30th of June 2003, as a member of Fingal County
17 Council you responded as follows to the Tribunal.
18
19 You say that "Prior to the General Election November 1992, Mr. Dunlop discussed
14:16:49 20 with me the possibility of a donation towards the cost of that election. This
21 discussion to the best of my recollection took place in the offices of Dublin
22 County Council in O'Connell Street. I cannot give the exact dates and times as
23 I did not give keep diaries during this period but I believe the discussion
24 occurred four to five weeks before the election. I did not receive the
14:17:08 25 donation from Mr. Dunlop or any of his companies prior to the election. I lost
26 my Dail seat in this General Election. I received a nomination from Fine Gael
27 to contest the General Election on the labour panel and canvassed the 26
28 counties, visiting as many councillors as possible. During the months of
29 December 1992 and January 1993. I was successful in in this election I was
14:17:31 30 successful in this election."

14:17:31 1 A. I was unsuccessful.

2 Q. 809 You were not successful sorry?

3 A. Yeah.

4 Q. 810 You say that "As I had lost my Dail seat in November 1992, by such a small

14:17:43 5 margin of votes and following discussions with my families and supporters it

6 was agreed that I should devote as much time as possible to political work in

7 Dublin northeast and in an effort to retain the seat."

8 A. That's correct.

9 Q. 811 And then at 14703, and I think you have given evidence of this in the past.

14:17:58 10 You say that "You met Mr. Dunlop around the end of January 1993 or early

11 February 1993, when he gave you a donation of 1,000 Pounds".

12 A. That's correct.

13 Q. 812 "You say that from your recollection it was by cheque".

14 A. Correct.

14:18:10 15 Q. 813 You say "You understood the donation was towards the cost of the Seanad

16 election and was given to you by Mr. Dunlop at Dublin County Council offices in

17 O'Connell Street".

18 A. Correct.

19 Q. 814 And you say "Again from your recollection, the money with other monies which

14:18:24 20 you had received from the Department of Finance was lodged into a Savings

21 Account in the Bank of Ireland Coolock around the second week in February

22 1993."

23 A. Right.

24 Q. 815 And I think you also gave details of a further sum by way of cheque of 250

14:18:37 25 pounds for the 1997 General Election?

26 A. Right.

27 Q. 816 Is that correct?

28 A. That's correct.

29 Q. 817 Now on the 18th of April 2000, Mr. Dunlop in the course of his evidence to the

14:18:55 30 Tribunal provided the members or the Sole Member as he then was, with a list of

14:18:55 1 persons whom he said requested legitimate political donations from him and you
2 have seen that list. And we see the list at 13777 and 13778 and I think No --
3 the person listed at No. 10 in that list is you, Mr. Cosgrave, isn't that
4 correct?

14:19:07 5 A. That was a donation.

6 Q. 818 Yes.

7 A. Right.

8 Q. 819 He says that you -- it was he was identifying people who requested monies from
9 him?

14:19:17 10 A. Yeah.

11 Q. 820 For political purposes.

12 A. It was following a discussion that I had with Mr. Dunlop.

13 Q. 821 Yes.

14 A. When we discussed the possibility of a donation, yes.

14:19:25 15 Q. 822 Yes. So he would be correct in advising the Tribunal?

16 A. Yeah, it was by way of conversation.

17 Q. 823 Yes.

18 A. We discussed the matter of donation.

19 Q. 824 Yes.

14:19:35 20 A. Which he did.

21 Q. 825 But he is correct in his recollection that you were someone who had requested a
22 political contribution from him?

23 A. Oh, yes you could say that, yes.

24 Q. 826 Now, if I could just go back very briefly then. I think that you were not --

14:19:49 25 while sorry. I will start again. Whilst you were in attendance in May 1991,
26 you did not vote on the Quarryvale motion in 1991, isn't that right?

27 A. May 1991, yes.

28 Q. 827 You were supplied with I think, a document or a series of documents at 16950
29 which were effectively a summary of your involvement in the Quarryvale votes?

14:20:11 30 A. Right. Oh, yes.

- 14:20:12 1 Q. 828 And I think you are happy that that properly reflects?
2 A. Yes from my recollection that would be and I'm sure your research has been very
3 good.
4 Q. 829 Yes.
14:20:22 5 A. And would be correct in that, yes.
6 Q. 830 Do you have any recollection of the first Quarryvale vote in May 1991?
7 A. I remember the meeting, yes.
8 Q. 831 Yes.
9 A. I have some recollection of it, yes.
14:20:36 10 Q. 832 Can I ask you why you didn't vote at that time?
11 A. May 1991. You know, elections were pending. One had to be out on the doors.
12 I also had some family problems that didn't enable me to continue attending in
13 the Council all day. And lots of debates were taking place on most of these
14 rezonings, so if the vote didn't come up it would necessitate me leaving the
15 meeting either to attend the Dail or to get out canvassing or to attend to my
16 family problems.
17 Q. 833 Had you attended do you think you might have voted?
18 A. I would have voted for it.
19 Q. 834 You would have voted for it, yes. And I think the capping at that time was a
14:21:25 20 figure?
21 A. 250,000.
22 Q. 835 Well I think it was 500,000 square feet in 1991.
23 A. Was it.
24 Q. 836 In any event you would have voted for it?
14:21:33 25 A. At that stage, yes.
26 Q. 837 Had your support by sought at that stage?
27 A. Well Mr. Dunlop did lobby me.
28 Q. 838 Yes.
29 A. And I'm sure Mr. O'Callaghan probably lobbied me too.
14:21:44 30 Q. 839 Yes. Can you recall when you first came to meet with Mr. O'Callaghan?

14:21:47 1 A. I probably met Mr. O'Callaghan in the environs of Dublin County Council.

2 Q. 840 Yes.

3 A. Which he attended quite often.

4 Q. 841 Yes. I think you have already told the Tribunal that you met him on several

14:22:00 5 social occasions as you describe it --

6 A. Yes.

7 Q. 842 -- in the environs.

8 A. That's right.

9 Q. 843 Was Mr. O'Callaghan and Mr. Dunlop a regular attender --

14:22:07 10 A. They were regular attenders, yeah.

11 Q. 844 -- at Dublin County Council?

12 A. Correct.

13 Q. 845 In 1991 and 1992?

14 A. In '91 and '92, yeah.

14:22:14 15 Q. 846 And I think you have said that you met them Royal Dublin Hotel and in Conways

16 and they were both regular attenders there?

17 A. Correct.

18 Q. 847 They would both be there together at both of those venues presumably speaking

19 with and lobbying councillors?

14:22:28 20 A. That's correct.

21 Q. 848 And you would have met them on several occasions?

22 A. I would certainly.

23 Q. 849 And you were supportive of the proposals and I think, Mr. Dunlop has discovered

24 to the Tribunal, a series of projections in relation to the possible outcome of

14:22:38 25 the vote. And the first is a likely voting pattern which is at 14655, and I

26 think included amongst the 48 members who were for the proposal there is

27 Cosgrave MJ, do you see that?

28 A. I see that, yeah.

29 Q. 850 And again there was a further outcome position B at 14659 and again you are

14:22:59 30 listed as being for the proposal?

- 14:23:01 1 A. Yes.
- 2 Q. 851 And then even on the worst case scenario, where it was envisaged that it would
3 be only 33 for the proposal at 14662, you are again included as being included
4 amongst those in favour, isn't that right?
- 14:23:16 5 A. Yes. Could I point out at this stage. In the very early stages when I was
6 lobbied about Quarryvale, I would have given my support.
- 7 Q. 852 Yes.
- 8 A. Because I believed in it.
- 9 Q. 853 And at 14664, in Mr. Dunlop's handwriting there is a document compiled which
14:23:39 10 shows definite support and again I think you were included --
- 11 A. I would be.
- 12 Q. 854 -- on that.
- 13 A. Yes.
- 14 Q. 855 Now, Mr. Dunlop has an entry in his diary for November 1992. The first is an
14:23:50 15 entry for the 6th of November '92. And if I could just put that document on
16 screen. Just bear with me. At 8383, this is Friday the 6th of November 1992,
17 and there appears to have been a lunch organised "MJC/LC or LL plus, L Creaven"
18 do you see that?
- 19 A. I see that.
- 14:24:17 20 Q. 856 Do you recall having lunch with Mr. Dunlop?
- 21 A. I had several lunches with Mr. Dunlop at that time.
- 22 Q. 857 Yes.
- 23 A. Several.
- 24 Q. 858 Yes.
- 14:24:25 25 A. Several lunches and meetings.
- 26 Q. 859 Did you ever have a lunch with Mr. Dunlop and Mr. O'Callaghan?
- 27 A. Not that I can recall.
- 28 Q. 860 But certainly you had one on the 6th of November '92?
- 29 A. Well Mr. Dunlop's diary says so, I believe we had.
- 14:24:37 30 Q. 861 And if we look at Mr. Dunlop's redacted diary at 8384 which he originally

14:24:45 1 provided showing contacts in relation to the Quarryvale proposal. He includes
2 that lunch as a lunch in that context?
3 A. Oh, I see it down here, yes.
4 Q. 862 Would Quarryvale have been discussed at that lunch?
14:24:57 5 A. I would imagine it would.
6 Q. 863 Yes.
7 A. Because I have no absolute recollection of it, of it being discussed but I'm
8 sure it would.
9 Q. 864 Yes. Now, there is a further meeting in Mr. Dunlop's diary for the 11th of
14:25:08 10 November '92, at 8431. An 11:30 meeting MJC Marine Hotel?
11 A. Yeah.
12 Q. 865 Do you recall meeting Mr. Dunlop on the 11th of November which would have been
13 the Wednesday after that lunch?
14 A. I just can't remember that now.
14:25:27 15 Q. 866 You have --
16 A. If Mr. Dunlop has it there I'm sure I met him.
17 Q. 867 You have told the Tribunal that in advance of the election being called or
18 perhaps during the election, you had a discussion with Mr. Dunlop where the
19 whole issue of contribution to your, as you describe it, political campaign was
14:25:44 20 discussed, is that right?
21 A. That was to the Senate Election.
22 Q. 868 To the Senate. You were you an outgoing TD in November?
23 A. I had lost my seat.
24 Q. 869 You weren't to loose your seat I think until the election was finalised on I
14:25:58 25 think the 25th of November?
26 A. 21st/25th, yeah.
27 Q. 870 And I think it was called on the 5th?
28 A. Right.
29 Q. 871 So when do you say you had your discussion with Mr. Dunlop?
14:26:05 30 A. You say this is the Marine Hotel discussion.

- 14:26:10 1 Q. 872 Yes. I am talking about rather than where the discussion took place, the
2 actual discussion in which the prospect of getting some donation from Mr.
3 Dunlop?
- 4 A. Well that didn't occur until after, you know, until I had got my nomination
14:26:23 5 from my recollection I got my nomination to stand for the Senate.
- 6 Q. 873 Yes. You had no --
- 7 A. But I would have had intention. If that was just after the election I would
8 have had the intention of standing for the Senate and would be seeking a party
9 nomination.
- 14:26:38 10 Q. 874 Could you be mistaken in that, Mr. Cosgrave. Could the discussion concerning
11 the political contribution to you or political donation to you have taken place
12 before the General Election?
- 13 A. It's possible, it's possible.
- 14 Q. 875 So that would have meant that it would have taken place sometime in
14:26:53 15 October/November '92?
- 16 A. That's possible.
- 17 Q. 876 Could it have taken place at the meeting that we see on the screen?
- 18 A. It's possible.
- 19 Q. 877 Or at the previous lunch on the Friday?
- 14:27:01 20 A. It's possible.
- 21 Q. 878 Had the meeting -- had the discussion taken place at that meeting on screen on
22 the 11th of November, Mr. Dunlop would have been in funds on that occasion.
23 Did Mr. Dunlop give you cash at any stage Mr. Cosgrave?
- 24 A. Never.
- 14:27:16 25 Q. 879 What did Mr. Dunlop say to you when you brought up the prospect of getting a
26 political contribution?
- 27 A. Oh, that he would make a contribution to me.
- 28 Q. 880 But you think it might have been discussed at the meeting?
- 29 A. It's possible it was discussed at that meeting. At any of those meetings which
14:27:34 30 you mentioned.

- 14:27:34 1 Q. 881 Did you discuss the level of contribution?
- 2 A. No, I left that to Mr. Dunlop.
- 3 Q. 882 Or how it was to be met?
- 4 A. No.
- 14:27:41 5 Q. 883 Now as I have outlined. You supported the Quarryvale proposal then in December
- 6 '92, isn't that right?
- 7 A. '92, I supported it, yes.
- 8 Q. 884 And you were always supportive of it?
- 9 A. Always.
- 14:27:53 10 Q. 885 Right through from May '91?
- 11 A. Absolutely. And I'm sure as I said originally when I was approached by Mr.
- 12 Dunlop, I would have made it clear that I was sportive of it.
- 13 Q. 886 Yes. And just in relation to the proposal in December '92.
- 14 A. I would also say even if I wasn't lobbied, I would have been supportive of it
- 14:28:15 15 anyway.
- 16 Q. 887 Well in relation to the December '92 vote, I think the issue, the whole issue
- 17 of a cap arose sometime immediately prior to the vote, isn't that right?
- 18 A. That's right, yes.
- 19 Q. 888 Now, you weren't to know the precise wording of the motion I think until
- 14:28:29 20 sometime after the 8th, 8th or 9th of December, isn't that right?
- 21 A. That would be right, yeah.
- 22 Q. 889 But you were supportive of that motion, isn't that right?
- 23 A. I would have been, yes.
- 24 Q. 890 And I think you voted against a proposal that would cap the development at
- 14:28:44 25 100,000 square foot, isn't that right?
- 26 A. Yes, I would.
- 27 Q. 891 But you supported the proposal that would cap it at 250,000 square feet?
- 28 A. Correct.
- 29 Q. 892 Can I take it from your evidence had there been a motion to cap it at 500,000
- 14:28:57 30 square, you would have supported that as well?

- 14:28:57 1 A. I would have supported that.
- 2 Q. 893 Indeed if there had been no motion to cap it at all you would have
3 supported it?
- 4 A. I would have supported it.
- 14:29:05 5 Q. 894 Were you supportive of the Green Property development in Blanchardstown?
- 6 A. No. There was a sort of a rivalry between both proposals. And from my
7 recollection, the Green Property was on the agenda so long nothing had happened
8 and it didn't look to me that it was going to happen very quickly. And this
9 proposal to me seemed to be very good proposal and that would have a job
10 creation element, plus it was necessary in the area and if you look at it today
11 it's an excellent development, I don't think I was wrong in supporting it.
- 12 Q. 895 And now, finally, Mr. Cosgrave, I think that you were written to by the
13 Tribunal in September 2003 at 1538, please. And you were asked for details of
14 any meetings or discussions you might have had with Mr. Dunlop or other parties
15 after the establishment of the Tribunal. This is at 1538, please. Mr. Dunlop
16 had identified you as a politician with whom he had discussed the Tribunal
17 subsequent to its establishment and we see that at 13933.
- 18
- 19 No. 7 on that list is MJ Cosgrave, do you see that? And you were written to
14:30:25 20 and you were asked to provide details of any such discussions, isn't that
21 correct? And you responded at 1542.
- 22 A. Correct.
- 23 Q. 896 On, in October 2003. And I think you said you had no discussions with Mr.
24 Dunlop?
- 14:30:36 25 A. That's correct.
- 26 Q. 897 Or any party since November 2004, regarding the item, items in question and the
27 items in question were matters concerning the Tribunal, isn't that correct?
- 28 A. That's right.
- 29 Q. 898 Mr. Dunlop has given evidence on day 809. If I could have question 66 please.
14:30:58 30 And here Mr. Dunlop is being asked about meetings with you or Mr. Creaven. And

14:31:04 1 he was asked if he, the subject matter of the Tribunal had been raised with you
2 and he tells the Tribunal that you would have told him that you got, when you
3 got documentation from the Tribunal other than standard documentation. Would
4 you have, is Mr. Dunlop correct in his recollection?

14:31:21 5 A. I don't recall it but I don't disbelieve it.

6 Q. 899 He says the question there is "Right. And in the course of these meetings with
7 Mr. Cosgrave and Mr. Creaven would you have discussed with him the fact that
8 you were the subject matter of inquiry by the Tribunal? And the answer was,
9 yes and they would have told me if they ever got documentation from the
10 Tribunal and other than standard documentation.

11 A: Yes".

12
13 So you don't disagree with that?

14 A. I won't disagree with it but Mr. Dunlop was obviously in a position if at any
15 of our meetings the Tribunal was raised, he would refuse to discuss it.

16 Q. 900 Yes.

17 A. Or would stop you in any discussions about it.

18 Q. 901 What were you doing discussing Tribunal matters with Mr. Dunlop, Mr. Cosgrave,
19 after its establishment?

14:32:11 20 A. It would probably have been in the course of conversation at a social meeting.

21 Q. 902 I think on previous occasions here you have been taken through a whole series
22 of entries in Mr. Dunlop's diaries or meetings between yourself and Mr. Creaven
23 and Mr. Dunlop at various locations including the Marine Hotel.

24 A. Yes.

14:32:27 25 Q. 903 And the royal, is that correct?

26 A. Correct.

27 Q. 904 And would the topic of conversation sometimes be the Tribunal and what was
28 happening with the Tribunal?

29 A. Well matters might have been discussing that had already appeared in the public
14:32:43 30 domain.

14:32:43 1 Q. 905 I think you have accepted that the 1,000 pounds it that Mr. Dunlop gave you
2 that it was a sum that was solicited by you and you say for a political
3 donation, isn't that correct?
4 A. Political donation, yes.

14:32:55 5 Q. 906 You don't disagree that you solicited?
6 A. Well it came up in a matter of discussion.
7 Q. 907 Yes.
8 A. And I would have said yes I had come through a General Election and I was in
9 need of money to further a Senate campaign.

14:33:10 10 Q. 908 Yes.
11 A. You don't do that on little money.
12 Q. 909 The issue of the Senate campaign with the greatest of respect, would only have
13 arisen in your case after the election had taken place and after you had lost
14 your seat. I think a moment ago you agreed with me that the discussion
15 concerning money could have arisen?
16 A. Could have arisen.
17 Q. 910 On the 11th or the earlier meeting on the 6th?
18 A. I could have discussed a donation for the General Election which didn't happen.
19 That could have happened oh, yes I accept that.

14:33:23 20 Q. 911 But you accept that you would have solicited the money?
21 A. Well they are hard words but they came in discussion. I would, I would have
22 discussed the matter of a donation with him and probably would have said yes --
23 I'd like please.
24 Q. 912 The initiative in relation to the money came from you and not from Mr. Dunlop?
14:33:34 25 A. I'd say it mutually came.
26 Q. 913 Yes. And I think you did tell the Fine Gael inquiry that you didn't solicit
27 the money, isn't that right?
28 A. I don't recall that.
29 Q. 914 If we could have 1486, please. Second paragraph. "He received 1,000 Pounds
14:34:11 30 from Frank Dunlop at the time of the Senate Election in 1993. This payment was

- 14:34:15 1 made by cheque. It was unsolicited."
- 2 A. Well, the way you've put it now when you tried to tell me that it was
- 3 solicited, it was in the form of a discussion with Mr. Dunlop. I got the money
- 4 and what I said to the Fine Gael inquiry, I would have been of the opinion that
- 14:34:39 5 it did not actually go out and say to Mr. Dunlop, look, I want a contribution
- 6 now.
- 7 Q. 915 And if we could have 14702. When you advised your solicitors who forwarded the
- 8 correspondence to the Tribunal in relation to the payment from Mr. Dunlop, you
- 9 said that "prior to the General Election of November 1992, Mr. Dunlop discussed
- 14:35:01 10 with me the possibility of a donation towards the cost of that election".
- 11 A. If I said that, that happened.
- 12 Q. 916 Could it be the case that, Mr. Cosgrave, that your recollection is faulty and
- 13 that you perhaps made two requests for payments, one for the General Election
- 14 on which you are were a candidate and the second for the Senate Election?
- 14:35:22 15 A. The position was this. That when I met Mr. Dunlop we discussed donations.
- 16 Q. 917 Yes.
- 17 A. As it turns out now prior to the General Election.
- 18 Q. 918 So therefore --
- 19 A. And it did come up again after the General Election when I got the
- 14:35:34 20 nomination --
- 21 Q. 919 So you raised it on two separate occasions?
- 22 A. That could have happened.
- 23 Q. 920 And you are correct when you say at in this letter at 1472, that you raised the
- 24 issue or discussed the matter the possibility of the donation prior to the
- 14:35:47 25 General Election, isn't that right?
- 26 A. Well I will accept that.
- 27 Q. 921 And then you lost your seat and you raised it again in the context of a Senate
- 28 Election, isn't that right?
- 29 A. Correct, yeah.
- 14:35:55 30 Q. 922 Did Mr. Dunlop contribute to your General Election?

14:35:57 1 A. No.

2 Q. 923 Well if he hadn't contributed to your general election why do you think he

3 would contribute to your Senate Election?

4 A. I don't know but he did.

14:36:06 5 Q. 924 Thank you very much?

6 A. Thank you.

7

8 CHAIRMAN: Any questions? Mr. Cosgrave, can I just ask you. With the 1,000

9 that you say that you got from Mr. Dunlop.

14:36:17 10 A. Right.

11

12 CHAIRMAN: Would you have known or what would your belief have been as to

13 whether he was giving it to you personally or whether he was giving it to you

14 on behalf of someone?

14:36:27 15 A. I just don't know. I cannot answer that. All I know is that he gave it to me.

16 And I used it in the Senate campaign.

17

18 CHAIRMAN: What did you think at the time?

19 A. I took it to be a political donation in that sense only.

14:36:40 20

21 CHAIRMAN: Well did you understand it to be coming from him personally?

22 A. Oh, himself personally, yeah.

23

24 CHAIRMAN: Or somebody. No, I took it that it would be Mr. Dunlop making a

14:36:49 25 personal donation to me.

26

27 CHAIRMAN: And did you understand it to be in any way linked to your support

28 for Quarryvale?

29 A. No, no, no.

14:36:57 30

14:36:57 1 CHAIRMAN: Or any other development?

2 A. No.

3

4 CHAIRMAN: I see. Thank you very much

14:37:01 5 A. Thank you very much. Thank you.

6

7 **THE WITNESS THEN WITHDREW.**

8

9 MR. QUINN: I understand that Mr. O'Donnell has an application.

14:37:16 10

11 MR. O'DONNELL: Chairman, I appear for Mr. John McCann who has given a
12 statement to the Tribunal and has provided documentation and we want to ask Mr.
13 Dunlop a very short number of questions but I would ask you for representation
14 in the first place if that's permitted.

14:37:34 15

16 CHAIRMAN: Certainly.

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14:37:35 1 MR. O'DONNELL: Thank you. We had one or two very short questions to ask to
2 Mr. Dunlop. I understand Mr. O'Tuathail may be a little longer. If that's
3 all right with the Tribunal, Mr. O'Tuathail has graciously agreed to allow me
4 to go first.

14:37:53 5
6 CHAIRMAN: That's fine.

7
8 MR. O'DONNELL: Thank you, Chairman.

9
14:37:53 10 MS. DILLON: Mr. Dunlop, please.

11
12 **MR. FRANK DUNLOP, PREVIOUSLY SWORN, WAS QUESTIONED BY**

13 **MR. O'DONNELL AS FOLLOWS:**

14

14:37:58 15 CHAIRMAN: Good afternoon, Mr. Dunlop.

16 A. Good afternoon.

17

18 Q. 925 MR. O'DONNELL: Mr. Dunlop.

19 A. Sorry.

14:38:14 20 Q. 926 I represent Mr. John McCann and I think you may remember John McCann because he
21 was the secretary of the Quarryvale Residence Association?

22 A. Yes, I do remember him.

23 Q. 927 Yes.

24

14:38:27 25 CHAIRMAN: Sorry, Mr. O'Donnell, would it suit you if you sat down because we
26 are not picking up your voice.

27

28 MR. O'DONNELL: Sorry, my fault

29 A. It's quite informal here, Mr. O'Donnell.

14:38:42 30 Q. 928 MR. O'DONNELL: Mr. McCann, I think was the secretary and there was a Mr. Pat

- 14:38:47 1 Jennings, who was the Chairman of the Quarryvale Residence Association?
- 2 A. Yes, correct.
- 3 Q. 929 And I think there are two issues that I want to tease out with you. The first
- 4 is a meeting that they attended with you, we think in the autumn of 1991.
- 14:39:05 5
- 6 I think the first contact that the Quarryvale Residence Association made was
- 7 with Mr. O'Callaghan in August of 1991, page 23783. And that's a letter from
- 8 the Quarryvale Residence Association to Mr. Owen O'Callaghan and they express
- 9 their approval for the Quarryvale project, they indicate on the second page
- 14:39:27 10 that they are already convening a petition in favour of the Quarryvale
- 11 development and they say at the second last paragraph "We hope you will give
- 12 very serious consideration to the issue. Request rather than write eternally
- 13 on the subject, we would be willing to meet you at your discretion at any time
- 14 in the future"
- 14:39:43 15
- 16 The next page 23785 is a letter from Mr. O'Callaghan back to Mr. McCann
- 17 secretary at the same address indicating that they had decided to hold meetings
- 18 in the general Clondalkin area and that he would be in contact to arrange such
- 19 a meeting. And I think then over the page again 23786, there is a letter from
- 14:40:05 20 O'Callaghan Properties to Mr. Kelly and that in the fourth paragraph refers to
- 21 a meeting which was established for the 29th of September with the Quarryvale
- 22 Residents Association. So it seems likely that the meeting of that sort took
- 23 place at the Quarryvale with Quarryvale residents association. Do you remember
- 24 meeting Mr. McCann and Mr. Jennings in connection with the Quarryvale project?
- 14:40:28 25 A. Yes, I certainly met Mr. McCann. Mr. Jennings, I don't have a great
- 26 recollection of Mr. Jennings. But I certainly met Mr. McCann on a number of
- 27 occasions.
- 28 Q. 930 Yes. And I think the first meeting that he recalls in was in a place called
- 29 the Jenson Hotel in 1991. Would you be in a position to disagree with that?
- 14:40:48 30 A. I am not in a position to agree or disagree. Where is the Jenson Hotel?

- 14:40:52 1 Q. 931 It's local hotel in Clondalkin. It may have a different name now?
- 2 A. Yes. I do recall meeting Mr. McCann in various locations in the North
- 3 Clondalkin area, including in a building that they had or in offices that they
- 4 had and also in a local pub.
- 14:41:07 5 Q. 932 Yes. He will say that at that ...
- 6 A. I think it's called Finch's.
- 7 Q. 933 I beg your pardon?
- 8 A. I think the pub is called Finch's.
- 9 Q. 934 He will say that at that meeting there was Mr. O'Callaghan, yourself, Mr.
- 14:41:20 10 Gilmartin and he believes Mr. Jennings. Would that make sense, would that?
- 11 A. No, that certainly would not make sense. I never met Mr. McCann with Mr.
- 12 Gilmartin. I certainly met Mr. McCann with Mr. O'Callaghan, Mr. Ambrose Kelly
- 13 and representatives of Ambrose Kelly's office but I never met Mr. McCann with
- 14 Mr. Gilmartin.
- 14:41:40 15 Q. 935 All right, well he has a different memory of it. It does appear that a meeting
- 16 took place in the autumn of 1991, which Mr. McCann attended where for the first
- 17 time the Quarryvale residents discussed their views about the Quarryvale
- 18 project.
- 19 A. Yes, I have a recollection of the Quarryvale residents.
- 14:41:57 20 Q. 936 Yes.
- 21 A. Making representations to us about their concerns.
- 22 Q. 937 Just to be quite clear about this. Mr. Burke, Mr. Christy Burke had absolutely
- 23 no involvement in this project of any sort?
- 24 A. None what ever.
- 14:42:13 25 Q. 938 And then the other point is that the office to which he refers the Quarryvale
- 26 co-op office?
- 27 A. Yes.
- 28 Q. 939 37 Greenford Gardens in Quarryvale. I think you attended that office an number
- 29 of occasions for meetings with the residents association?
- 14:42:28 30 A. Yes, I did.

- 14:42:29 1 Q. 940 This was a community based association.
- 2 A. Correct.
- 3 Q. 941 There were a number of different people in it but like many residents
- 4 associations, it was short on facilities, short on equipment?
- 14:42:41 5 A. Correct.
- 6 Q. 942 And I think as is clear from the correspondence I have already opened and from
- 7 other correspondence, if I could have page 23791. The Quarryvale Residents
- 8 Association had done a lot of work in trying to show their support for the
- 9 project and in particular had sent a petition with 10,000 signatures in favour
- 14:43:07 10 of the project to the Planning Officer in December of 1991?
- 11 A. Correct.
- 12 Q. 943 And I think that also there is a letter on, 23796, a similar letter. Again,
- 13 indicating their support for the development and the indicating a willingness
- 14 to meet the planners to explain why they wanted to support this development?
- 14:43:30 15 A. Yes.
- 16 Q. 944 So is it fair to say that they were a political community based association who
- 17 were anxious to do their best for their own community?
- 18 A. Yes, we regarded them as the residents association in the local area with
- 19 whom we would develop a relationship in relation to furthering the development.
- 14:43:48 20 Q. 945 Yes. And when you, I think you indicated in your evidence earlier that you
- 21 provided not today but on an earlier occasion, that you provided a computer to
- 22 the residents association office at Greenford Gardens in order to assist them?
- 23 A. That's correct.
- 24 Q. 946 And I think Mr. O'Callaghan actually paid for that computer?
- 14:44:07 25 A. That is correct.
- 26 Q. 947 Just to be clear, Mr. Dunlop, there is no question of that being a personal
- 27 donation it Mr. McCann personally?
- 28 A. No, the request was made on the basis as you outlined, facilities. And I think
- 29 they nominated this for the use of the local residents association and it was
- 14:44:26 30 given in that context.

14:44:27 1 Q. 948 Also to be clear lest there be any confusion from your earlier evidence, this
2 wasn't a donation in any make shape or form to Sinn Fein or any other political
3 party. It was a donation to the residents association and was political in its
4 entirety?

14:44:41 5 A. Absolutely, totally correct.

6 Q. 949 Thanks very much.

7
8 CHAIRMAN: Thank you, Mr. O'Donnell.
9 Now, Mr. O Tuathail, are you going to ...

14:44:51 10
11 MR O TUATHAIL: Yes.

12 MR. BURKE: ... For the estate of Tom Hand. I was a minute or two late in
13 coming in after lunch. But I gather that there is no representation here from
14 Councillor Fox. Therefore the window of opportunity open. If it pleases the
15 Tribunal we could begin today.

16
17 CHAIRMAN: Sorry?

18
19 MR. BURKE: We could begin our cross-examination of Mr. Dunlop if it pleases,
14:45:13 20 after Mr. O Tuathail obviously.

21
22 CHAIRMAN: All right.

23
24 MR O TUATHAIL: Mr. Chairman.

14:45:19 25
26 **THE WITNESS WAS QUESTIONED BY MR. O'TUATHAIL AS FOLLOWS:**

27
28 Q. 950 MR O TUATHAIL: Mr. Dunlop, I am looking at your statement in this regard in
29 relation to my client former Senator Lydon, and that's your statement of
14:45:37 30 December 2003. And it's a short statement, it contains a multitude of dates

14:45:48 1 and days. And I have explained to you that apart from the allegation that you
2 paid 1,000 pounds in cash to my client, it is very vague and ambiguous. And I
3 first of all want to deal with that aspect of it. For instance, as I look at
4 your statement and without Tribunal can put it up on the screen if they wish
14:46:16 5 to. It's a very short statement.

6

7

MS. DILLON: Page number please?

8

9

MR O TUATHAIL: It's 747.

14:46:22 10

11

CHAIRMAN: No. That's not the correct page number for --

12

13

MR O TUATHAIL: Well I have printed out here it's page No. 747.

14

14:46:37 15

16

CHAIRMAN: What's the date of the statement again?

17

MR O TUATHAIL: It's in December 2003.

18

19

MS. DILLON: 1902. I'm not sure if this is it. I don't know which particular

14:46:50 20

page Mr. O Tuathail is referring to but this is the December 2003 statement.

21

A. Page 30.

22

23

CHAIRMAN: Page 30.

24

14:47:02 25

MR O TUATHAIL: Page 30. That's correct.

26

27

MS. DILLON: 1917.

28

29

Q. 951 MR O TUATHAIL: That's it now. If that could be enlarged. Now, there is the

14:47:15 30

allegation for, it's up on screen now. And first of all you're alleging, you

- 14:47:22 1 are making a very serious allegation against former Senator Lydon, which he
2 absolutely denies. I should say in opening. And what you are saying there is
3 you start off saying that you paid, if I could put it to you this way, Mr.
4 Dunlop. You are not saying, you are not sure of the month in which you paid
14:47:52 5 this money allegedly, isn't that correct?
6 A. I say within days.
7 Q. 952 No, no. You say May, and May and then you go down to June by the end of your
8 statement, isn't that correct?
9 A. Correct.
14:48:03 10 Q. 953 So you are not sure of the month. You are saying within days but you are not
11 sure of the month. It could have been a according to that statement as I read
12 it, it could have been made in May or it could have been made in June.
13 A. I am giving the dates, the window in which the possibility.
14 Q. 954 No no I'm not talking windows. I am talking months.
14:48:26 15 A. Yeah.
16 Q. 955 As your statement recites them.
17 A. Yes.
18 Q. 956 You start off saying the window is clearly according to you the 16th of May
19 1991, which was the vote on Quarryvale.
14:48:37 20 A. Correct.
21 Q. 957 And you end up on the 6th of June by the paragraph. Now, which month is it?
22 A. I say given that I was out of town on the following Monday and Tuesday the 20th
23 and 21st of May respectively the payment could only have been made between
24 Wednesday the 22nd of May and Thursday the 6th of June.
14:48:55 25 Q. 958 Where does that leave your statement in your opening sentence that within days
26 of the 16th of May you made the payment?
27 A. Well it's a question of degree and what you do with that as days.
28 Q. 959 What do you mean Mr. Dunlop by "within days"?
29 A. Well I mean I, it was after the vote.
14:49:14 30 Q. 960 Yes. Within days of the vote. The vote was on the 16th of May?

- 14:49:17 1 A. Yes.
- 2 Q. 961 What was within days in your vocabulary then amount to?
- 3 A. Well it could be anything from 1 to 30, 20.
- 4 Q. 962 So within days doesn't mean within a week?
- 14:49:29 5 A. Well I don't want to get semantical with you, Mr. O Tuathail. What I have said
- 6 was that I paid this money to the former Senator Lydon within days of a vote on
- 7 Quarryvale. I was then subsequently asked by the Tribunal for further
- 8 statements in relation to specificity as to when. This is the result of that
- 9 request.
- 14:49:56 10 Q. 963 Yes. Now, I am coming back again then. You still cannot say, you use the
- 11 phrase "within days" but that phrase encompasses two different months, am I
- 12 correct?
- 13 A. Well what I've said at the end is that given that I was out of town on the
- 14 following Monday and Tuesday the 20th and 21st respectively, the payment could
- 14:50:21 15 only have been made between Wednesday the 22nd of May and Thursday the 6th of
- 16 June. Thursday the 6th of June enters into the scenario because I had a
- 17 similar arrangement to meet a councillor in the same location.
- 18 Q. 964 Well then could we finish on the month issue. That statement as I read it, Mr.
- 19 Dunlop, and as it reads in my view and I am putting it to you means that you
- 14:50:42 20 could have paid this alleged bribe, either in the month of June or in the month
- 21 of May?
- 22 A. Yes is the answer.
- 23 Q. 965 Yes. Thank you. Well we'll move on then. You are not even sure or can you
- 24 say which week in that window period 16th of May to the 6th of June that that
- 14:51:05 25 payment was made?
- 26 A. No, I don't specify a week.
- 27 Q. 966 No. So we're ... and how many weeks lie between the 16th of May and the 6th of
- 28 June?
- 29 A. Well let me get the diary. Three.
- 14:51:21 30 Q. 967 At least.

- 14:51:22 1 A. Yeah.
- 2 Q. 968 So you cannot say in a period out of a three week period which week it was.
- 3 Coming to the day then. Are you fixing on any day between the 16th of May and
- 4 6th of June?
- 14:51:37 5 A. No, I'm not.
- 6 Q. 969 No you're not. Again you are being vague.
- 7 A. And to anticipate you, I am not going to fix on any particular hour or minute
- 8 either.
- 9 Q. 970 Yes.
- 14:51:45 10 A. So therefore --
- 11 Q. 971 So you are not --
- 12 A. Expedite matters.
- 13 Q. 972 Sorry, Mr. Dunlop. You are not going to say whether it was morning or evening?
- 14 A. No I'm not.
- 14:51:55 15 Q. 973 No. Or whether it was night?
- 16 A. Well, hardly night.
- 17 Q. 974 Yes. Well we're in a scenario, we're in a landscape, Mr. Dunlop, where you
- 18 have a difficulty admitting that night isn't day. Now, come to the location.
- 19 I just want to query you on your pneumonics. You fix, you say that the date of
- 14:52:27 20 the payment to Mr. Lydon was prior to this. The payment was made therefore
- 21 within the time frame of Thursday the 16th of May and Thursday the 16th of June
- 22 1991. And prior to that you say as you have just said I had made a similar
- 23 arrangement with another councillor for the same location on a subsequent day
- 24 the 6th of June. Now, when Ms. Dillon pursued you on that?
- 14:52:51 25 A. Yes.
- 26 Q. 975 The similar arrangement turned out not to be a bribe to that particular
- 27 councillor, isn't that correct?
- 28 A. Correct.
- 29 Q. 976 What was the similar arrangement then, what was similar about it?
- 14:53:01 30 A. To meet him in the carpark.

- 14:53:03 1 Q. 977 I see. But could I put it to you that the carpark is only one of approximately
2 six locations that you have used in your evidence throughout with various
3 councillors. If you remember your city centre areas, Mr. Dunlop, you have the
4 Council offices themselves, you have the Gresham Hotel, you have the Royal
14:53:29 5 Dublin, you have Conway's bar, you have the County Council carpark, and you
6 have a pub somewhere in Abbey Street. Now, on this occasion you are saying the
7 location is the County Council carpark?
- 8 A. Yes.
- 9 Q. 978 Yeah. Now, clearly, it didn't happen on the 6th of June?
- 14:53:50 10 A. Correct.
- 11 Q. 979 Yeah. Because well then how could the pneumonics, how could the 6th of June
12 assist you in any way in identifying the location when you are meeting another
13 councillor on a totally different issue apparently?
- 14 A. I am interested in your use of the word "pneumonics". No, what I have said is
14:54:14 15 that I had an arrangement to meet another councillor in the carpark on the 6th
16 of June. I met your client to the former Senator Don Lydon, in the carpark at
17 the back of the Council offices on a date after the vote on the 16th of May
18 1991.
- 19 Q. 980 Yes.
- 14:54:31 20 A. It's the carpark behind the Council that we're talking about.
- 21 Q. 981 Yes, yes, clearly. And the -- so the only thing that you are clear on is the
22 location you say is the Council offices the rear of the Council offices
23 carpark, isn't that so?
- 24 A. The location, personality and the amount.
- 14:54:52 25 Q. 982 Yes. And coming to your diary, you started keeping your diary didn't you in
26 March and April 1991?
- 27 A. No, I think there are ... well in relation to the Tribunal diaries, yes 1991.
28 I can't recollect when I ever started keeping a diary.
- 29 Q. 983 Well, no, I think you gave evidence that you started keeping a diary in March
14:55:16 30 or April 1991 and we're talking now about, I know we're talking diaries in the

- 14:55:22 1 plural because I'll come do that in a moment. But there is no mention of this
2 particular assignation in your diary, isn't that correct?
- 3 A. That's correct.
- 4 Q. 984 Is there any reference at all in your phone calls to this particular meeting?
- 14:55:39 5 A. Not that I recollect because that would require Senator Lydon making the call,
6 the former Senator Lydon making a call to my office and having it recorded as
7 such.
- 8 Q. 985 So that the arrangement you say I met him by arrangement. The arrangement
9 isn't recorded either in your diary or in your phone calls?
- 14:55:57 10 A. Correct.
- 11 Q. 986 And the only way you can remember it is by reference to a location on a
12 subsequent day, the 6th of June. Now you are using the indefinite article the
13 a there. Are we talking about the 5th of June?
- 14 A. Give me what exactly are you referring to now Mr. O'Tuathail what line are you
14:56:18 15 on.
- 16 Q. 987 "For the same location on a subsequent day." The 6th of June?
- 17 A. Yes, I made a similar arrangement with another Councillor, yes.
- 18 Q. 988 So are we talking then, are you saying that it was the 5th of June?
- 19 A. No I'm not.
- 14:56:32 20 Q. 989 No. Are you saying there were any meetings of Dublin County Council in the
21 period in the few days or within days of the 16th of May?
- 22 A. They may well have been, I am not specifically saying that in this statement.
- 23 Q. 990 Well we'll come to that presently. Now, the other major feature of Senator
24 Lydon and Quarryvale and the 16th of May was brought out by Ms. Dillon and I
14:57:07 25 don't intend to go over it very heavily but you accept I think that this was a
26 crucial vote?
- 27 A. Yes, it was, yes.
- 28 Q. 991 Rezoning. And now Senator Lydon was not present that day.
- 29 A. Correct.
- 14:57:20 30 Q. 992 Nor did he vote that day.

- 14:57:21 1 A. Correct.
- 2 Q. 993 In any sense of the word. And Senator Lydon will deny, you have described him
- 3 here as a particular supporter of Quarryvale. He will say that he was
- 4 supportive of Quarryvale in the sense that he was brought employment and so on.
- 14:57:46 5 It wasn't in his particular ward. And he wasn't a particular supporter and
- 6 isn't that borne out as it were by his absence from that vote on the 16th of
- 7 May?
- 8 A. Well I can't account for his absence on the 16th of May. I don't believe that
- 9 I ever discussed that matter with the former Senator Lydon. I would take issue
- 14:58:04 10 with the particularity of the language in the sense that he was a supporter of
- 11 Quarryvale. In fact I might be a little more particular and say that
- 12 Mr. Lydon, the former Senator Lydon in the main would have supported anything
- 13 that I asked him to.
- 14 Q. 994 Uh-huh. Well that's a very general statement in that sense but we are dealing
- 14:58:28 15 here with an allegation that you paid him for a vote, you paid him for his
- 16 support in relation to Quarryvale when in fact he hadn't support for that?
- 17 A. No, no, I said again now that you have gone down this avenue Mr. O'Tuathail in
- 18 relation to particularity. I paid 1,000 pounds in cash to Mr. Lydon within
- 19 days of the vote on Quarryvale. I say where I paid him, by virtue of
- 14:58:59 20 arrangement and I say nothing whatsoever about Mr. Lydon voting or not voting
- 21 on the 16th of May.
- 22 Q. 995 Of May, yes. But of course in December 2003, you would have known, Mr. Dunlop,
- 23 that Senator Lydon didn't turn up that day at that meeting and didn't vote?
- 24 A. I can't say when I did or did not do but it is probable, yes.
- 14:59:24 25 Q. 996 Yes. And but to deal with the allegation that there was a corrupt payment in
- 26 relation to this. Ms. Dillon put it to you that her sense of the system was
- 27 that you had a meeting before such a crucial vote, you would do a deal with a
- 28 councillor and thereafter you would pay him off. Now, this didn't happen in
- 29 this case, isn't that so?
- 14:59:53 30 A. Correct.

- 14:59:54 1 Q. 997 And this is a singular event, again, identified by Ms. Dillon in her
2 examination, that this is the first time ever that you are alleging that you
3 paid a councillor when in fact the councillor didn't vote for the particular
4 project?
- 15:00:07 5 A. If that is sequentially correct, that is right, yes.
- 6 Q. 998 Yes. Well, because there was a payment after a vote a crucial vote which there
7 was no attendance or vote by the particular councillor, Senator Lydon in this
8 case, and doesn't that tends to show that your corrupt system had no sanction?
- 9 A. Had no what sorry, Seamus.
- 15:00:39 10 Q. 999 Had no sanction?
- 11 A. Sanction? By whom or on behalf of whom.
- 12 Q. 1000 By you. You are the paymaster, according to yourself.
- 13 A. Yes.
- 14 Q. 1001 Yeah.
- 15:00:49 15 A. I am saying yes, I am the pay paster master. I am not saying yes to any
16 question that preceded that.
- 17 Q. 1002 But you seem to have memory difficulties with all of this, Mr. Dunlop. If I
18 put it to you this way. The first opportunity you got to name councillors whom
19 you said you bribed was when you were dealing with the withdrawals from the
20 Rathfarnham account, isn't that so?
- 15:01:11 21 A. Yes.
- 22 Q. 1003 And that was in April and May of 2000, with Mr. Hanratty and Mr. Gallagher?
- 23 A. Correct.
- 24 Q. 1004 And you did give a list on that occasion.
- 15:01:24 25 A. Yes.
- 26 Q. 1005 Which was an exhaustive list, isn't that so?
- 27 A. Not exhaustive.
- 28 Q. 1006 Well you were asked was it exhaustive.
- 29 A. Yes.
- 15:01:30 30 Q. 1007 And at that time it was.

15:01:32 1 A. Yeah.

2 Q. 1008 Now, if I called up 13786. We might have a look at that, please. 13786,
3 please. Now, you have always given the mantra that was it was under the guise
4 and convenience of Local Elections that you made these contributions.

15:02:01 5 A. Correct.

6 Q. 1009 Now, you notice that Senator Lydon's name doesn't appear on that list?

7 A. Correct.

8 Q. 1010 And on that time you were speaking from memory, isn't that so?

9 A. Correct.

15:02:13 10 Q. 1011 And that was the period before you had the benefit of what you call your road
11 map.

12 A. Well it depends on what you interpret as road map.

13 Q. 1012 Well, we've had plenty of descriptions of the road map and I was present in
14 2003, when you were calling for the road map of Mr. Hanratty?

15:02:32 15 A. Uh-huh.

16 Q. 1013 But on the 19th of December last you were able to say in response to a question
17 from one of the Tribunal legal team "I am not in the business of seeking credit
18 but I devised the road map which the Tribunal has followed subsequently".

19 A. That's the exact point that I wanted you to quote.

15:02:54 20 Q. 1014 Yes so you have led me in to it.

21 A. Thank you.

22 Q. 1015 So would you now explain how you devised the road map and how you sold it to
23 the Tribunal?

24 A. Well I would quibble with the word "sold it to the Tribunal". But certainly in
15:03:10 25 2000, when the canvas was very wide and a lot of questions were being asked
26 particularly in relation to money funding sourcing of funding, accounts, bank
27 accounts, I did say to the Tribunal in an effort to ensure that it might not
28 become systemically disfunctionable that a road map should be devised whereby
29 the matter could be dealt with in its totality as to events that had taken
15:03:52 30 place in Dublin County Council during the course of the Development Plan and by

15:03:55 1 that I meant that each development that I was involved in, I would give
2 evidence to that effect. I couldn't obviously give evidence to the effect of
3 other developments that I wasn't involved in. And that was the genesis of the
4 road map and that was the genesis of the modular system that we are still
15:04:17 5 dealing with.

6 Q. 1016 Yes, yes. So are you claiming copyright to that system?

7 A. Well I'm not an expert in copyright. I might give you a little dissertation on
8 patent but I can't give you an actual on copy write. I am just saying
9 specifically that that is the genesis of it and it was as a result of what I
15:04:37 10 called the road map, on whatever day it was in April or May of 2000, that that
11 went into the mantra of the Tribunal.

12 Q. 1017 Yes. Yes. But there was a reality to that, wasn't there? That between May
13 and October 2000, you are supplied with the items you list out here in your
14 evidence if you say if I start asking copies for the Development Plan, Draft
15:05:00 15 Development Plan, agendas, each motion votes on the only source that I can get
16 them from now is Dublin County Council?

17 A. Yes.

18 Q. 1018 And Mr. Hanratty says yes I don't mean to be uncooperative with you fully but
19 he says I understand that because it is your view that if you are provided with
15:05:17 20 that material that you wouldn't be in a position to account for the remaining
21 or at least a good proportion of the remaining cash. And the cash we're
22 talking about at that stage, Mr. Dunlop, was you had already accounted for
23 162,000 out of 420,000 of the Rathfarnham account. You still had to account
24 for that balance the difference between and 2,000. And you answered "I would
15:05:40 25 certainly be able to account for a significant proportion well then I think
26 perhaps or I would leave the matter over and we will provide that documentation
27 perhaps you would have perused it and considered it, produced a list as best
28 you can".

29
15:05:54 30 So, Mr. Dunlop, I speak for one of the victims of that system, one of the

- 15:05:59 1 councillors, senator, former Senator Lydon because the Tribunal between May and
2 October 2000 handed you over all of these documents, you no longer had to rely
3 on your memory, isn't that so?
- 4 A. Oh, yes, I did still have to rely on my memory.
- 15:06:16 5 Q. 1019 I know. But, Mr. Dunlop, the list on screen is your memory as it was before
6 you were provided with all of these documents by a rather gullable Tribunal?
- 7 A. Well I resile from any type of criticism from the Tribunal, I leave that to
8 you.
- 9 Q. 1020 I join in that?
- 15:06:34 10 A. I have outlined on a number of occasions. We have traversed this ground on a
11 number of occasions. I don't believe in doing so again. I don't have any time
12 constraints really except for availability for business reasons. I don't have
13 any difficulty in saying yes, I made the recommendation to the Tribunal in its
14 wisdom or otherwise, contrary to your allegation of gullibility. In its wisdom
15 or otherwise it decided that it was going to devise a modular system. That was
16 based on the suggestion that I had made that there were various developments
17 during the course of Dublin County Council's Development Plans that I was
18 involved in and those were the ones that I could answer for. And therefore, in
19 the absence of any documentation in relation to what had occurred in relation
15:07:06 20 to submissions, representations, votes, attendances or whatever at Dublin
21 County Council, those were contained in the documents that I was provided with.
- 22 Q. 1021 And in effect you are claiming to be an architect now of the modular system
23 adopted by this Tribunal?
- 24 A. No, that's not the actual way that I would deal with it when I ... when I have
15:07:51 25 finalised my book on the matter.
- 26 Q. 1022 Yes.
- 27 A. But I will be not be claiming as architect, no.
- 28 Q. 1023 As I understood you you just made that claim. You made the suggestion and you
29 were provided with the documents and you followed through.
- 15:08:05 30 A. Well the Tribunal could have refused. The Tribunal could have said sorry we're

15:08:09 1 not going to be dictated to by anybody.

2 Q. 1024 I am limited to speaking for my client. And all I know is that the first time

3 he was ever mentioned in relation to a bribe by yourself was in October 2000,

4 9th of October 2000.

15:08:23 5 A. Yes.

6 Q. 1025 That's correct.

7 A. Correct.

8 Q. 1026 And that was because you had been provided with all this documentation, all

9 this ammunition and you could pick off your enemies as you wish. It was

15:08:35 10 shooting fish in a barrel after that, Mr. Dunlop.

11 A. I wouldn't accept that terminology at all!

12 Q. 1027 Well there wouldn't be enough barrels and enough fish maybe to kit it out for

13 you. But however -- I would like to deal with it in another aspect. When did

14 you first provide your diaries to the Tribunal?

15:09:01 15 A. I'm afraid I can't give you that date but I'm sure Ms. Dillon. We went through

16 this.

17

18 MS. DILLON: October 2001.

19 A. October 2001.

15:09:04 20

21 Q. 1028 MR O TUATHAIL: When did the Tribunal then first discover that these diaries

22 had been redacted and edited?

23 A. Again, I rely on Ms. Dillon.

24

15:09:12 25 MS. DILLON: The situation in relation to the diaries were as follows.

26

27 Just in ease of Mr. O Tuathail. The original diaries in their complete and

28 unredacted format were furnished for the first time to the Tribunal in October

29 2001.

15:09:25 30

15:09:25 1 Prior to that there had been three separate orders for discovery covering three
2 separate periods of time. During which Mr. Dunlop had provided not full
3 photocopies of the originals but redacted photocopies if I may call them that.
4 So in time sequence was what happened was three separate portions of the
15:09:44 5 diaries redacted were photocopied and provided to the Tribunal. But the
6 original diaries as we presently see them were not provided until October 2001.
7

8 Q. 1029 MR O TUATHAIL: Yes, yes.

9 So my client was named in October at a time when the diaries, when the Tribunal
15:10:00 10 didn't realise what you were doing with the diaries. And then I think
11 Ms. Dillon might help by giving a definition for people here present, what is
12 the meaning of the word "redacted."
13

14 MS. DILLON: The way redacted has been used is that certain entries in the
15:10:15 15 diaries that were provided by Mr. Dunlop. What appears to have happened was
16 the following. Mr. Dunlop had photocopied a page from the diary and then
17 deleted from examination material which Mr. Dunlop considered at that time not
18 to fall within the remit of the order.
19

15:10:31 20 Q. 1030 MR O TUATHAIL: And it's not my particular interest. I have some knowledge of
21 what and who was deleted. But I don't have knowledge of Mr. Dunlop is what was
22 added to those diaries. I don't know if you have been asked that question
23 before?

24 A. You are asking a question. Sorry, I thought you were making a statement. You
15:10:55 25 are asking me did I add anything, is that the question?

26 Q. 1031 Yes, at any stage.

27 A. No.

28 Q. 1032 No.

29 A. Because --

15:11:00 30 Q. 1033 And the reason I ask you is that is that if a person can obliterate and edit a

- 15:11:06 1 diary --
- 2 A. Uh-huh.
- 3 Q. 1034 -- then a person is equally capable of adding to a diary. And I don't know
- 4 whether you did or not. I am simply asking the question.
- 15:11:13 5 A. The answer is no.
- 6 Q. 1035 The answer is no, apparently. But the point is this, Mr. Dunlop. That you had
- 7 changed your evidence in April/May 2000. And you began to name names and to
- 8 "co-operate" with the Tribunal, "co-operation" now should be in inverted commas
- 9 in the transcript in my voice. But that co-operation didn't extend to the
- 10 diary at that time, isn't that so? Because the date given Ms. Dillon come in
- 11 at 2001.
- 12 A. Yes the diaries when we were requested to do so.
- 13 Q. 1036 Yes. You were still making special positions for certain parties and you are
- 14 still condemning the councillors or many of the councillors with this sort of
- 15 vague allegation that you paid them within maybe three weeks. You paid them
- 16 1,000 pounds in cash. You have no receipts, you have no acknowledgments and
- 17 all we have is your word.
- 18 A. Like you only have your client's word.
- 19 Q. 1037 Oh, yes but I have your -- but I mean my client, when did you last take an oath
- 20 in this room?
- 21 A. When did I last take an oath? Mr. Kavanagh can give you a date.
- 22 Q. 1038 Well I'd like to know it. I haven't heard you take an oath or have been
- 23 reminded of one.
- 24
- 15:12:39 25 CHAIRMAN: Well he is giving evidence under oath. I can't give you the
- 26 immediately what date he took the oath but I think he has taken a number of.
- 27
- 28 MR O TUATHAIL: I am beginning to think that there might be a difference
- 29 between the Tribunal oath and others in other fora
- 15:12:59 30 A. That's ridiculous.

15:13:01 1

2 JUDGE KEYS: Mr O'Tuathail, what do you mean by that?

3

4 MR O TUATHAIL: What I mean, Judge Keys, is that normally, I have been up here

15:13:09 5 on and off over the last ... and it struck me that at no stage have I heard Mr.

6 Dunlop being asked to take an oath or being reminded that he is on oath. I

7 accept the Chairman's word that he is on oath.

8

9 CHAIRMAN: Well he is under oath.

15:13:26 10

11 MR O TUATHAIL: Well that's. We'll leave it at that.

12

13 CHAIRMAN: We don't remind people necessarily that they are on oath. We don't

14 have to.

15:13:36 15

16 MR O TUATHAIL: I don't want to digress in any event. I want to go back then

17 to this window period. And I'm talking now again about the 16th of May to the

18 6th of June. Which is a self ordained window period by Mr. Dunlop in his

19 statement in relation to my client.

15:14:00 20

21 Now, when you were dealing with these matters, Mr. Dunlop, when Mr. Hanratty

22 was asking you questions. You have read out a big list of withdrawals from the

23 Rathfarnham account. And I am looking at the page, I think it's 129 on the

24 18th of April 2000. It's question 580 onwards. But I can read it out for

15:14:23 25 convenience rather than, I don't know if the system can retrieve that

26 particular page.

27

28 MS. DILLON: Is it day 149, Mr. O Tuathail?

29

15:14:30 30 MR O TUATHAIL: I haven't got the day. I have sorry. I should be able to

15:14:34 1 find the day here presently. The 18th of April 2000. It doesn't give the day
2 to me I'm afraid. But I will read it out for ...

3

4

MS. DILLON: 148. Day 148.

15:14:53 5

6

MR O TUATHAIL: Hold on now. It might come up. Yeah I'll read it out. Now,
7 Mr. Hanratty was saying to you at question 581:

8

9

"Maybe it requires some exercise I have to go through them all to get the

15:15:33 10

11

position of each one of them the withdrawals. I think I missed one for 1,000
pounds on the 28th of May 1991.

12

Q: Is the position that you don't remember anything about that either and the
13 answer is in brackets witness nods."

14

15:15:51 15

16

Now, there is 1,000 Pounds withdrawn from the Rathfarnham account on the 28th
of May '91, isn't that so, Mr. Dunlop? If you can follow that.

17

A. I am listening. It's not on screen but I accept that you are reading it

18

accurately, yes.

19

Q. 1039 Now that is the only. All of the other figures were 25,000 or greater figures

15:16:11 20

21

as I said we were talking about a total of 420,000. But on that occasion and
we're talking about your memory now. In April 2000 you could not remember the
22 reason why you took 1,000 pounds out on the 28th of May '91, isn't that so?

23

A. Correct.

24

Q. 1040 Yeah. But so you are coming along in 2003, and you are allocating to former

15:16:42 25

26

Senator Lydon and to other councillors 1,000 pounds. You can remember now what
has happened in the interim that has assisted your memory?

27

A. Well nothing substantial has happened in the interim. I have had time to

28

review all of the events that had taken place and I knew that I gave your

29

client 1,000 pounds in the time that I said that I'd give it within my

15:17:09 30

statement and I think your client certainly has acknowledged that he got money

- 15:17:18 1 from me. The only dispute between us is that he says he never got cash from
2 me.
- 3 Q. 1041 That's correct, he has acknowledged and the Tribunal is fully aware of it, an
4 unsolicited cheque for 1,000 pounds for the Senate Elections 92/93?
- 15:17:38 5 A. Hardly unsolicited, Mr. O Tuathail, however.
- 6 Q. 1042 That's his evidence. That's his position. And a cheque for 250 pounds during
7 the Local Elections of 1999. And I have repeated that on a number of occasions
8 in the past.
- 9 A. Yeah.
- 15:17:55 10 Q. 1043 And they were the only two payments that he received from you, Mr. Dunlop.
11 Now, coming back to this 1,000 pounds on the 28th of May 1991, can you explain
12 that 1,000 pounds now?
- 13 A. For the withdrawal from the bank account?
- 14 Q. 1044 Yes.
- 15:18:14 15 A. No.
- 16 Q. 1045 No. Because could this then be the source of the single transferrable 1,000
17 pounds cash bribe that you have been hawking around this Tribunal over the last
18 number of years?
- 19 A. No, that I have been ...
- 15:18:29 20 Q. 1046 Through a multitude of modules?
- 21 A. No, I have been very consistent that I stated on a number of occasions under
22 oath that I gave your client 1,000 pounds in those circumstances.
- 23 Q. 1047 Could I ask you another question then about that 1,000 pounds. Was that ever
24 part of your declarations to the Revenue in 1998, when you made your voluntary
15:18:51 25 disclosure?
- 26 A. Which 1,000? The 1,000 I withdrew or the 1,000 that I gave to your client.
- 27 Q. 1048 No, the 1,000 pounds withdrawn from, which was included in the Shefran account
28 or the Rathfarnham account and which was withdrawn on the 28th of May 1991.
- 29 A. That I cannot specifically say to you now but certainly you were right that
15:19:11 30 there was a disclosure to the Revenue in 1998.

15:19:15 1 Q. 1049 Yes. And is that disclosure finally disposed of now?

2 A. Mr. Chairman, do I have to answer that question?

3 Q. 1050 I would think so.

4

15:19:27 5 CHAIRMAN: Well, I think you've given evidence before that your Revenue
6 matters aren't finalised. So ...

7 A. Right. Well I accept the Chairman's direction. They are not finalised.

8

9 Q. 1051 MR O TUATHAIL: You see, the reason I have to ask that, Mr. Dunlop, is that
15:19:52 10 the more the Revenue accept that you had expenses of that nature, whatever
11 description or character are given to them, the less tax you have to pay.

12

13 MR. REDMOND: Mr. Chairman, just to correct Mr. O Tuathail. That is legally
14 incorrect.

15:20:05 15

16 MR O TUATHAIL: Well I will thank Mr. Redmond if he'll elaborate on that.

17

18 MR. REDMOND: I'll happily elaborate, Chairman. It's an add back and it's not
19 deductible.

15:20:16 20

21 MR O TUATHAIL: That's the first time I've heard the phrase add back. I
22 thought it was still open. I thought the books were still open or that maybe
23 finalised. An add back is, it's a funny animal that's crept in here now.

24

15:20:34 25 CHAIRMAN: Well Mr. Dunlop's position is that the matters are not finalised so
26 I am not sure of the extent to what extent he can go into what state the
27 position is at the moment. But so I think he disagrees with the suggestion
28 that you have put to him in relation to it.

29

15:20:55 30 Q. 1052 MR O TUATHAIL: Yes. Well I ... well apparently I won't be able to get

- 15:21:09 1 anything conclusive in regard to that. I reminded you before, Mr. Dunlop, I
2 think when you say that Mr. Lydon generally supported your positions that he
3 didn't support you in Baldoyle issue?
- 4 A. Correct.
- 15:21:27 5 Q. 1053 And that was a matter of sever distress to you at the time?
- 6 A. Yes, it wasn't a very successful vote.
- 7 Q. 1054 Yes. But I mean your losses there ran to, we had a figure on it before, but
8 certainly what was your own sense of the loss at that stage for the Baldoyle
9 planning?
- 15:21:47 10 A. Gosh I have forgotten about it somewhere. It's a loss is a loss. I can't
11 remember the exact, I don't know whether we actually ever computed, Mr. O
12 Tuathail, what the actual loss was but certainly I do recall us traversing that
13 ground before.
- 14 Q. 1055 I think it came to about a million or thereabouts. That's my note from the
15 past but that's on another occasion. But now, hold on. I think Ms. Dillon
16 also raised the question of transposing the Quarryvale with another model, your
17 recollection, Mr. Dunlop. I have it here if I can get it up. On the 22nd of
18 January 2008, you were giving evidence and it's Ms. Dillon I think I am quoting
19 here question 30 on page 6 of my version of it. You identify these two
20 meetings.
- 15:23:08 21
22 CHAIRMAN: We need a reference.
23
- 24 Q. 1056 MR O TUATHAIL: Day 810. I have the day now at the bottom of the page thanks
15:23:16 25 to my solicitor. Now, when you were giving evidence in Ballycullen/Beechill
26 you identified two meetings at 8101, Mr. Lydon and Mr. Hand as being its
27 occasions when you paid Mr. Lydon and Mr. Hand for their support in connection
28 with the Ballycullen development.
- 29 A. Yes.
- 15:23:34 30 Q. 1057 Do you remember giving that?

15:23:35 1 A. Yes.

2 Q. 1058 That's correct.

3 A. Yeah.

4 Q. 1059 Now she asked you a question arising out of that and I think you agreed with

15:23:43 5 her.

6 A. Question what Seamus?

7 Q. 1060 Question we're looking at question 31/32 at this stage.

8 A. Okay.

9 Q. 1061 This machine is actually working. Yeah. Now, now, that in fact, Mr. Dunlop,

15:24:11 10 is not correct and you uh-huh at that, which I think means you agree.

11

12 "So you transposed your evidence there" at question 32 then so there is a

13 transposition as it were as between Quarryvale II and Ballycullen/Beechill

14 Module?

15:24:33 15 A. Yes.

16 Q. 1062 Is that it?

17 A. Yes.

18 Q. 1063 And I remember I think 2003, five years ago.

19 A. Uh-huh.

15:24:42 20 Q. 1064 I put that to you that you were transposing different events, that your memory

21 was so difficult at that time. I think that's all I can ask you, Mr. Dunlop.

22 A. Thanks, Mr. O Tuathail and for your courtesy. Thank you.

23

24 CHAIRMAN: Mr. O'Tuathail you expressed some concern that Mr. Dunlop was not

15:25:03 25 sworn. He was sworn on the 27th of September of last year.

26

27 MR O TUATHAIL: Thank you.

28

29 CHAIRMAN: And on occasion, that was the in relation to Quarryvale II.

15:25:15 30 MR O TUATHAIL: Obligated. Obligated.

15:25:17 1

2 CHAIRMAN: All right.

3

4 MR O TUATHAIL: I hope that satisfies Judge Keys as well.

15:25:23 5

6 CHAIRMAN: Mr. Burke.

7

8 MS. DILLON: I think it's Mr. Burke.

9

15:25:34 10

CHAIRMAN: We will just take a break for five minutes. I think the
11 stenographer could do with a break for five minutes.

12

13 **THE WITNESS WAS QUESTIONED BY MR. BURKE AS FOLLOWS:**

14

15:25:39 15

CHAIRMAN: Now, Mr. Burke.

16 Q. 1065 MR. BURKE: Thank you, Mr. Chairman. Good afternoon, Mr. Dunlop. I take it
17 that you are keeping well.

18 A. Reasonably, yes, thank you.

19 Q. 1066 Good. Now, I understand that you got a First Class Honours in your law exams
20 recently. Will you accept my congratulations.

15:35:09 20

21 A. Thank you, Mr. Burke.

22

23 CHAIRMAN: Mr. Burke, could we just shorten the cross-examination.

24 A. Yes.

15:35:09 25

26 Q. 1067 MR. BURKE: What I would like to know, Mr. Dunlop, is why we haven't been given
27 the benefit of your First Class Honours mind in this module?

28 A. Well I thought maybe in answer to Mr. O Tuathail that you might get some
29 indication of it but I will accept any criticism that you make.

15:35:24 30

Q. 1068 Well you agree with me to get that type of result requires great attention to

- 15:35:31 1 detail and great recall. We haven't had much evidence of that in this module,
2 isn't that right?
- 3 A. Well I don't think I'm going to get into a disposition with you about how you
4 get a First Class Honours in law, you either get it or you don't. Whether it
15:35:48 5 is based on a knowledge of principles, which I think is the fundamental issue,
6 or whether it is based on an ability to recall case law or details is another
7 matter.
- 8 Q. 1069 Well in any event, can I ask you to cast your mind back to the 14th of February
9 2003. And on that occasion you were asked by Michael O'Higgins, Senior
15:36:07 10 Counsel, why you have broken down under cross-examination by Mr. Hanratty. And
11 you explained, and I quote:
12 "In reply to specific questions in relation to bank accounts from Mr. Hanratty
13 it was palpably obvious that there was a significant flow of money at
14 particular times which could not be explained other than in circumstances that
15:36:28 15 they were being used for the purposes of disbursements".
16 That was answer 423?
- 17 A. Uh-huh.
- 18 Q. 1070 Now, the flow of money that you couldn't account for on that occasion was in
19 the region of 175,000 Pounds or thereabouts, isn't that right?
- 15:36:42 20 A. I'll take your word for it, yes, I think that's accurate.
- 21 Q. 1071 What was it about that flow of money that you felt could not be explained
22 except in circumstances of disbursements, in other words, what was it that
23 trapped you that you broke down and you revealed what you revealed?
- 24 A. I'm afraid I am at something of a loss there, Mr. Burke. Well I can say to you
15:37:10 25 that the questioning that was put to me by Mr. Hanratty related to the
26 Rathfarnham account.
- 27 Q. 1072 Correct?
- 28 A. The lodgements into the Rathfarnham account and the withdrawals from the
29 Rathfarnham account and without putting a tooth on it, I think it was palpably
15:37:27 30 obvious to everybody, and in that I include myself, in the room at the time

- 15:37:32 1 that unless there was an alternate explanation for the usages of those
2 withdrawals it could only have been for the purposes of "war chest."
- 3 Q. 1073 Now, isn't it a fact that since April 2000 the Tribunal has uncovered far more
4 significant amounts of money which you cannot explain?
- 15:37:58 5 A. Yes, there had been various amounts of money that I cannot give a cogent
6 explanation for as to the usage.
- 7 Q. 1074 Yes. And can I have page 25822, please. And if we could turn that around,
8 please. And at the bottom right there you will see that there is a figure of
9 535,501 Pounds that remains unexplained at the moment?
- 15:38:31 10 A. Well this is the document that Ms. Dillon put to me at five to one on the last
11 day we were here as a computation by the Tribunal of all of the significant
12 outflows between a specific period December '89 to September '93.
- 13 Q. 1075 If it was palpably obvious that you were disbursing money to councillors
14 because you couldn't explain away 175,000 Pounds, isn't it equally palpably
15:38:57 15 obvious by reference to that far larger figure which you have said was not paid
16 to councillors. Doesn't it eliminate the possibility down to the fact that you
17 were disbursing that money to more senior politicians?
- 18 A. No.
- 19 Q. 1076 Why not?
- 15:39:11 20 A. Because it didn't happen.
- 21 Q. 1077 Well, again, let's look at your reaction. It's palpably obvious that was that
22 there was a significant flow of money at particular times which could not be
23 explained other than in circumstances that they were being used for purposes of
24 disbursements. You can't explain to us what happened that money sure you
15:39:30 25 can't?
- 26 A. Some of it, yes.
- 27 Q. 1078 Not all of it?
- 28 A. Not all of it.
- 29 Q. 1079 Why not?
- 15:39:34 30 A. Well there are certain things you can't explain. I'm sure you find yourself in

15:39:39 1 that position yourself from time to time, Mr. Burke. But the fact of the
2 matter is that you cannot, I cannot explain all of it. But I can assure you
3 that the answer that I gave to Ms. Dillon, a very specific question by
4 Ms. Dillon on the last day as to whether or not I had given some of that money
15:39:58 5 in either large or small amounts to more senior politicians other than we'll
6 say those at the lower end of the political gene pool.

7 Q. 1080 Mr. Dunlop, I hope to break up my examination of you into three or four
8 separate sections, and I want to signal each one in advance to you?

9 A. Yeah.

15:40:21 10 Q. 1081 And the first one I want to follow the flow of money for a short while?

11 A. Yeah.

12 Q. 1082 And I want to look at the string of memory lapses and contradictions in your
13 evidence involving some which amount to 3,564,000 pounds odd, or if you prefer
14 in excess of four and a half million Euros. And that's without making any
15:40:41 15 allowance whatsoever for inflation. I will take you to the figures in a
16 moment. First of all does that figure surprise you?

17 A. The 3 million or this one on the screen?

18 Q. 1083 No, no, no. That's only the spring board we'll move away from that very
19 quickly.

15:40:55 20 A. Obviously you are going to compute it to everybody's satisfaction. If you
21 compute it then we will deal with it.

22 Q. 1084 We'll go ahead with that then. If we could have that page on the screen again,
23 please, it seems to have disappeared again momentarily. Now, we are going to
24 move away from this page rapidly but before we do I just want to look at item
15:41:19 25 No. 28 can you see that, Mr. Dunlop?

26 A. Yeah.

27 Q. 1085 That's a payment of 25,000 pounds.

28 A. Correct.

29 Q. 1086 Now, you will remember you were quizzed on this by Ms. Dillon because very
15:41:28 30 shortly after that date which was the 17th, you met somebody in Powers Hotel,

- 15:41:35 1 do you remember that?
- 2 A. Yes.
- 3 Q. 1087 There is a diary entry if we could have it up please 10113. And will you just
- 4 dwell on that for a moment now. Do you see there at the bottom?
- 15:41:49 5 A. Uh-huh.
- 6 Q. 1088 Of Friday the 17th of September, there 5 o'clock or 5:30?
- 7 A. "5:30 Powers Hotel." Yes.
- 8 Q. 1089 Now Powers Hotel is on Kildare Street, isn't that correct?
- 9 A. It is at the bottom of Kildare Street, yes.
- 15:42:01 10 Q. 1090 And it's just across the road and down a little bit from Leinster House?
- 11 A. It is absolutely on the corner of Nassau Street, yes. Not quite. Building up
- 12 from Nassau Street.
- 13 Q. 1091 You weren't fond of that place sure you weren't?
- 14 A. Not really no.
- 15:42:14 15 Q. 1092 So it follows that you didn't nominate it as the meeting place, isn't that
- 16 right?
- 17 A. I would say that's probable, yes.
- 18 Q. 1093 All right. Now, I don't have the actual page reference but on the 13th of
- 19 February 1992, you had another meeting in Powers Hotel. Do you recollect that,
- 15:42:31 20 it was with Stephen Collins and I think you were going to discuss a book on
- 21 Mr. Haughey with him? The exact entry is "4 o'clock, Powers Hotel/S Collins
- 22 book on CJH".
- 23 A. What date is that, Mr. Burke.?
- 24 Q. 1094 The 13th of February 1992.
- 15:42:48 25 A. It's possible, yes.
- 26 Q. 1095 Yes. But what I would like to know is why when you were meeting with S
- 27 Collins, who I'm assuming if I'm wrong is the journalist?
- 28 A. Yes, he was in college with me and he is now I think the political editor of
- 29 the Irish Times.
- 15:43:03 30 Q. 1096 Why did you put his name in for meeting in exactly the same hotel, yet when you

- 15:43:07 1 were meeting with this other individual as we see there on the 17th you didn't.
- 2 A. Correct.
- 3 Q. 1097 Why not?
- 4 A. I have no idea.
- 15:43:12 5 Q. 1098 I suggest to you, Mr. Dunlop, that you were probably meeting a member of the
6 Oireachtas or a senior political official and that you might have presented
7 money to them on that date?
- 8 A. I have no say to you, Mr. Burke, as I said to Ms. Dillon the answer is no, I
9 have -- I know some politicians frequented that particular hotel. I can't
10 account for political taste but I doubt very much if any senior politician
11 would be meeting in Powers Hotel.
- 12 Q. 1099 Over the last few months, Mr. Dunlop, we have seen how you have interfered with
13 your diary, we have seen how you have removed the names of people from your
14 diary and then we've seen through the magic of chemical X-rays how we've been
15 able to find out who you met. So we know that you do, that you have interfered
16 with your diary, isn't that correct?
- 17 A. Yes, I have in answer to Ms. Dillon and as Ms. Dillon outlined there have been
18 vary various things done to the diary.
- 19 Q. 1100 Yes. And we've seen other examples of forging signatures, Barry McCarthy and
15:44:31 20 people like that?
- 21 A. Uh-huh.
- 22 Q. 1101 Isn't that so?
- 23 A. That's correct.
- 24 Q. 1102 Now, Mr. Dunlop, what I am suggesting to you here is that this is another
15:44:37 25 example of where you are withholding evidence from the Tribunal. I am
26 suggesting to you that even back on that date, you were aware the danger of
27 putting the name of that individual you are meeting unnecessarily in your
28 diary. And you were therefore careful unlike in the example with Mr. Collins,
29 you were careful not to put it in. Do you agree or disagree?
- 15:45:07 30 A. I disagree. I can answer that question in two ways.

15:45:07 1
2 1. You used a phrase "withholding information from the Tribunal" it's a
3 relative matter. And you and I can have a long debate about what constitutes
4 withholding information or not withholding information. In relation to this
15:45:18 5 particular item I have consistently said that I have no idea what I was doing
6 in Powers Hotel on that day or with whom.
7 Q. 1103 Very good. Well we will move on. Now, can I just get back page 25822 for a
8 moment, please. Do you see item 14 there? That's a heading for Mr. Kennedy
9 that's for 25,000 pounds. Now, do you recall in Carrickmines Module you were
15:45:52 10 examined about that payment and it was suggested to you and in fact it mightn't
11 have been 25,000, it might have been 50,000?
12 A. I don't recollect that, Mr. Burke, but I'm sure if you are reading from a
13 transcript then I'm sure that's correct.
14 Q. 1104 Yes. And what you actually said was it was suggested to you on the basis of
15:46:12 15 what. I will call up the page, page 4596, please.
16 A. Yeah.
17 Q. 1105 Do you remember the entry there at the top for Tuesday the 5th of February?
18 A. Yes.
19 Q. 1106 There is a reference there 50,000?
15:46:25 20 A. Uh-huh.
21 Q. 1107 5,000 but not less than 150 plus 50, if over. And I think that says 5 million
22 but you can correct me if it's three?
23 A. I think it looks more like three actually, Mr. Burke, for accuracy I think it's
24 more like three.
15:46:42 25 Q. 1108 Yes. Now, you were cross-examined on that by Mr. O'Higgins and there was a bit
26 of a tussle. And you withdrew from your adamant stance that you had received
27 25,000 pounds and you said that it was possible that you believed you only then
28 believed that you got 25. You were no longer adamant. Now, there was a subtle
29 shift and you were asked about that subtle shift and you said that you
15:47:08 30 appreciated the point. The only point that I am making to you now is that you

15:47:12 1 were no longer adamant that you got 25. You had switched to a belief that it
2 was. Do you recollect that?

3 A. I am aware, as you quite rightly pointed out to the Chairman and the Tribunal
4 today we are dealing with almost 25,000 pages in the Quarryvale Module. This
15:47:30 5 is way back when. I had a recollection and my recollection is that I was asked
6 about this entry in my diary on in number of occasions including by
7 Mr. O'Higgins and indeed by the Chairman, the current Chairman I mean. And I
8 said that I could not give an accurate recall as to what that entry meant. If
9 you say that I was less than adamant in relation to the 25, I accept what you
10 are saying but I mean I don't have an alternate explanation.

11 Q. 1109 Yes. That was on day 357 which was the 13th of February 2003.

12 A. Uh-huh.

13 Q. 1110 Around about questions and answers 190 or thereabouts. You stated at 190 with
14 respect when you were asked with that entry was "I have no idea what it refers
15:48:15 15 to".

16 A. Correct.

17 Q. 1111 Now, in the meantime has anything jogged your memory?

18 A. No, I have no idea what that entry refers to.

19 Q. 1112 Now, I want to return to the mathematical calculation that I highlighted
15:48:27 20 earlier on which comes to over four and a half million. I am not saying that
21 you got paid 250,000. You got paid 25 maybe 50,000 by Mr. Kennedy but there is
22 still a mystery attaching to what that diary entry is about and I am suggesting
23 to you, therefore, that for the purpose of this calculation, I am going to
24 add-on to the figure we've already seen at the bottom of page 25822, a further
15:48:59 25 225,000 pounds which is not explained. Do you follow the premise I'm working
26 on?

27 A. And the only response I can make to you is I'm delighted that you are a
28 barrister and that you are not working for the Revenue Commissioners.

29 Q. 1113 If you can explain any of the mysterious sums that I am referring to we will
15:49:18 30 remove them from the calculation?

- 15:49:18 1 A. Yes, okay.
- 2 Q. 1114 So as it stands now at 760,501 pound. And I move on. If you could look there
- 3 at item 24, I think refers to Ballycullen?
- 4 A. Yeah.
- 15:49:32 5 Q. 1115 Now in that module you started out stating that I think you had received a
- 6 payment of some either 15 to 17 and a half thousand pounds or thereabouts?
- 7 A. Yeah.
- 8 Q. 1116 But by the end of the module we'd seen that in fact you had received in fact an
- 9 additional 44,000 Euros or thereabouts. When you were asked to explain this
- 15:49:50 10 leap you state and I quote you "I just do not have a cogent explanation". Do
- 11 you have a cogent explanation now?
- 12 A. As far as I'm concerned, the same answer applies. We have long since passed
- 13 Ballycullen.
- 14 Q. 1117 So that's another 44,000 of which -- to which an element of mystery attaches
- 15:50:11 15 and that brings me up now to 804,501 Euros. Again do you follow the premises?
- 16 A. Yes, I am following the basis on which you are doing this experimental
- 17 calculation.
- 18 Q. 1118 Now, I want to be at pains and say I am talking about sums of money not
- 19 necessarily every sum that's coming in and some of the sums are going out, some
- 15:50:34 20 of them are going into accounts and some of them we can't explain. And do you
- 21 remember that there was a lodgement of 79,850 Sterling, Comex lodgement?
- 22 A. Yes.
- 23 Q. 1119 Which I think was made up of 45 odd and 34 odd in Sterling. We looked at this
- 24 on day 764. Do you remember the Comex money?
- 15:50:58 25 A. Yeah.
- 26 Q. 1120 You will also recall that you have explained to us that you made an improper
- 27 payment of 5,000 pounds to Liam Lawlor by way of a cheque made out to Comex,
- 28 isn't that correct?
- 29 A. Correct.
- 15:51:10 30 Q. 1121 And you have some vague idea that Comex might have been based in the central

- 15:51:16 1 Europe somewhere perhaps Switzerland is one of the countries that you
2 suggested?
- 3 A. Yes.
- 4 Q. 1122 At one stage you felt it might have had some connection with a Mr. Quinn, do
15:51:25 5 you recollect that as well?
- 6 A. Yes, I do.
- 7 Q. 1123 In any event, you describe this as one of the most frustrating exercises that
8 you had to carry out on behalf of the Tribunal because you were unable to
9 explain this. Has anything in the meantime occurred which has enabled you to
10 explain where that money came from?
- 11 A. No, no.
- 12 Q. 1124 Now, I know it's Sterling but just for simplicity I am just going to treat it
13 as if it's old punts which brings us now to the figure 884,351?
- 14 A. I thought for a moment there, Mr. Burke, you were going to convert it into
15:52:02 15 Dollars, sorry.
- 16 Q. 1125 Now, there was another lodgement which was, if we have page 6162, please. Now,
17 I have clearly taken down the wrong number here. There was another lodgement
18 of 86 --
19
- 15:52:25 20 JUDGE FAHERTY: 6164 Mr. Burke.
- 21 Q. 1126 I am in gratitude, Judge Faherty.
22
- 23 JUDGE FAHERTY: I think.
24
- 15:52:35 25 Q. 1127 MR. BURKE: These are your Frank Dunlop & Associates books.
- 26 A. Yes.
- 27 Q. 1128 And there is a lodgement there of 86,605.21 pound?
- 28 A. Uh-huh.
- 29 Q. 1129 And that's attributed to Comex trading corporation?
15:52:49 30 A. Yes.

- 15:52:50 1 Q. 1130 There is an element of mystery attaching to that. Have you an explanation for
2 us in the meantime?
- 3 A. No, not in relation to Comex.
- 4 Q. 1131 That takes us now to 970,956 pounds of which you can't give us a full detailed
15:53:06 5 and adequate explanation. I will move on. You recollect the sum of 300,000
6 plus VAT bringing it to 363,000 which Mr. O'Callaghan paid you in 1998.
- 7 A. In October 998, yes.
- 8 Q. 1132 And initially you told us in Carrickmines that it was for lifting the cap on
9 Quarryvale. Do you recollect that?
- 15:53:33 10 A. Yes, success fee, yes.
- 11 Q. 1133 And there were a series of questions which clarified the historical fact that
12 you did little or no work in or about lifting the cap, do you recollect that?
- 13 A. Correct.
- 14 Q. 1134 In fairness to you now you did say perhaps Mr. O'Callaghan had consulted you a
15:53:52 15 few times, do you recollect that as it were?
- 16 A. Yes, yes.
- 17 Q. 1135 Now, subsequent to this. Well initially when Mr. O'Higgins was cross-examining
18 you, you made no reference whatsoever connecting this money to Revenue
19 difficulties, do you accept that?
- 15:54:08 20 A. If you say so, I can't recollect the account at all between Mr. Higgins and
21 myself which is quite a long time ago now in my memory. But certainly, yes,
22 there was a question about the Revenue obligations. I think in fact that came
23 up as a result of a question from Mr. O Tuathail.
- 24 Q. 1136 Well on this issue, on the money.
- 15:54:33 25 A. Uh-huh.
- 26 Q. 1137 Not on the general revenue. I have the citation if you want it for that. We
27 won't deal with that. On day 356 which was the 12th of February 2003 between
28 questions 637 and 667 you were asked about this?
- 29 A. Uh-huh.
- 15:54:48 30 Q. 1138 And you make no reference whatsoever to any connection between this money which

15:54:53 1 you got from Mr. O'Callaghan and difficulties you were having with the Revenue
2 Commissioners. And then at question 668, Mr. O'Higgins sprang the following on
3 you. He said:

15:55:04 5 "Let me hazard a guess you went with that 300,000 and you gave it to the tax
6 man did you not?" And then you answered "yes I did". And at a later stage at
7 question 671 Mr. O'Higgins said "You went to Mr. B" we all know now Mr. B is
8 Mr. O'Callaghan, isn't that correct?

9 A. Mr. B?

15:55:29 10 Q. 1139 Mr. B as he was then referred to because we weren't referring to him by name?

11 A. Yes.

12 Q. 1140 You went and I want to stress you went. You went to Mr. B and you said that
13 the terms of reference has changed, discovery is going to be all over us and I
14 better get to the revenue fast. And he gave you 300,000 that's the way it was
15 wasn't it Mr. O'Higgins asked you and your response to that was no?

16 A. Uh-huh.

17 Q. 1141 I think you were slightly eliding matters. Now how can you reconcile that with
18 what you are now telling us because on day 806 which was the 15th of January
19 2008, you gave the following answer at 439. And skipping a few words.

15:56:12 20
21 "My recollection is that I told Mr. O'Callaghan specifically that I requested,
22 was requesting the 300,000 pounds in the circumstances that obtained then, that
23 I had difficulty with the Revenue, that I wanted to address, whether I told Mr.
24 O'Callaghan specifically the nature of any advice I had gotten from Mr. McGowan
15:56:32 25 or what I had told Mr. McGowan, I cannot specifically say that to you. But
26 certainly I did tell Mr. O'Callaghan that I had difficulties in relation to
27 tax".

28
29 Now, how can you reconcile that with what you were telling us in Carrickmines?

15:56:46 30 A. Well I don't think that there is anything to reconcile. I mean, I told you in

15:56:54 1 Carrickmines when it was, whatever that date was, that I had a requirement. I
2 had a success fee arrangement with Mr. O'Callaghan, I called it in. I think
3 Ms. Dillon actually quoted from the private sessions in relation to the use of
4 that phrase I called it in. And I think she also eluded to Mr. O'Higgins'
15:57:15 5 questions when I said I either demanded it or called it in. And I called it in
6 because I needed it and the purposes for which it was required was because that
7 I wished to defray tax, potential tax.

8 Q. 1142 I am not interested in a reason Mr. O'Callaghan according to your version of
9 events pays you. I am interested in the contradiction in Carrickmines you are
15:57:40 10 denying that you went to Mr. O'Callaghan and you explained your revenue
11 difficulties. Your answer was no to that. No I think you're eliding matters.
12 And then in this module you give us a completely different story. Now to speed
13 up matters, Mr. Dunlop, all I am saying here is that you have given a
14 contradictory explanation?

15:58:00 15 A. No, that is not correct. I told you in Carrickmines that I went to Mr.
16 O'Callaghan and I called in the success fee. The purposes of calling in the
17 success fee, as you and I and everybody in this room now know, was because I
18 had been advised in relation to tax and that I had a tax, potential tax
19 liability and I wished to defray it. Now.

15:58:23 20 Q. 1143 The Tribunal --

21 A. I told Mr. O'Callaghan in full detail or not. The fact is I demanded, called
22 in, whatever phrase you like to use, the 300,000.

23 Q. 1144 Well the Tribunal can examine the transcripts and the Tribunal can make up its
24 mind?

15:58:41 25 A. Of course.

26 Q. 1145 I am suggesting to you for the record, Mr. Dunlop, that the reason that you
27 have switched is because Mr. O'Callaghan in his statement states that he was
28 aware of the fact that you had difficulties in relation to the revenue at that
29 time so you had to change your story?

15:58:53 30 A. No. I have always said that I went to Mr. O'Callaghan for the purposes of

15:58:57 1 getting the success fee. The purposes of getting the success fee were quite
2 clear and have always been clear in my mind.

3 Q. 1146 In Carrickmines you told us that it was a success fee in respect of the lifting
4 of the cap for which you had done no work, isn't that correct?

15:59:11 5 A. I certainly said quite genuinely that I don't believe that I did very much work
6 in relation to the lifting of the cap other than having discussions with Mr.
7 O'Callaghan. I did not lobby in other words.

8 Q. 1147 I don't want to dwell on it. Why would somebody pay you 363,000 pounds
9 including VAT when you had done very little or no work by your own account?

15:59:33 10 A. Well, that was an arrangement that I had with Mr. O'Callaghan and I am sure Mr.
11 O'Callaghan tell you can tell you when he comes to give evidence as to why he
12 considered it appropriate.

13 Q. 1148 Well if you add that to my tally it brings us to over 1.3 million.
14

15:59:48 15 CHAIRMAN: Now --

16 A. What's going on mere?
17

18 CHAIRMAN: Mr. Burke, can we just understand the basis on which you are adding
19 up all of these figures? I understand it is on the basis that this is money
16:00:11 20 that about which there is no known or apparent use.
21

22 MR. BURKE: No, no, no
23

24 CHAIRMAN: As explained by Mr. ...
16:00:11 25

26 MR. BURKE: Absolutely not. The half a million is the spring board to begin
27 going down this road. I have the note here. These sums relate to where there
28 are unanswered questions, memory lapses or contradictions in his evidence.
29

16:00:26 30 CHAIRMAN: Well you say that this 300,000, that there is a contradiction.

- 16:00:30 1
- 2 MR. BURKE: Yes.
- 3
- 4 CHAIRMAN: Yes.
- 16:00:31 5
- 6 MR. BURKE: In what he is saying to us in Carrickmines and what he is saying to
- 7 us now.
- 8
- 9 Q. 1149 Could I have page 8648, please. Could we blow up the first two substantial
- 16:00:50 10 paragraphs there, perhaps. Now, do you see the phrase there, this is a banking
- 11 document and it's the bank reporting on what Mr. O'Callaghan said. Do you see
- 12 there at the end of the first substantial paragraph the bank records "his
- 13 lobbying conditions" and that's a reference to Mr. O'Callaghan?
- 14 A. Yep.
- 16:01:12 15 Q. 1150 "And he indicated that he had injected 85,000 into the situation from
- 16 O'Callaghan Properties". Now, you were the lobbyist for Mr. O'Callaghan, isn't
- 17 that right?
- 18 A. Correct.
- 19 Q. 1151 And you were liaising on a daily basis almost with Mr. O'Callaghan?
- 16:01:28 20 A. Yes.
- 21 Q. 1152 And you were aware of what was happening and you were directing events?
- 22 A. Yes, to a large extent, yes.
- 23 Q. 1153 Yes. Yet you can't tell us anything about this 85,000?
- 24 A. Well I don't see why I should even attempt to make an explanation. This is a
- 16:01:47 25 note if I recollect correctly, that was made after a meeting between the bank
- 26 and Owen O'Callaghan and this is a note that was prepared by a bank official as
- 27 to what Mr. O'Callaghan said. I can't be asked even on a hearsay basis to
- 28 start explaining what Mr. O'Callaghan meant about injecting 85,000 into the
- 29 situation from O'Callaghan Properties.
- 16:02:08 30 Q. 1154 Well I suggest to you that you should be able to. I mean, if you were in

16:02:12 1 charge of the lobbying, and that's referring to his lobbying continues etc. you
2 should know what was going on, you should know what monies were being spent and
3 you can't and that's fair enough and I will move on unless you can offer an
4 explanation. If you can't, that's all right, I'm not going to dwell on it.

16:02:27 5 A. That may well approximate to you not being able to explain you lodging 50,000
6 pounds into your wife's account. She might not be able to explain the reasons
7 for it other than the 50,000 pounds appeared in her account. I mean, I cannot
8 be reasonably asked to explain what Mr. O'Callaghan meant. Mr. O'Callaghan is
9 going to be a witness in this Tribunal and he will be asked that question
10 presumably.

16:02:50 11 Q. 1155 Well perhaps he will be able to answer it.

12 A. Well, yes.

13 Q. 1156 For the moment we don't have any answers, isn't that right?

14 A. Correct.

16:02:57 15 Q. 1157 Very good. Now, could I have page 22039 please. This is another AIB document
16 and it's dated the 3rd of October 1996. And I think this is where you make
17 reference to monies that you anticipate you are going to be paid and they come
18 to if I have the right document, they come to a million Pounds. The document
19 was created by John Ahern of AIB and the 1 million you have stated to us is
16:03:29 20 well I am saying you have stated, it's a mystery. You denied that there was
21 any reality to receiving a further 1 million and I think the best you can do is
22 to suggest that it might have been something to puff you up in front of the
23 bank but that was speculation on your part. Do you remember that evidence?

24 A. Yes, I do.

16:03:44 25 Q. 1158 Now, I don't want you to speculate. I want a definitive answer. Can you give
26 me one?

27 A. No.

28 Q. 1159 Very good. That takes us to 2.4 million. Now, we also learnt that Mr.
29 O'Callaghan gave you 364,000 pounds in legal fees. If you include the VAT
16:04:03 30 that's 440,899. Now, I appreciate that there may be a claw back for VAT and

16:04:13 1 all of that. So the VAT was paid over so I'm going to include it. So the
2 inference that I am suggesting to you is first of all that both he and you knew
3 that you had no intention of cooperating with the Tribunal and you wanted a
4 guarantee of your fees, do you agree with that?

16:04:29 5 A. No, I don't.

6 Q. 1160 Well let's move on to what Mr. O'Callaghan says then about your legal fees. In
7 his statement he says "in April 2000, Mr. Dunlop, gave evidence at the Tribunal
8 and his revelations came as a total surprise to me. Having thought about these
9 revelations it became apparent to me that Mr. Dunlop's involvement in the
16:04:48 10 Tribunal was not one which related solely to his link with the Quarryvale
11 development, I decided to cease any assistance given to Mr. Dunlop in his
12 involvement with the Tribunal as it would appear that one, he was taking monies
13 paid to him or Shefran Limited put forward for professional work done and
14 advices given by me and my connected companies in respect of the Quarryvale
16:05:11 15 development and putting them or a part of them into a "war chest" which he then
16 in turn utilised for payments to certain elected members. And two, he was
17 involved with other developments" etc.

18
19 And he pretty much after that ceased paying you money, isn't that right?

16:05:27 20 For the moment this question remains unanswered.

21 A. It's a question that in -- in the due course of time and for goodness sake
22 David, Mr. Burke, we've been here for ten years and likely we are going to be
23 here for quite some time longer, I am encouraged by the vehemence with which
24 the Chairman responded to me when I suggested that to him some six months ago
16:08:51 25 that he certainly wasn't going to be here in ten years time. So I am presuming
26 that this matter will be dealt with very shortly.

27 Q. 1161 I will move on quickly now to try and save some time. On Monday, 1st October
28 you gave contradictory evidence about a smaller sum of 40,000. You said that
29 Owen O'Callaghan was not present when Liam Lawlor had sought 40,000 from you
16:09:11 30 yet in the private sessions, you said that he had been present. Now, clearly

- 16:09:17 1 we see the obvious contradiction there. Can you enlighten us as to how you got
2 that wrong?
- 3 A. No, I cannot other than it to, and I suspect you don't want to hear any
4 indication or evidence from me in relation to the remit of the private sessions
16:09:38 5 or what took place in the private sessions and what is recorded and not
6 recorded. But certainly if I said in the private sessions that Liam Lawlor was
7 not present. That is not correct.
- 8 Q. 1162 So there is a contradiction concerning the sum of 40,000. That's all I'm
9 asking you to recognise?
- 16:09:53 10 A. Well you are not going to get any reconciliation of that matter from me today.
- 11 Q. 1163 Can I have page 25548 please. Please, at 25548. This concerns a payment of
12 70,000 pounds by Owen O'Callaghan?
- 13 A. Yeah.
- 14 Q. 1164 You see it there on screen.
- 16:10:16 15 A. Yeah.
- 16 Q. 1165 Do you recognise it, Mr. Dunlop?
- 17 A. Yes.
- 18 Q. 1166 This concerns the National Stadium.
- 19 A. Yes.
- 16:10:30 20 Q. 1167 Now, the only actual service that you performed at this stage was to organise a
21 few meetings with government ministers and we saw while other invoices were
22 referred to by Mr. O'Callaghan in documentation which he provided to the bank
23 this one is excluded. Despite the fact of the invoice behind this figure of
24 70,000 had issued. And you were asked to explain this on the 5th of February
16:10:44 25 and you replied I'm afraid I can't. I take it that you can't do so either now?
- 26 A. No, can you give me the direct question again sorry, Mr. Burke. Why, what are
27 you asking specifically?
- 28 Q. 1168 Yes. There were other invoices which were referred to.
- 29 A. Yeah.
- 16:10:59 30 Q. 1169 By Mr. O'Callaghan.

16:11:00 1 A. Yes.

2 Q. 1170 Which he furnished to the bank.

3 A. Which Mr. O'Callaghan furnished to the bank.

4 Q. 1171 Yes, Mr. O'Callaghan furnished.

16:11:07 5 A. Sorry.

6 Q. 1172 This one was excluded despite the fact that it was in existence at that stage.

7 A. Excluded by Mr. O'Callaghan.

8 Q. 1173 Yes.

9 A. I think Ms. Dillon traversed this territory as well. Again, why Mr.

16:11:21 10 O'Callaghan did not include it, I just can't say. All I can say to you is that

11 I got it, I gave the circumstances in which I got it, how I got it, and the

12 Tribunal has very successfully outlined in its examination in relation to the

13 various banking transactions that resulted in the payment.

14 Q. 1174 Page 25792, please.

16:05:29 15

16 MS. DILLON: I wonder, I don't wish to interrupt Mr. Butler.

17

18 CHAIRMAN: Mr. Burke.

19

16:11:52 20 MS. DILLON: Just a small matter of clarification. In the analysis that

21 Mr. Burke is presently conducting and in the figures that he is computing to

22 add up to the figure of two or three million that Mr. Burke outlined at the

23 beginning, is Mr. Burke saying that the figure of 70,000 pounds, the cheque for

24 which was just on screen, is now being added by him to the total of the figures

16:12:13 25 that were already on the screen? Is that the exercise that Mr. Burke is

26 engaged in?

27

28 MR. BURKE: Yes, correct. On the basis as I stated at the outset that where

29 there are unanswered questions, memory lapses or contradictions or unexplained

16:12:28 30 outgoings.

16:12:29 1
2 MS. DILLON: The only point I wish to make about that, is of that sum of
3 70,000 pounds that Mr. Burke has added to the total 55,000 pounds of it is
4 already in the original set of figures that the Tribunal provided to Mr.
16:12:41 5 Dunlop. And therefore, in fairness to Mr. Burke on the analysis that he is
6 doing, he should only be adding in the difference between 55 and the 70.
7
8 MR. BURKE: I am very happy to do that, Chairman. If at the end of the day I
9 am out by 2 or 300,000 pounds I don't think it makes any difference. It's
16:12:59 10 still an astronomical sum.
11
12 CHAIRMAN: Can you I just ask you, Mr. Burke, are you adding in the costs
13 figure into your calculations?
14
16:13:05 15 MR. BURKE: Any sum which Mr. Dunlop cannot explain or which gives rise to a
16 contradiction I am adding in.
17
18 CHAIRMAN: Where is the conflict there?
19
16:13:16 20 MR. BURKE: The conflict is, he cannot explain how when this, when the invoice
21 which gave rise to this 70,000 was in existence why it wasn't brought to the
22 attention of the bank
23
24 CHAIRMAN: No no I'm talking about the costs. The legal fees. That Mr.
16:13:31 25 O'Callaghan paid to ...
26
27 MR. BURKE: The unanswered question there is why he was never asked for the
28 money back and why he continued paying after the 19th of April. These are
29 unanswered questions in my respectful submission.
16:13:44 30 CHAIRMAN: So you are saying, I mean, it was an interesting -- it sounded like

16:13:49 1 an interesting exercise when you embarked on it. But it's now becoming very
2 clouded. I mean, at the moment the evidence is that Mr. O'Callaghan, the
3 evidence we have is that Mr. O'Callaghan paid over 300,000 in legal costs to
4 Mr. Dunlop.

16:14:09 5
6 MR. BURKE: Uh-huh.

7
8 CHAIRMAN: And up to around the time his evidence altered in --

9
16:14:19 10 MR. BURKE: April of 2000.

11
12 CHAIRMAN: Yes.

13 A. April/May.
14

16:14:23 15 CHAIRMAN: But I don't quite understand where there is a conflict. There is
16 some money paid admittedly after the date when the evidence changed. To
17 suggest that there is a complete conflict in relation to that money.

18
19 MR. BURKE: Well in the first instance almost half of it is paid after April of
16:14:49 20 2000. And the question I had which Mr. Dunlop can't answer is that perhaps Mr.
21 O'Callaghan can answer it indeed perhaps Mr. O'Callaghan will be able to answer
22 it. Is why if having paid out all of this money on the false premise that Mr.
23 Dunlop had not been doing anything wrong and when he was working for Mr.
24 O'Callaghan on the Quarryvale project, he did not then subsequently ask for his
16:15:16 25 money back.

26
27 CHAIRMAN: Yes but you are not suggesting that the figures that you are adding
28 in arise because of matters that had been left unanswered in terms of the
29 evidence relating to those sums.

16:15:27 30 MR. BURKE: No the only --

16:15:29 1
2 CHAIRMAN: In other words, you are saying that there may be a question mark,
3 there is a question mark over the legal costs pending the evidence of Mr.
4 O'Callaghan.

16:15:38 5
6 MR. BURKE: Correct, as I have just outlined.
7

8 MS. DILLON: It is a quarter past four. I understand that it won't be
9 possible to sit beyond ...

16:15:51 10
11 CHAIRMAN: All right. Well we will have to await another day, Mr. Burke.
12

13 MR. BURKE: Very good, Mr. Chairman. Now, as I understand it Mr. Dunlop isn't
14 here for the rest of this week.

16:16:02 15
16 MS. DILLON: That's correct, Sir. As of now we have no arrangement for the
17 return of Mr. Dunlop next week.
18

19 CHAIRMAN: All right.

16:16:08 20
21 MS. DILLON: And beyond that it's a question of the availability of Mr. Dunlop
22 and that hasn't crystallised as it were for the following week. There are
23 other witnesses tomorrow.
24

16:16:18 25 CHAIRMAN: We are sitting at what time tomorrow?
26

27 MS. DILLON: At half past ten.
28

29 CHAIRMAN: Half past ten. All right. Well we'll resume Mr. Burke's
16:16:27 30 cross-examination as soon as we can.

16:16:28 1

2

MS. DILLON: Yes.

3

4

CHAIRMAN: The Tribunal solicitor can contact Mr. Dunlop's solicitor and

16:16:34 5

Mr. Burke's solicitor to arrange the next episode.

6

7

MS. DILLON: Yes, Sir.

8

9

MR. BURKE: Thank you, Chairman.

16:16:41 10

11

THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,

12

WEDNESDAY, 13TH FEBRUARY 2008, AT 10.30 A.M.:

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