

THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY

6TH FEBRUARY 2008, AT 10.30 A.M:

10:26:04 1 MS. DILLON: Good morning, Sir.

10:41:46 5
6 Mr. Liam Creaven was scheduled to give evidence this morning. And I think that
7 Ms. Colman from Liam Stores solicitors is in attendance. And I think that
8 Mr. Creaven has a medical difficulty in relation to his attendance today. And
9 the medical position as I understand it won't become clear to Mr. Creaven's
10 solicitors until after the 12th of this month, in which it will become clear
11 when Mr. Creaven might be available to give evidence. So in those
12 circumstances, Sir, I would suggest that I you stand down Mr. Creaven for today
13 and we will be in a position to update the Tribunal after the 12th of February.
14

10:42:04 15 CHAIRMAN: All right. We'll do that.

16
17 MS. DILLON: Right. I think the second witness that was scheduled for this
18 morning is Ms. Mary Elliott. And due to a breakdown in communication, Sir,
19 Ms. Elliott won't be here today. And therefore the only witness will be Jim
10:42:38 20 Fahy this morning.

21
22 CHAIRMAN: We are sitting at two o'clock.

23
24 MS. DILLON: For Mr. Dunlop.

10:42:44 25
26 CHAIRMAN: All right.

27
28 MS. DILLON: May it please you, Sir.

29
10:42:47 30 MR. QUINN: Mr. James Fahy, please.

10:42:50 1
2 I think Mr. O'Siochain has an application for representation on behalf of Mr.
3 Fahy.
4

10:42:54 5 MR. O'SIOCHAIN: ... And I recollect making ...
6
7 CHAIRMAN: Sorry, we can't hear. The stenographer can't hear you.
8

9 MR. O'SIOCHAIN: I am instructed by William Hackett & Co. and I recollect
10:43:14 10 making an application on an an earlier occasion some time ago, I just need
11 clarity to make it now.
12

13 CHAIRMAN: All right. We will grant representation anyway if it hasn't been
14 already.
15

10:43:26 16 MR. O'SIOCHAIN: Thank you.
17

18 **MR. JIM FAHY HAVING BEEN SWORN, WAS QUESTIONED BY**
19 **MR. QUINN AS FOLLOWS:**

10:43:42 20
21 CHAIRMAN: Good morning, Mr. Fahy.
22 A. Good morning.
23

24 MR. QUINN: Good morning, Mr. Fahy.
10:43:47 25 A. Good morning.
26 Q. 1 Mr. Fahy, I think that between 1985 and June 1991, you were an elected
27 representative for Dublin County Council for Fianna Fail representing the
28 Mulhuddart ward, is that correct?
29 A. That's correct.
10:44:03 30 Q. 2 And I think on the 20th of December 1999, if I could have 1952, please. The

10:44:09 1 Tribunal wrote to you and asked you to provide a statement in relation to a
2 number of matters, isn't that correct? And I think what you did was you
3 returned the letter to the Tribunal with your comments, isn't that correct?
4 A. That's correct.

10:44:26 5 Q. 3 And the matters that you were asked to respond to were included the following.
6 Whether you attended any public meetings other than Council meetings in
7 connection with the rezoning of Quarryvale and you said no, isn't that correct?
8 A. That is correct.

9 Q. 4 And I think you also answered no to the question of whether or not you attended
10 any private meetings in relation to the rezoning of Quarryvale, is that
11 correct?
12 A. That is also correct.

13 Q. 5 And at 1953, I think you told the Tribunal that you were not requested by any
14 party to provide assistance in relation to the proposal to rezone Quarryvale,
15 is that correct?
16 A. That's correct.

17 Q. 6 And I think you say that you hadn't been lobbied in connection with the
18 rezoning of Quarryvale, is that correct?
19 A. That is correct as far as my memory goes, I have no memory of anybody --

10:45:01 20 Q. 7 Yes.
21 A. -- of anybody canvassing on behalf of Quarryvale.

22 Q. 8 And you were asked whether you solicited or did solicit. Sorry. Whether you
23 were requested to or did solicit support from any member of the Council and you
24 said no, isn't that right?
25 A. Yes, that's right.

10:45:26 26 Q. 9 And finally, you were asked whether you had at any time and for any purpose
27 been in receipt of payments, donations, benefits, including any form of gift,
28 assistance, service facility, entertainment or any other benefit of a
29 non-monetary nature from any party or parties who were involved in the
10:45:48 30 development of the Quarryvale shopping centre or for any persons or companies

10:45:49 1 acting on behalf of the developers and the developers were identified to you
2 and the parties acting on their behalf were identified to you as being Frank
3 Dunlop & Associates, Shefran Limited and Frank Dunlop. And I think you told
4 the Tribunal in December of 1999, that you weren't in receipt of any such
10:46:10 5 payments, isn't that correct?
6 A. That may be correct but since that I believe I do have a donation ...
7 Q. 10 At this time you had advised the Tribunal that you were not in receipt of any
8 donations, isn't that correct?
9 A. Correct.
10:46:23 10 Q. 11 And then I think at the end you put in a post script as follows. "You say that
11 you had checked with Dublin County Council and they tell you that this rezoning
12 took place in 1993. I was elected from 1985 to 1991". Is that correct?
13 A. That's also correct.
14 Q. 12 Now, as you say I think you were in subsequent correspondence with the Tribunal
10:46:47 15 and the Tribunal had raised further issues with you in relation to the matters
16 in issue and you were asked, I think and/or advised on the 14th of June 2001,
17 if I could have 1955 please. That the Tribunal had information which suggested
18 that during the course of the making of the 1993 Development Plan you had
19 received amounts of monies totalling approximately 2,000 pounds from Mr. Frank
10:47:12 20 Dunlop.
21
22 And that part of the sum of money mentioned had been given to you for your
23 support for the rezoning of lands at Quarryvale, isn't that right? And I think
24 you responded to the Tribunal. If I could have 1956, please, on the 27th of
10:47:30 25 June 2001.
26
27 You say "With reference to your letter of the 14th of June, I wish to state
28 that I do not hold in my possession any records, diaries or any other materials
29 relating to the Quarryvale developments. With reference to the second
10:47:41 30 paragraph in your letter I also wish to state the following.

10:47:43 1 1. Frank Dunlop - known to me from moving in Council circles. I had no
2 meetings with him.

3 A. Correct.

4 2. Owen O'Callaghan - I had no meetings with him.

10:47:55 5 A. None.

6 Q. 13 3. Advisors or representatives of Owen O'Callaghan. I had no meetings with
7 them.

8 4. Ambrose Kelly. I had no meetings with him.

9 5. Liam Lawlor known to me as a TD in my constituency. I had no meetings with
10 him with regarding Quarryvale.

11 A. Correct.

12 Q. 14 6. Pdraig Flynn, I had no meetings with him.

13 A. Correct.

14 Q. 15 7. Tom Gilmartin I had no meetings with him.

10:48:14 15 A. Correct, Sir.

16 Q. 16 And I think on the same date. If I could have 1957, you wrote as follows to
17 the Tribunal.

18

19 "I refer to your letter of the 14th of June 2001.

10:48:25 20 With reference to paragraph A thereof, as advised in my letter to you of the
21 11th of June, I recently obtained statements of a donations account from the
22 bank, which I am presently in the course of researching. However, you mention
23 in that paragraph that sums of money totalling approximately 2,000 pounds were
24 received by me from Frank Dunlop during the 1993 Development Plan. I did not
10:48:45 25 receive amounts of money from Frank Dunlop or indeed anyone else during this
26 period.

27

28 However, during the election campaign of June 1991, I did receive a political
29 donation from Frank Dunlop of 2,000 pounds. This was by way of cheque but I
10:48:59 30 cannot remember the company's name. No part of this cheque was for support re

10:49:05 1 rezoning but was given as a donation on foot of a letter circulated to firms
2 requesting their support to fight a political campaign. The cheques with was
3 issued during the campaign.
4

10:49:16 5 When I was first interviewed by the Tribunal solicitor this question arose. I
6 stated at that time that I was not sure about donation from Frank Dunlop.
7 After the meeting I rang Frank Dunlop to confirm with him and he told me he
8 gave me no money. Some weeks later I got a phone call from the Tribunal
9 solicitors asking me about a donation from Mr. Dunlop and based on what I was
10:49:37 10 told I advised her I had got no funds from him. Hoping this now clarifies the
11 matter.
12

13 However, in relation to the above I would like to mention that I did vote for
14 the rezoning of Quarryvale. Sorry -- I did not vote for the rezoning of
10:49:50 15 Quarryvale as I was not a member of the Council then. My vote on Quarryvale
16 was to put it on public display (map). Also during my campaign I issued
17 statements that I would not be supporting the Quarryvale rezoning as it had
18 become a big issue during the campaign.
19

10:50:05 20 Hoping the above is of assistance."
21

22 Then I think you had been written to subsequently concerning certain lodgements
23 to your accounts etc. And I don't for the moment propose to go in to that
24 correspondence. But just for completeness, I think on the 12th of December
10:50:29 25 2006, if I could have 16891, please. You were provided with a document which
26 was entitled "involvement of Councillor James Fahy at Council level rezoning of
27 Quarryvale lands". And you were asked to consider the document and to confirm
28 whether or not the contents of same were accurate, isn't that correct?

29 A. That's correct.

10:50:51 30 Q. 17 And I think --

- 10:50:52 1 A. Not correct. I have no, I have no recollection of receiving this letter.
- 2 Q. 18 Well can I just show you a document at --
- 3 A. Maybe.
- 4 Q. 19 16900, please.
- 10:51:06 5 A. Yes.
- 6 Q. 20 This is a document received by the Tribunal. It's headed statement of James
- 7 Fahy and it says "I have scant memories of the details of dealings with these
- 8 lands during my time in the County Council more than 14 years ago but I have
- 9 looked at the Tribunal's summary for the Quarryvale II Module and will
- 10 endeavour to assist by commenting on its contents as follows.
- 11
- 12 2. I accept and note that I was not present at the special meetings of the
- 13 County Council on the 31st of March 1989, 12th of May 1989 and 16th of February
- 14 1990 respectively.
- 10:51:38 15
- 16 3. As regards the meetings which I attended apparently in 1990 and on the 26th
- 17 April and 2nd of May 1991, I have no recollection of being present. I do not
- 18 have in my possession any records or notes of the meetings and do not believe
- 19 that I took any at the time.
- 10:51:55 20
- 21 4. I do have some recall of the special meeting on the 16th of May 1991.
- 22 However as regards the motion 38, my recollection is that the proposed
- 23 amendment of that motion which sought to cap development was supported by my
- 24 vote. In relation to the substantive motion 38, I voted in favour of it after
- 10:52:14 25 I was prevailed upon and persuaded to do so by the party whip.
- 26
- 27 I note that I was not present at the subsequent meeting at on the 11th of June
- 28 1991."
- 29 A. Yes, Sir, I do remember reading this.
- 10:52:27 30 Q. 21 So do you now wish to confirm --

- 10:52:29 1 A. Yes.
- 2 Q. 22 That you did in fact receive the letter that I opened a moment ago and that
3 this is your response to that letter?
- 4 A. That is correct.
- 10:52:33 5 Q. 23 And I think accompanying that letter were a summarised version of your voting
6 record in the Council in relation to this issue.
7
8 And if I could have 16897. I think it is fair to say that in this summary it
9 would appear that you did, you were present on the 16th of May as you confirm
10:52:53 10 and that you voted in favour of a motion to reject the manager's report. You
11 voted in favour of an amendment to cap the Quarryvale motion in the name of
12 Mr. McGrath, which was motion No. 38. And you voted in favour of that motion,
13 that amended motion also on that occasion, isn't that correct?
- 14 A. That is correct.
- 10:53:17 15 Q. 24 Now, you know, Mr. Fahy, that Mr. Dunlop has given evidence given evidence to
16 the Tribunal and his evidence has been to the effect that he paid you a sum of
17 2,000 pounds in cash and that that money was paid as a result of being sought
18 by you from him and when you saw sought the money from him you reminded him of
19 your support for the Quarryvale rezoning motion which had taken place and that
10:53:47 20 you had given, that you would be supportive of the proposals in the future,
21 isn't that right? You have seen that evidence and I'm sure it's been brought
22 to your attention?
- 23 A. That has been brought to my attention but that is not correct.
- 24 Q. 25 You dispute Mr. Dunlop's evidence in that regard?
- 10:54:02 25 A. Totally.
- 26 Q. 26 Now, you have denied I think ever meeting Mr. Dunlop, isn't that right?
- 27 A. I would have met Mr. Dunlop in the environs of Dublin County Council. Having
28 said that, in the time that I was there or in the period of '85 to '91, Mr.
29 Dunlop would not have been that often in the Council.
- 10:54:19 30 Q. 27 Yes.

- 10:54:19 1 A. I would have seen him from time to time, yes.
- 2 Q. 28 You are entered in Mr. Dunlop's diary for a meeting on the 15th of February
3 1991, at 4639. Do you recall meeting Mr. Dunlop in February?
- 4 A. No, Sir, I do not and I would like to have a look at his actual diary in his
10:54:36 5 book if that is possible, yes.
- 6 Q. 29 Yes, we have the originals here and we can provide them to you.
- 7 A. Thank you.
- 8 Q. 30 15th of February 1991. While you are looking at that, Mr. Fahy, would you also
9 look at an entry in his diary for the 6th of June 1991, and this is at 12043.
10:55:18 10 This is the entry that Mr. Dunlop refers the Tribunal to when he says he met
11 you at Buswells Hotel on the 6th of June. You requested money for the election
12 and he says he met you again although it's not in his diary on the 7th of June,
13 at a premises between Liffey Street and Abbey Street at lunchtime and that he
14 handed you an envelope containing 2,000 pounds in cash at that meeting.
- 10:55:50 15 A. Sir, I never met Mr. Dunlop in Buswells Hotel.
- 16 Q. 31 Okay.
- 17 A. I never phoned Mr. Dunlop simply because I do not know of his mobile number or
18 his office number. The only time I had anything to do with Mr. Dunlop in
19 ringing him was long after when this Tribunal was set up.
- 10:56:09 20 Q. 32 Yes.
- 21 A. I have absolutely no contact whatsoever with Mr. Dunlop. However, having said
22 that, it may well be that he was in receipt of a letter that I issued during
23 the local government elections of 1991, when we would have issued a letter
24 looking for funds to fight that particular election campaign. And while I
10:56:36 25 can't specifically say that he got a letter, I would imagine that he probably
26 did, I don't see any reason why I would leave him out.
- 27 Q. 33 You'd have no difficulty finding his address you say but you had difficulty
28 finding his phone number, is that correct?
- 29 A. What I'm saying is I don't think that he didn't get a letter. I think he
10:56:53 30 probably would have got a letter.

- 10:56:54 1 Q. 34 If he got a letter you would have had his address, isn't that right?
- 2 A. Possibly.
- 3 Q. 35 And if you had his address you had no difficulty finding a telephone number for
- 4 him, isn't that right?
- 10:57:02 5 A. If I required it I'm sure there would have been no difficulty. I never had any
- 6 occasion to phone Mr. Dunlop.
- 7 Q. 36 Can I ask you, Mr. Fahy, why you would have selected Mr. Dunlop as somebody you
- 8 might seek a contribution from for the '91?
- 9 A. I didn't say I did select him. He may well have got a letter.
- 10:57:21 10 Q. 37 If you didn't select him, Mr. Fahy, how do you say that he came to give you
- 11 2,000 pounds for that election?
- 12 A. He drove to my office in Mulhuddart and he gave me a cheque, not cash. Now, on
- 13 that cheque in fact last night looking through old correspondence.
- 14 Q. 38 For a moment, Mr. Fahy, can I just ask you to stay with the question that I am
- 10:57:45 15 asking you for the moment?
- 16 A. Yes, Sir.
- 17 Q. 39 You say that Mr. Dunlop at some stage drove to your office in Mulhuddart.
- 18 A. Yes, Sir.
- 19 Q. 40 And he delivered to you a cheque, something that he could have sent in the post
- 10:57:56 20 to you, isn't that right?
- 21 A. I'm quite sure he could. Maybe he wouldn't have known my address maybe he
- 22 would. He did deliver it personally.
- 23 Q. 41 If you had written to him seeking support he'd have known your address, isn't
- 24 that right?
- 10:58:09 25 A. I would imagine, I don't know what address I used on that. If it was the
- 26 office address or not but I'm sure he would have been able you, without
- 27 question, get my address.
- 28 Q. 42 He was able to find your office, isn't that right?
- 29 A. That's right.
- 10:58:20 30 Q. 43 Because he turned up at your office?

- 10:58:22 1 A. That's right.
- 2 Q. 44 So he could have posted a cheque to the address of which he turned up in 1991,
3 isn't that right?
- 4 A. Yes but if somebody was giving a donation would they post it through the post
10:58:33 5 or would they hand it to you?
- 6 Q. 45 The difficulty, Mr.Fahy, is that there is no dispute between yourself and Mr.
7 Dunlop, although you did dispute it at one stage. But there is no dispute now
8 between yourself and Mr. Dunlop but that he you received 2,000 pounds from him
9 in 1991, isn't that right?
- 10:58:51 10 A. Well if I could just put it another way, Sir, I am accepting what he says is
11 2,000 pounds.
- 12 Q. 46 Well are you saying that you didn't receive 2,000 pounds?
- 13 A. No, I am not. But I cannot be absolutely 100 per cent sure that the amount was
14 2,000. I am accepting what Mr. Dunlop says in goodwill, that he gave me a
10:59:08 15 cheque. I do know he gave me a cheque and I am nearly 100 per cent sure that
16 it was for the sum of 2,000 pounds.
- 17 Q. 47 But you're agreed that you received 2,000 pounds, is that correct?
- 18 A. I'm greed I received a cheque from him.
- 19 Q. 48 Okay.
- 10:59:21 20 A. And my opinion it is 2,000 pounds.
- 21 Q. 49 And what's between yourself and Mr. Dunlop is the issue as to whether or not
22 that money was received by way of cheque or cash, isn't that correct?
- 23 A. That's correct.
- 24 Q. 50 Mr. Dunlop says it was by way of cash.
- 10:59:35 25 A. Yes.
- 26 Q. 51 And indeed he says that he gave you the cash on the 7th of June and he had
27 withdrawn money on the 7th of June, the sum of 25,000 pounds as we see from his
28 bank account. If we look at 5125, you will see a withdrawal of cash of 25,000
29 pounds on the 7th of June. Do you see that?
- 10:59:56 30 A. Yes, Sir.

10:59:59 1 Q. 52 The Tribunal have Mr. Dunlop's discovery, Mr. Fahy.
2 A. Yes.
3 Q. 53 And they have discovery of Mr. Dunlop's banking records.
4 A. Yes.
11:00:09 5 Q. 54 Do you understand?
6 A. Yes.
7 Q. 55 And the Tribunal has been unable to locate any debit during this period on Mr.
8 Dunlop's accounts in the sum of 2,000 pounds?
9 A. I am aware of that.
11:00:19 10 Q. 56 You will agree with me that if he did in fact write a cheque to you or deliver
11 a cheque to you for 2,000 pounds that there would be a record of a debit on his
12 account to meet or match that cheque, unless of course you didn't cash it?
13 A. Oh, I cashed the cheque but supposing it was a third party cheque that he gave
14 me.
11:00:37 15 Q. 57 It would eventually be debited to his account?
16 A. To his account. But it may well be that he passed a third party cheque on to
17 me.
18 Q. 58 Oh, you think he may in fact have given you a third party cheque?
19 A. Yes Sir.
11:00:48 20 Q. 59 And what leads you to believe that he had given a you a third party cheque?
21 A. Because at the time I remember even questioning it, I asked Frank Dunlop when I
22 phoned him in regards to it and his reply to me was oh, Jim that was one of my
23 own companies. I would have given it to you from one of my own companies. I'm
24 not sure what company but it was a company cheque. It was a cheque for 2,000
11:01:09 25 pounds and I cashed the cheques.
26 Q. 60 You had been the, I think the Councillor for the Mulhuddart ward, isn't that
27 right, and that would have been very close to the Blanchardstown development,
28 isn't that correct?
29 A. That would be in my parish.
11:01:27 30 Q. 61 It would be in your parish. And there was quite a deal of controversy

11:01:32 1 surrounding that vote in May 1991, isn't that right?

2 A. There was some controversy in the morning of May 1991. But the controversy

3 developed after the event.

4 Q. 62 Yes. And there had in fact been a meeting in the run up to that vote involving

11:01:47 5 Mr. Corcoran of Green Properties and other councillors, other Fianna Fail

6 councillors, isn't that right?

7 A. I believe that to be the case.

8 Q. 63 Yes.

9 A. I was not present.

11:01:57 10 Q. 64 You were not present at that meeting, isn't that right?

11 A. That's correct, Sir.

12 Q. 65 And it was thought by Mr. Corcoran I think certainly up to the morning of May

13 16th of May 1991, that an agreement had been reached on a revised motion or an

14 altered motion, isn't that right?

11:02:15 15 A. On, I have, I don't know what happened at that meeting.

16 Q. 66 You don't know what happened at the meeting between Mr. Corcoran, Mr. Lawlor,

17 Ms. McGennis, Mr. Boland and Mr. Ned Ryan?

18 A. That was a meeting held in the Chairman's office prior to the Dublin County

19 Council meeting.

11:02:31 20 Q. 67 On Monday the 13th of May, isn't that right?

21 A. I wasn't, I'm not present.

22 Q. 68 Is there any reason why you weren't at that meeting, Mr. Fahy?

23 A. I was annoyed at the time.

24 Q. 69 That you hadn't been invited?

11:02:42 25 A. Yes.

26 Q. 70 All right.

27 A. But having said that, they well may well have tried to contact me and couldn't.

28 Q. 71 You said that you supported the McGrath amended motion because you had been

29 prevailed upon and persuaded to do so by the party whip, isn't that right?

11:02:56 30 A. That's correct, Sir.

- 11:02:57 1 Q. 72 Who was the party whip that prevailed upon you?
- 2 A. Lord have mercy upon him, Pat Dunne.
- 3 Q. 73 And was it usual for you to follow Mr. Dunne's instructions in relation to
- 4 voting on matters?
- 11:03:08 5 A. On the, yes, it would have been if he was party whip.
- 6 Q. 74 So therefore if he told you to vote on a rezoning motion you'd have voted in
- 7 accordance with his directions?
- 8 A. Not -- in accordance if the party was voting that way. I would have voted with
- 9 the party, yes.
- 11:03:24 10 Q. 75 Did you meet Mr. Corcoran on the morning of the 16th or at any stage during the
- 11 16th of May?
- 12 A. I met him indeed, Sir, yes I remember meeting him.
- 13 Q. 76 And did he tell you of his view that the now proposed motion the revised motion
- 14 did not meet with what he understood to have been agreed at the meeting on the
- 11:03:44 15 13th of May?
- 16 A. He expressed his dissatisfaction with the whole thing of Quarryvale to me.
- 17 Q. 77 No but did he express his dissatisfaction at the revised motion?
- 18 A. I can't recall exactly what was said.
- 19 Q. 78 Did he tell you for example?
- 11:04:01 20 A. I met him in the environs of the corridor of --
- 21 Q. 79 Did you tell you for example that if the revised motion were passed it would
- 22 have the effect of stopping Blanchardstown from continuing building?
- 23 A. He was speaking in terms that it was a danger, Quarryvale was a danger to, I
- 24 recall that now.
- 11:04:18 25 Q. 80 But he had in fact I think written on the 15th, on the eve of the motion of the
- 26 special meeting of the Council to the Chairman Mr. Boland, isn't that right,
- 27 and that correspondence became central after the event?
- 28 A. I would have known if he wrote to the Chairman, I mean, I didn't get a copy of
- 29 it, I certainly don't remember getting a copy. If he wrote to him on the eve
- 11:04:45 30 of the meeting then it's highly unlikely that I would have got a copy of that

11:04:50 1 letter, Sir.

2 Q. 81 But did you know that that meeting had taken place when you had met

3 Mr. Corcoran on the 16th?

4 A. No, Sir, I found out three weeks later on a Today Tonight special on RTE when

11:05:02 5 it was divulged.

6 Q. 82 So until you found out on the Today Tonight special, you say you did not know?

7 A. Never.

8 Q. 83 That there had been a meeting?

9 A. No.

11:05:10 10 Q. 84 Or an attempt --

11 A. No.

12 Q. 85 -- at a compromise which may or may not have been acceptable?

13 A. Knew nothing whatsoever about it.

14 Q. 86 You see Mr. Corcoran wrote to Councillor McGrath on the 14th of June 1991, if I

11:05:22 15 could have 5335 please. This would have been after the event. And he set out

16 in the course of that letter the sequence of events leading up to the vote, do

17 you understand?

18 A. This is on the 14th of June.

19 Q. 87 That's correct.

11:05:44 20 A. My last meeting in Dublin County Council you can probably check the records of

21 this would have been the 16th of May. That particular long meeting.

22 Q. 88 No. Just bear with me, Mr. Fahy, what this letter does it is it sets out

23 Mr. Corcoran's recollection of what had happened in the lead up to the vote.

24 A. Yes Sir.

11:05:55 25 Q. 89 Vis-a-vis Green Properties, do you understand?

26 A. Uh-huh.

27 Q. 90 And in that letter he says that he was alerted to the dangers vis-a-vis

28 Blanchardstown of the motion No. 38, when he spoke with a senior official at

29 Dublin County Council on the 10th of May. That's Friday the 10th October? And

11:06:14 30 then he says that he discussed it with Councillor McGennis and that she

11:06:18 1 telephoned the Chairman, Councillor Tommy Boland from his office and arranged a
2 meeting on Monday the 13th, you weren't at that meeting, isn't that right?

3 A. That is correct.

4 Q. 91 As a result of that meeting he says it was agreed that motion 38 would be
11:06:33 5 amended/replaced so as to secure the Blanchardstown scheme. You didn't know
6 that you say.

7 A. I didn't know that at that particular time. However, during the course of the
8 Council meeting of the 16th when we broke at 5 o'clock, there happens to be
9 another meeting and there was a whole lot of toing and froing and where it was
11:06:58 10 said that a capping had been agreed on the particular motion, I remember that.

11 Q. 92 Yes.

12 A. But I heard that in the environs of the Council.

13 Q. 93 So you did know when you came to vote on the matter that --

14 A. I was of the opinion that an agreement had been reached, yes.

11:07:16 15 Q. 94 Yes. Now, what Mr. Corcoran says in that letter, if we go to the second page,
16 is that on the 14th he had put forward his own motion in consultation with
17 Gareth May his planning consultant.
18

19 And then he says that when he attended the meeting on the 16th of May, which is
11:07:36 20 a special Council meeting, that he met with Mr. Lawlor at approximately 2:30 as
21 Mr. Lawlor approached from the Chairman's office. And Mr. Lawlor showed him an
22 amended motion which he hadn't previously seen or in fact hadn't even been
23 discussed with him or any of his advisors. And he tells Mr. McGrath in June
24 '91, that on reading that amended motion he immediately conveyed his total
11:08:04 25 objection to the amendment and stated that it was contrary to his understanding
26 of what had been agreed at the meeting on the 13th, do you understand? He said
27 that he confirmed that if passed it would have the effect of forcing
28 Blanchardstown to stop building at Blanchardstown.
29

11:08:20 30 Now, did Mr. Corcoran convey that reservation in relation to the amended motion

- 11:08:25 1 to you when you met him at the Council on the 16th?
- 2 A. I have no recollection of him putting anything like that do me.
- 3 Q. 95 Now, Mr. Corcoran says in that letter that his views were made perfectly clear
- 4 to Councillors Ryan, Fahy, McGennis in the course of the day prior to any vote
- 11:08:43 5 being taken, do you understand?
- 6 A. Yes, I would say that he did --
- 7 Q. 96 So --
- 8 A. -- he did make it clear. He did make a case to me that he was very unhappy
- 9 with the Quarryvale. But I have no recollection of him talking about motions
- 11:08:55 10 or being changed or that.
- 11 Q. 97 So you have no recollection of Mr. Corcoran raising with you his reservations
- 12 about what was being proposed, what was now being proposed for the Quarryvale
- 13 site, is that it?
- 14 A. I have a memory of him raising with me in the Council Chamber as I walked in
- 11:09:18 15 that morning at 11 o'clock, in fact it was the first I'd heard of it, he was
- 16 the first to bring this to my attention, that he was very, very unhappy with
- 17 what was being proposed for Quarryvale. But I heard nothing about motions or
- 18 being discussed.
- 19 Q. 98 Now, as the councillor for the Mulhuddart ward I suggest to you that it would
- 11:09:46 20 have been anticipated that you would be supportive of the development at
- 21 Blanchardstown, isn't that right?
- 22 A. That's correct.
- 23 Q. 99 And in fact I think following the vote the successful vote there was a campaign
- 24 to advise or appraise people why Blanchardstown development Green Properties of
- 11:10:11 25 what had gone on, isn't that right? And a number of councillors, including
- 26 yourself, lost your seats in the upcoming June election, isn't that right?
- 27 A. I believe a total of 16 Fianna Fail councillors lost their seats.
- 28 Q. 100 If we could have 1945, I think you circulated literature during that campaign
- 29 during that 1991 election campaign, where you sought to deal with the stance
- 11:10:46 30 taken by you and by Fianna Fail in relation to the Quarryvale development,

- 11:10:46 1 isn't that right?
- 2 A. That was my own stance, yeah. This thing broke after the vote about a week
- 3 after.
- 4 Q. 101 Yes.
- 11:10:49 5 A. It became a major election issue.
- 6 Q. 102 And I think you said as a fact that in a circular letter of the 9th of June
- 7 1991, John Corcoran Green Properties stated that he met personally with a
- 8 number of named councillors prior to the vote. You say that your name was not
- 9 on that list.
- 11:11:05 10 A. That's correct.
- 11 Q. 103 But you do accept that you had met him on the day of the vote?
- 12 A. Not at the meeting, Sir. I'm talking there solely about that special meeting
- 13 that you raised.
- 14 Q. 104 This is the one on the 13th of May?
- 11:11:16 15 A. In the Chairman's office, yes.
- 16 Q. 105 The vote had cross party support and the vote was only a proposal. It was the
- 17 first step to allow for objections from the public, isn't that right?
- 18 A. It would be the first step in regards to rezoning to put it on public display,
- 19 where the public would have a chance to object.
- 11:11:32 20 Q. 106 It says "When the Council moves on to the second step, that is to consider
- 21 these objections and to discuss the rezoning of the 180 acre site at Quarryvale
- 22 Jim Fahy will object and vote against".
- 23 A. Correct.
- 24 Q. 107 That would be a total reversal of your position, isn't that right?
- 11:11:47 25 A. It would be after listening to what I had to listen to from the public, it most
- 26 certainly, yes, I would agree that I wouldn't be voting on the second stage to
- 27 go ahead with the Quarryvale development.
- 28 Q. 108 And I think you conclude that by saying at stage two the 180 acre Quarryvale
- 29 project will not get my vote to proceed from proposals stage to planning
- 11:12:16 30 permission stage, isn't that correct?

- 11:12:17 1 A. That's correct.
- 2 Q. 109 There is no mention there that you had supported the proposal in May 1991,
3 because you had been urged to do so by your chief whip, Mr. Dunne?
- 4 A. No.
- 11:12:28 5 Q. 110 Why not?
- 6 A. Why should I? I mean, I have put it there that when the council -- where was
7 it. Somewhere that -- where is it? The vote is only a proposal. It is the
8 first step in order to allow for objections from the public. So when I voted
9 for the very first one on May the 16th, that was to put on to public display,
11:13:13 10 which was in my opinion was agreed, it was a party agreement, Fianna Fail
11 agreement to try to get the development map put on public display prior to the
12 local Government elections.
13
14 So we would have, I would have no problems in voting for something to be put on
11:13:30 15 public display. And then at the final vote after the people and the public
16 have looked at it, and I would take a look at it then and then make my
17 decision. But my decision was made up by the public by the public in regards
18 to the problem with the Blanchardstown town centre.
- 19 Q. 111 Who else was present when the party whip encouraged you or persuaded you to
11:13:57 20 vote in favour of the proposal?
- 21 A. I was in the corridor of the chamber at the time on my way out, who was there.
22 There would have been to and fro we're talking about a 78 member chamber with
23 the gallery full so I wouldn't know. He just asked me. I walked out. He ran
24 out after me. Everybody in the chamber had voted at this stage. I'm sure Mr.
11:14:18 25 Dunlop being a man of numbers will remember very well that I recorded my vote
26 after everybody had voted in the chamber. I asked for my vote then to be
27 recorded.
- 28 Q. 112 So you had -- it was on the day, date on the 16th of May after everybody had
29 voted that Mr. Dunlop?
- 11:14:35 30 A. I walked back in to the chamber, asked the Chairman that I wished to record my

- 11:14:41 1 vote. Now, that would be remembered by other councillors and I'm sure by Mr.
2 Dunlop and representatives of the Green Party.
- 3 Q. 113 And you did that you say because --
- 4 A. By the party whip yes.
- 11:14:54 5 Q. 114 -- he had followed you out, isn't that right, you say?
- 6 A. Yes.
- 7 Q. 115 And he had sought your support?
- 8 A. Yes.
- 9 Q. 116 And you had agreed.
- 11:15:02 10 A. Well he indicated to me that this was in actual fact the last meeting which it
11 was of that Council that was the last and that I should go and vote with my
12 party colleagues.
- 13 Q. 117 Now, I think you have said that the letter of the 15th of May 1991. If I could
14 have 2526, please. You say concerning this letter that you never received this
11:15:29 15 letter, isn't that right? It's a letter from John Corcoran to the Chairman
16 Mr. Tommy Boland and it says:
17
18 "I would like to thank you for receiving us on Monday morning last to discuss
19 the question of Lucan/Clondalkin rezoning. We got a very fair hearing and came
11:15:52 20 away from the meeting happy that reasonableness would prevail. I now
21 understand that a new motion is being drafted in connection with moving the
22 Neilstown site to Quarryvale site and I am happy with this.
23 I will probably see you tomorrow in the chamber."
- 24 A. I have to recollection of getting that letter.
- 11:16:03 25 Q. 118 Well if we look at 2527, it would appear that copies of that letter went to
26 Councillor Boland, Ned Ryan, Jim Fahy and Marian McGennis.
- 27 A. By whom?
- 28 Q. 119 Well presumably from Mr. Corcoran or Green Properties. That it was cc'd to the
29 above.
- 11:16:34 30 A. This is on Green Property paper?

- 11:16:37 1 Q. 120 Green Property, yes.
- 2 A. I have no, I have no recollection of receiving it. Now, I'm not saying that it
- 3 didn't come. If you take a look at that date, I would have been involved in an
- 4 election campaign at the time and it may very well have gotten it I have no
- 11:16:56 5 recollection of receiving the letter.
- 6 Q. 121 Mr. Dunlop has also advised the Tribunal, if I could have 1932, please.
- 7 A. Uh-huh.
- 8 Q. 122 Concerning his. He has advised the Tribunal concerning the contact that you
- 9 agree you made with him after the Tribunal was established. And he has said
- 11:17:19 10 the following "Jim Fahy rang me twice, once at my home and once I believe on my
- 11 mobile to say that he knew he got something from me but could not remember how
- 12 much." Is that correct?
- 13 A. Well I didn't ring him twice I rang him three times.
- 14 Q. 123 All right well you had no difficulty getting his number at that stage?
- 11:17:38 15 A. No, I didn't get him on his mobile. I got his home phone number from the
- 16 telephone directory.
- 17 Q. 124 These telephone calls are of recent origin, sometime in 2001. I told him that
- 18 I could not really talk to him about these matters but I did confirm for him
- 19 that he had received 2,000 pounds from me in 1991."
- 11:17:54 20 A. That's where I am taking the 2,000 pounds from as I said earlier.
- 21 Q. 125 "He said that that was okay because it was for the Local Elections. I
- 22 intimated to him that that was not so and his reply was that there would be no
- 23 problem because both of us would agree that it was legitimate".
- 24
- 11:18:10 25 Did you have that type of conversation with Mr. Dunlop on in a occasion?
- 26 A. No, Sir. I can tell you the type of conversation I had if you so wish.
- 27 Q. 126 Well perhaps you would.
- 28 A. Yes. After being initially interviewed by the Tribunal, which it was mentioned
- 29 to me about Frank Dunlop. I rang Mr. Dunlop in regards to it and the first
- 11:18:32 30 thing he said to me, this is my first phone call, is that I received nothing

11:18:36 1 from him. That I might have received drink from him sometime in Conway's pub
2 or one of the local pubs, which I don't even remember being in his company
3 ever. I subsequently got a call from the Tribunal some weeks later after being
4 in and I advised that I had got nothing based on what he had told me that I had
11:19:00 5 got nothing from him. And then I became aware that he had talked about through
6 the media, that he had talked about a sum of 2,000 pounds.

7
8 So I done some checking and I realised and it was brought to my attention that
9 in fact he did come up to, he did come up to my office. But I rang Mr. Dunlop
11:19:22 10 the second time in regards to it and, yeah, he confirmed that he gave me 2,000
11 pounds. I had said yes, Frank, I do remember I have now done some research and
12 you came up to my office I said what I don't remember is, what company because
13 I have a feeling it was some company cheque a his reply to me was oh, it would
14 be one of my companies. He told me to, he'd get back to me on the matter.

11:19:55 15 This was at the weekend that I had rang him. He didn't and I rang him again on
16 the Tuesday and he informed me that he couldn't talk about the matter. And
17 that the Tribunal wouldn't be happy if they knew I was ringing him.

18
19 I think my reply to that was I didn't mind who knew I was ringing him, I just
11:20:15 20 wanted the facts and that's where it stood. He said that he had been advised
21 by his solicitor not to talk to me. That was the third phone call. The last
22 time I spoke to Mr. Dunlop and all three calls were to his home, not to his
23 mobile.

24 Q. 127 Mr. Fahy, just in relation to what you say transpired at the meeting, the
11:20:35 25 Council meeting on the 16th of May '91. I think there were two votes on the
26 16th of May, isn't that right? One to amend Mr. McGrath's motion and the
27 second a vote on the amended motion, isn't that correct?

28 A. The substantive motion.

29 Q. 128 Yes. And if we could have 16895 please. In relation to the amendment. You
11:21:00 30 voted in favour of that amendment, isn't that right?

- 11:21:00 1 A. If the record states there I don't exactly remember that.
- 2 Q. 129 I think you also voted in favour of the amended motion?
- 3 A. Yes, Sir.
- 4 Q. 130 Now, when you say that you were approached by the late Councillor Dunne --
- 11:21:10 5 A. Yes.
- 6 Q. 131 -- to support this proposal and you asked the manager to record your vote. Was
- 7 it in relation to the first or second vote or both votes?
- 8 A. I think it was the last, it was the last vote.
- 9 Q. 132 So you had already voted to amend the motion?
- 11:21:24 10 A. Yes, I think so.
- 11 Q. 133 And then you had left you say?
- 12 A. And I was leaving the chamber, yes.
- 13 Q. 134 Yes. Now that amendment I think so was successful by a majority of 31 votes in
- 14 favour to 12 against.
- 11:21:36 15 A. Uh-huh.
- 16 Q. 135 Which is by any standards a substantial majority, isn't that right?
- 17 A. Yes Sir.
- 18 Q. 136 And the seconds vote on the amended motion that you say Councillor Dunne asked
- 19 you to support?
- 11:21:51 20 A. Yes.
- 21 Q. 137 Was voted 29 councillors in favour and 13 against?
- 22 A. Yes.
- 23 Q. 138 That would have been 28 councillors in favour and 13 against without your vote,
- 24 isn't that right?
- 11:22:02 25 A. That's correct.
- 26 Q. 139 That again would be a substantial support?
- 27 A. That's correct.
- 28 Q. 140 And why do you think that the Fianna Fail whip went after you to get you to
- 29 vote in favour of the amended motion if it looked as if they had a substantial
- 11:22:18 30 majority in any event?

11:22:20 1 A. I would think that he was looking at a situation where other councillors in the
2 particular wards, vis-a-vis Castleknock and Mulhuddart wards, Fianna Fail
3 councillors voted for and he probably wouldn't want me be being a sole member
4 out.

11:22:35 5 Q. 141 Did he give you any reason why you should vote in favour?

6 A. No, he just told me to go back in and vote with the party. It's its last
7 meeting of the Council.

8 Q. 142 He wanted you to vote with the party?

9 A. With my party colleagues.

11:22:50 10 Q. 143 Were you led to believe that some of your other party colleagues had equally
11 been persuaded by the whip?

12 A. No.

13 Q. 144 To vote in favour of the proposal?

14 A. No, I wasn't one way or the other. I don't think that I was actually in the
15 chamber for a lot of the discussion.

16 Q. 145 Now, unfortunately you weren't in a position to give evidence in the
17 Carrickmines Module but I think -- sorry. The Cherrywood Module. But I think
18 it's fair to say that in relation to Cherrywood, you supplied the Tribunal with
19 a statement of the 27th of June 2001, which I referred to a moment ago. But
11:23:03 20 you conclude that statement --

21 A. Uh-huh.

22 Q. 146 -- that Cherrywood statement.

23 A. Uh-huh.

24 Q. 147 At page 637 of the Cherrywood brief as follows:

11:23:41 25
26 "You say that with reference to Paragraph B of your letter "I can confirm that
27 I did receive 1,200 pounds from Monarch Properties."
28

29 CHAIRMAN: Sorry. Could we just wait until it comes up on screen. Now.

11:23:51 30 Q. 148 MR. QUINN: "You said that I did receive 1,200 pounds from Monarch Properties.

- 11:23:56 1 This again was during the election campaign of June 1991, and not in 1991/1992
2 as stated in your letter. I had totally forgotten about this donation and I
3 would like to thank the Tribunal for pointing it out. At the time as the time
4 elapsed it is over ten years, it is difficult to remember everything."
- 11:24:17 5 A. Yes.
- 6 Q. 149 Yes.
- 7 A. That's what I did and I did thank the Tribunal for pointing it out to me.
- 8 Q. 150 And at 8601 of that brief I think you gave a statement in relation to the
9 Cherrywood lands, isn't that right?
- 11:24:30 10 A. Yes.
- 11 Q. 151 And you said that "You had no memory of these lands being dealt with during
12 your time in the County Council."
- 13 A. That's right.
- 14 Q. 152 "You never had any contact with any company in the Monarch Group of companies
11:24:40 15 or with any of their representatives, servants or agents, save as you describe
16 below. You say you had no meetings with Mr. Monahan."
- 17 A. Never, I don't even know the man.
- 18 Q. 153 You said that "you recall meeting Mr. Lynn on many occasions --
- 19 A. Many occasions?
- 11:24:54 20 Q. 154 -- in the Dublin County Council chamber or environs or may have been in pubs
21 similar areas in the Blanchardstown area. However, you did not believe that
22 any of these meetings concerned Cherrywood. You say you never met
23 Messrs. Sweeney, Gillane or Reilly."
- 24 A. Correct.
- 11:25:07 25 Q. 155 You say that "The Tribunal knows from your early contributions you came across
26 Frank Dunlop often in or around Dublin County Council meetings. However you
27 are satisfied that the Cherrywood was never raised then, nor did any encounter
28 that you had with Mr. Dunlop have anything to do with Cherrywood."
- 29 A. Correct.
- 11:25:22 30 Q. 156 You say that "you received political donations from Monarch Properties and/or

- 11:25:26 1 Frank Dunlop for the local elections held in June 1991, and you refer to the
2 letter referred a moment ago."
- 3 A. Uh-huh.
- 4 Q. 157 You say "That these political donations were spent during the 1991 Local
11:25:36 5 Elections and were lodged to and distributed from a special AIB account, Jim
6 Fahy/John Gallagher account and you give an account number. And you say that
7 you have already provided details on the 11th of June 2001."
- 8 A. Yes.
- 9 Q. 158 You "do not believe that anyone made representations to you on behalf of the
11:25:54 10 Monarch group of companies."
- 11 A. The reason I say that is I don't believe Cherrywood was in my time.
- 12 Q. 159 Yes. There was a vote which effected the Cherrywood lands on the 24th of May
13 1991.
- 14 A. That would have been ...
- 11:26:11 15 Q. 160 That's at 7003 and a special meeting of the Council. And at 7006 there was a
16 recommendation by the manager that one of three options be adopted by the
17 Council for the purposes of the display of the draft map. And there was a vote
18 on that option. And if I were to say to you, Mr. Fahy, that the second of
19 those options would probably have been the one most preferred by Cherrywood or
11:26:39 20 those promoting the Cherrywood lands Monarch Properties. And that in relation
21 to that vote on that date, the 24th of May 1991, you in fact did vote and you
22 voted against the first option which was the successful option. And we see
23 your vote against at 7007.
- 24 A. Yes.
- 11:27:01 25 Q. 161 Can you tell the Tribunal how you came to vote on that occasion on that
26 proposal?
- 27 A. I have no recollection whatsoever of that meeting, Sir.
- 28 Q. 162 Can I ask you how you came to be in receipt of 1,200 pounds from Monarch
29 Properties in June 1991?
- 11:27:16 30 A. I think I said in my opening few statements that I had sent a letter out in

11:27:20 1 regards to political donations for the campaign in June of 1991, Monarch
2 Properties would have been somebody who would have lived locally beside me.
3 Mr. Lynn of Monarch Properties would have been known to me personally. So ...
4 Q. 163 Had Mr. Lynn ever sought your support for any of the Monarch proposals?
11:27:41 5 A. I'm quite sure he would have, yes.
6 Q. 164 And would have sought it prior to June '91?
7 A. Yes I would imagine so.
8 Q. 165 And you think that --
9 A. Although having said that I can't offhand remember anything that Monarch
11:27:51 10 Properties had up in my time there.
11 Q. 166 Anything Monarch Properties had --
12 A. Well this is obviously Monarch Properties but I don't remember any other
13 development that Monarch Properties were ...
14 Q. 167 You have not been in a position to show the Tribunal where the sum of 2,000
11:28:08 15 pounds which you say you received by cheque from Mr. Dunlop was lodged, isn't
16 that correct?
17 A. I don't believe I lodged it.
18 Q. 168 Yes. And you think you received 1,200 pounds from Monarch, is that correct?
19 A. Again, it was the Tribunal who notified me in regards to this 1,200 pounds and
11:28:31 20 I am taking that on face value that it is 1,200 pounds. I would, yes, I would
21 see no reason to dispute it wasn't 1,200 pounds.
22 Q. 169 The records of Monarch appear to suggest that it was in fact 1,000 pounds. If
23 we could have 3122, please.
24 A. It was 1,000 Pounds?
11:28:49 25 Q. 170 Yes. This appears to suggest that there was a payment to a JF Fianna Fail of
26 1,000 Pounds. And at 3282, there is a payment of what's described as local
27 election expenses on the 30th of May 1991 to J Fahy of 1,000 pounds. And there
28 appears to have been a cheque drawn as appears from the payments cash book at
29 3123. About a third from the bottom Jim Fahy, Fianna Fail 1,000 Pounds. And
11:29:30 30 at 3124, this is the general ledger report, second column account number 201

11:29:41 1 promotions about fourth or fifth down there is J Fahy Fianna Fail 1,000 Pounds.

2 A. Yes, very good. 1,000 it is then.

3 Q. 171 Thank you very much, Mr. Fahy.

4

11:29:56 5 CHAIRMAN: Mr. O'Siochain, do you want to ask your client?

6

7 MR. O'SIOCHAIN: No questions.

8

9 CHAIRMAN: Mr. Fahy, could I just ask you was the 2,000 that you believe you

11:30:08 10 got from Mr. Dunlop in your office?

11 A. I got it outside the office. And I remember when it was brought back to me, I

12 have a slight problem with my memory. But when some things are brought back to

13 me, I was actually coming back after a morning canvass. And he was outside the

14 office, he had pulled up in his car and he handed me a cheque.

11:30:28 15

16 CHAIRMAN: For the 2,000. And would that have been the biggest donation?

17 A. I received another 2,000 as well. Two 2,000 but they would have been the

18 biggest.

19

11:30:39 20 CHAIRMAN: And I presume the 1,000 or 1,200 or 1,000 as we think it is from

21 Monarch would have been a very substantial?

22 A. It would, yes.

23

24 CHAIRMAN: Contribution. And would you have known, you say you didn't meet

11:30:55 25 with Mr. Dunlop in relation to Quarryvale at all?

26 A. I didn't even know he was acting in Quarryvale because Richard Lynn,

27 Mr. Richard Lynn would act for Quarryvale.

28

29 CHAIRMAN: And would you not have been surprised that -- well Mr. Lynn wasn't

11:31:12 30 acting for Quarryvale, as far as we know. But in relation ...

11:31:17 1 A. Well Quarryvale. Monarch would have nothing to do with Quarryvale.
2
3 CHAIRMAN: Exactly, yes.
4 A. But he may have been acting for, you know, if -- I knew him to socialise with.
11:31:28 5 He would go in to the same ...
6
7 CHAIRMAN: Who is this now?
8 A. Mr. Lynn.
9
11:31:33 10 CHAIRMAN: No but Mr. Dunlop when he gave you the 2,000 pounds cheque?
11 A. Uh-huh.
12
13 CHAIRMAN: Would you have known who he was representing when he gave you that?
14 A. He didn't make a comment in that, that I can remember now. And I don't think I
11:31:45 15 did. I was very happy in the middle of a campaign if you were walking back in
16 to get a donation of 2,000 pounds. I was probably delighted with it.
17
18 CHAIRMAN: But did you not wonder or say to yourself why am I getting such a
19 substantial contribution from Mr. Dunlop?
11:32:03 20 A. No, I didn't.
21
22 CHAIRMAN: Did you think it was coming from him personally or?
23 A. I have a vague something in, a vague memory that the cheque that he gave me
24 was, it was either -- it was certainly a company cheque or a third party
11:32:20 25 cheque.
26
27 CHAIRMAN: Yes but so you wouldn't have believed it was his personal
28 contribution? You'd have, or would you?
29 A. Looking back on it, it's hard to remember but I probably didn't. I just
11:32:37 30 thanked him for the cheque, whatever it was at the time whether it be 2,000 or

11:32:40 1 whatever the cheque was I thanked him for the sum of the cheque.
2
3 CHAIRMAN: And do you not recall even out of curiosity, wondering where this
4 money might have come from, did it come from Mr. Dunlop personally or?
11:32:52 5 A. Well I would have accepted it as from Mr. Dunlop.
6
7 CHAIRMAN: All right. Do you want to ask any questions?
8
9 JUDGE KEYS: Mr. Fahy, when you say a company cheque do you mean a company
11:33:02 10 which was associated with Mr. Dunlop?
11 A. Well I am going by what Mr. Dunlop said to me on the phone.
12
13 JUDGE KEYS: Yes.
14 A. He said it would be from one of my companies.
11:33:13 15
16 JUDGE KEYS: And then you said also a company cheque or a third party cheque
17 indicating a complete stranger altogether to you?
18 A. Well it was a cheque for 2,000, whether it was. I mean his companies were
19 strange to me anyway. He was Frank Dunlop. If he was giving me 2,000 pounds I
11:33:33 20 would have been very grateful of the 2,000 from Mr. Dunlop at the time.
21
22 JUDGE KEYS: And do you know where you cashed the cheque?
23 A. Yes.
24
11:33:40 25 JUDGE KEYS: Where?
26 A. I have made actually a note. No attempt to go back to where I cashed it but I
27 do know where I cashed it, yes.
28
29 JUDGE KEYS: And could you tell us where you cashed it?
11:33:53 30 A. I cashed it in a local pub.

11:33:57 1
2 JUDGE KEYS: And would you have any problem with disclosing, maybe not in
3 public at this stage but certainly in private to the Tribunal?
4 A. None whatsoever.

11:34:05 5
6 JUDGE KEYS: As to the pub and the owner of the pub at the time?
7 A. I would do that privately.
8
9 JUDGE KEYS: Will you do that
11:34:11 10 A. Yes.
11
12 (witness writing this information down)
13
14 CHAIRMAN: All right.

11:34:40 15
16 MR. QUINN: Just before Mr. Fahy. Just arising out Judge Keys' question can I
17 ask you a question?
18 A. Yes, Sir.
19 Q. 172 Leaving aside the company on which the monies were drawn, are you saying that
11:34:51 20 the cheque was made payable to James Fahy, Jim Fahy?
21 A. I can't recall.
22 Q. 173 So this could have been a cheque made payable to anyone which was endorsed in
23 your favour by Mr. Dunlop and which you would have endorsed on when you cashed
24 it?
11:35:08 25 A. It is possible because the time lapse and that, no, I wouldn't, no, no.
26 Q. 174 But you say you have no -- you cannot assist the Tribunal in advising the
27 Tribunal that you were the payee on the cheque?
28 A. I wouldn't be 100 per cent certain. However, having said that, the probability
29 would be that it was made out to my name.
11:35:29 30 Q. 175 Yes. So it's a company cheque drawn on one of Mr. Dunlop's companies?

- 11:35:35 1 A. Yes. I am going on what Mr. Dunlop initially said.
- 2 Q. 176 Going on what Mr. Dunlop says. You will have seen it, you were able to
- 3 negotiate it in a local hostillery, isn't that right?
- 4 A. Uh-huh.
- 11:35:48 5 Q. 177 And can the Tribunal take it that it was a cheque drawn on one of Mr. Dunlop's
- 6 companies made payable to you and endorsed by you, isn't that right?
- 7 A. That's correct.
- 8 Q. 178 And if I tell you that Mr. Dunlop's companies which include Shefran Limited,
- 9 Frank Dunlop & Associates and --
- 11:36:05 10 A. You told me that there is nothing there.
- 11 Q. 179 There is nothing there.
- 12 A. Yes.
- 13 Q. 180 So that would suggest that Mr. Dunlop has yet another company?
- 14 A. I am not saying.
- 11:36:20 15 Q. 181 Which he hasn't disclosed to the Tribunal?
- 16 A. I am not saying Mr. Dunlop has another company. I am not saying that he may
- 17 have a third party cheque from himself and passed it on to me but I do know it
- 18 was a cheque and it may very well be from his own company. It may very well be
- 19 from somebody else.
- 11:36:28 20 Q. 182 Would you agree with me if it's a third party cheque it's made out to somebody
- 21 completely different to you, isn't that right?
- 22 A. What I intend to do after I leave is is here is I intend to do some research
- 23 into this myself.
- 24 Q. 183 Very good. Thank you, Mr. Fahy.
- 11:36:44 25
- 26 CHAIRMAN: All right. Thank you very much.
- 27
- 28 JUDGE KEYS: Thank you very much. Thank you.
- 29
- 11:36:47 30 **THE WITNESS THEN WITHDREW.**

11:36:49 1

2

CHAIRMAN: We will sit again at two o'clock.

3

4

MR. QUINN: Two o'clock.

11:36:52 5

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THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

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

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CHAIRMAN: Now, Ms. Dillon.

4

14:21:02 5

MS. DILLON: Good afternoon, Sir. Mr. Dunlop, please.

6

7

MR. FRANK DUNLOP, PREVIOUSLY SWORN, CONTINUED TO BE QUESTIONED BY

8

MS. DILLON AS FOLLOWS:

9

14:21:10 10

CHAIRMAN: Good afternoon, Mr. Dunlop.

11

A. Good afternoon, Chairman, Judges. Ms. Dillon

12

13

Q. 184 MS. DILLON: Good afternoon, Mr. Dunlop. Yesterday we had been discussing the origin and the concept of the National Stadium.

14

14:21:22 15

A. Yep.

16

Q. 185 And you had indicated to the Tribunal your view that it was, in effect a mechanism put in place to persuade people to support the Quarryvale rezoning, isn't that right?

17

18

19

A. Yes.

14:21:33 20

Q. 186 And I think just in that context, on the 20th of January '93 at 9125, a meeting took place between Barkhill's bankers at Allied Irish Bank and Mr. O'Callaghan and Mr. Deane and within the context of that there is very little that I want to draw to your attention in that document, other than at 9128, at the end of the first paragraph in relation to Riga the following is stated:

21

22

23

24

14:22:03 25

"Owen requested John Deane to provide AIB with the required information at the earliest possible date to enable us progress discussions on this matter and suggested that it may be appropriate to meet on the morning of 9th of February to progress the matter prior to the Barkhill meeting".

26

27

28

29

14:22:17 30

14:22:17 1 And following on the discussions at that meeting Mr. Deane wrote a letter at
2 9240 on the 10th of February '93. And in that he says:

3
4 "Dear Michael, it's to Michael O'Farrell -- further to our meeting I wish to
14:22:31 5 give you the additional information which you require. I attach a revised
6 cashflow statement from the 1st of January '93 to the 31st of December '93,
7 together with audit the accounts."

8
9 And then it goes in to deal with Cumberland House and Riga's borrowings but
14:22:46 10 it's the material on the following page that I want to draw to your attention
11 at 9241. And we have dealt with part of this before. It's the bottom part of
12 the page. And in dealing with money spent by Riga it says:

13
14 "In addition to the foregoing, Riga has also incurred additional expense in the
14:23:04 15 sum of 400,000 pounds approximately in order to secure the Quarryvale zoning.
16 This is explained in two ways as follows. A is a figure of 150,000 pounds for
17 which had been paid on various "expenses" directly related for which there were
18 no invoices". Isn't that right?

19 A. Yes.

14:23:20 20 Q. 187 And you have already indicated that you didn't know what that related to, isn't
21 that correct, Mr. Dunlop?

22 A. Yes.

23 Q. 188 The second matter appears to relate to the Stadium and it says:

24
14:23:29 25 "B. 250,000 pounds has been spent in connection with the stadium project for
26 the old Neilstown site. By way of background to the expenditure you will
27 recall that the Neilstown site was the original site zoned for the town centre.
28 Part of the Quarryvale problem was to obtain the moving of the zoning from
29 Neilstown to Quarryvale. The city manager made it clear that he expected an
14:23:48 30 alternative use to be found for the Neilstown site and that the site was not

- 14:23:51 1 simply to be dumped and left there. With this in mind the Stadium project was
2 conceived". Does that accord with your recollection, Mr. Dunlop?
- 3 A. Yes, it does.
- 4 Q. 189 However to continue "However, to make the project seem a real project and not
14:24:02 5 just a mythical scheme, it was necessary to prepare detailed and substantial
6 drawings to such a standard that would lead to a detailed planning application"
7 and again is that in accord with your recollection, Mr. Dunlop?
- 8 A. Yes it is, Ms. Dillon, yes.
- 9 Q. 190 And that the purpose of preparing the planning application was to reassure
14:24:20 10 people that it was a real project and not a mythical scheme as is described
11 there, isn't that right?
- 12 A. Not something that you were just talking about you were progressing it in the
13 normal way if you were applying for planning permission.
- 14 Q. 191 In other words if it was a genuine planning application?
- 14:24:38 15 A. Correct.
- 16 Q. 192 It continues "Furthermore, a working model with a sliding roof and moving floor
17 was also prepared. International consultants in the leisure field were
18 retained to vet the project and De Loitte & Touche accountants were also
19 retained to give a feasibility report for the entire project for the American
14:24:50 20 financiers who were interested in proceeding the finance.
21
22 The introduction to the financiers was made by the Taoiseach, Albert Reynolds
23 to Owen when the financiers were in Dublin to meet the Taoiseach who was then
24 Minister for Finance". Now were you aware of that, Mr. Dunlop?
- 14:25:03 25 A. No, I certainly wasn't.
- 26 Q. 193 Right. If this is correct and Mr. Deane will of course be giving evidence, it
27 would appear to suggest that prior to any of the documentation that we have
28 looked at in the course of the Stadium, that Mr. Albert Reynolds when he was
29 Minister for Finance introduced Chilton & O'Connor to Mr. Owen O'Callaghan as
14:25:21 30 financier. Now, do you know anything about that?

14:25:23 1 A. No, I certainly know nothing whatsoever about that. My understanding was as I
2 told you, as I said yesterday or the day before, it was the opposite, in when I
3 gave evidence in relation to the Cane and O'Connor or the Chilton & O'Connor
4 representative and how I came to know him and how I came to understand that he
14:25:47 5 had been involved.

6 Q. 194 But you were not aware of if such an introduction did take place and Chilton &
7 O'Connor were introduced to Mr. O'Callaghan by Mr. Albert Reynolds, that was
8 not something of which you were aware at the time or were made aware
9 subsequently?

14:26:01 10 A. No.

11 Q. 195 Just to continue "In order to establish credibility for the Stadium project, it
12 was necessary for the project to be seen as a viable workable project which
13 would have the support of the Government, the FAI and other supporting
14 organisations who may use the project. Considerable work was done in this
14:26:18 15 regard and consultants employed to ensure the project was presented in the best
16 possible light as a credible project for the site." Does that accord with your
17 recollection --

18 A. Yes, it does.

19 Q. 196 -- of the whole purpose and ethos of the Stadium project?

14:26:30 20 A. Yes it does.

21 Q. 197 "As you are aware a full planning application has been lodged for the Stadium
22 project prior to the zoning decision in Quarryvale. The standard of the
23 drawings and work and effort put in connection with the planning application
24 was such that it was viewed as very real project by the planners, local
14:26:46 25 authority officials and indeed members of the Council. The fact that a viable
26 project was being put in for the old Neilstown site was a material factor for a
27 number of councillors deciding to vote in favour of the retail zoning for
28 Quarryvale. The Stadium project also had a number of other advantages."

29
14:27:02 30 But again in general, is what Mr. Deane has stated there to the bank as the

- 14:27:05 1 explanation for the planning application, does that accords with your
2 recollection of the development of the Stadium project?
- 3 A. Yes it does.
- 4 Q. 198 And that therefore it was necessary not just that there be Council approval or
14:27:18 5 belief in the project but that there be belief in the project at a higher level
6 at a Government level?
- 7 A. Yes.
- 8 Q. 199 Albeit this document appears to suggest that there was no reality to the
9 project ever proceeding, isn't that right?
- 14:27:31 10 A. Well I'm not so sure that it does suggest that. What -- when you've asked me
11 the question does it accord with my recollection yes it does, in the context of
12 the evidence that I gave that the initial genesis of this idea of a Stadium was
13 to block off the Neilstown site and in my terminology, I regarded it at that
14 stage as a ruse.
- 14:27:54 15 Q. 200 Right. But the whole suggestion here by Mr. Deane subject to anything
16 Mr. Deane may wish to tell the Tribunal, appears to be making a case to the
17 bank, Mr. Dunlop, that the reason why the bank should pay the costs associated
18 with the Stadium project is that the Stadium project was embarked upon as a
19 vehicle effectively for promoting Quarryvale by providing an alternative use
14:28:19 20 for the Neilstown site?
- 21 A. Correct.
- 22 Q. 201 Right. And Mr. Deane has used words like in order to make the project seem a
23 real project and not just a mythical scheme certain steps were taken, isn't
24 that right?
- 14:28:31 25 A. Yes he has used that language.
- 26 Q. 202 Yes. And that the purpose of the presentation of the planning application was
27 to convince people that this was in fact a genuine project, isn't that right?
- 28 A. Correct, yes.
- 29 Q. 203 But in fact the genesis or origin of the entire project was simply to put in
14:28:48 30 place something that would satisfy people's objections about the use of the

- 14:28:52 1 land, isn't that right?
- 2 A. Correct and the added issue that there was a danger that of the possibility of
- 3 a reversion to the original plan of having town centre on the Neilstown site.
- 4 Q. 204 Yes. I think you said yesterday that it was to close off the Neilstown site?
- 14:29:08 5 A. Yes.
- 6 Q. 205 Now, would it also be fair to say that if substantial government funding had
- 7 become available that there was a prospect this project might have been
- 8 developed?
- 9 A. Yes.
- 14:29:17 10 Q. 206 Is it also fair to say, Mr. Dunlop, that government ministers to whom
- 11 submissions were made about this project were never informed of the matters to
- 12 your knowledge that are set out in Mr. Deane's letter?
- 13 A. Not to my knowledge.
- 14 Q. 207 And that in dealings with De Loitte & Touche and Chilton & O'Connor, the
- 14:29:34 15 development of the Stadium was presented to everybody as a genuine project.
- 16 A. Absolutely.
- 17 Q. 208 Now, Mr. Deane continues at 9242 "that the Stadium project also had a number of
- 18 other advantages:
- 19 A. It provided a new use for the existing site important for the goodwill of
- 14:29:52 20 local authority and councillors". You would agree with that, Mr. Dunlop?
- 21 A. Yes I would.
- 22 Q. 209 "B. By lodging the planning application, the planning for the Stadium obtained
- 23 priority in relation to any other application for the particular area". That's
- 24 also correct, isn't it?
- 14:30:03 25 A. It is yes.
- 26 Q. 210 And that would have effected Mr. Sharkey's lands which were adjoining, isn't
- 27 that right?
- 28 A. Yes it would.
- 29 Q. 211 And he had zoning for town centre prior to the 1993 change, isn't that right?
- 14:30:13 30 A. Prior to --

- 14:30:14 1 Q. 212 For part of his lands.
- 2 A. Correct prior to the 1993 change it was D zoned in 1993.
- 3 Q. 213 Item C "the local authority would not have any interest in disposing of the
- 4 site to any other user until such time as the Stadium project has run its
- 14:30:27 5 course".
- 6
- 7 Now there Mr. Deane you will remember, Mr. Dunlop, that what Merrygrove had was
- 8 an option to buy the site, isn't that right?
- 9 A. Correct yes.
- 14:30:37 10 Q. 214 And that option had not. And I think the Tribunal heard be evidence in
- 11 relation to that yesterday. What had been paid was 300,000 pounds deposit?
- 12 A. Correct.
- 13 Q. 215 Now, it was always open to the corporation to forfeit their agreement if they
- 14 weren't in certain circumstances and offer it for sale to somebody else?
- 14:30:54 15 A. Yes, correct.
- 16 Q. 216 But what Mr. Deane appears to be suggesting here is that the local authority
- 17 wouldn't have any interest in disposing of the site to anybody else while the
- 18 Stadium project was still in being as a viable option?
- 19 A. Correct.
- 14:31:07 20 Q. 217 Right. D he says "in the event Sharkey endeavoured to lodge a planning
- 21 application for a retail scheme on the lands behind the Stadium. It would be
- 22 clear to any retailer that this land was not economically viable particularly
- 23 in view of the large Stadium being built-in front of it and effectively all
- 24 that Sharkey was proposing to develop was a site at the rear of the Stadium."
- 14:31:25 25 and that was also the case, isn't that right?
- 26 A. Correct.
- 27 Q. 218 And I think then at 9243 Mr. Deane continues "E perhaps the most material
- 28 factor was that the Stadium would carry such large volumes of traffic that it
- 29 required the whole road network upgraded at a cost of approximately 36 million.
- 14:31:41 30 Consequently any other scheme for the adjoining lands including lands still

14:31:44 1 zoned for a town centre would have to wait behind the Stadium project and
2 cannot be advanced until the real road problems which must be solved in order
3 to progress the Stadium have in fact been resolved".
4

14:31:57 5 And what Mr. Deane appears to be suggesting there is that in view of the fact
6 that the development of the Stadium would require the development of new roads
7 infrastructure that Mr. Sharkey's development of retail which was behind the
8 Stadium would have to wait until the roads structure for the Stadium was in
9 place.

14:32:12 10 A. That's correct.

11 Q. 219 And that effectively that would have the effect of delaying any other
12 development behind the Stadium.

13 A. Yes.

14 Q. 220 All right. And then F "the consequences of the foregoing is that the Neilstown
15 site is locked up for a number of years, which will allow Quarryvale to
16 progress without threat to the Neilstown site" and that is the nub of the
17 matter, isn't that right?

18 A. That is actually the kernel of the whole issue in that last sentence.

19 Q. 221 He has set out there the cogent reasons as he sees it for the reasons why the
14:32:39 20 bank should pay the additional costs that Barkhill want paid. I beg your
21 pardon -- that Riga want paid by Allied Irish Bank because they say those costs
22 were connected with Quarryvale and the reason that they make that case is that
23 the case made by Mr. Deane, which is that the costs incurred in connection with
24 the Stadium were really for Quarryvale?

14:32:59 25 A. Yes.

26 Q. 222 And he summarises it all in paragraph F as saying "when you take everything
27 that he has set out together is that the effect of what they had done was to
28 lock up the Neilstown site which would allow Quarryvale to proceed unhindered,
29 isn't that right?

14:33:17 30 A. Correct.

- 14:33:17 1 Q. 223 And that if I understood your evidence correctly, Mr. Dunlop, was why or how
2 the Stadium project was conceived, isn't that right?
- 3 A. As I said yesterday, yes.
- 4 Q. 224 Yes. Now, it is the case is it not that there continued to be contact at a
14:33:28 5 very senior level, particularly with Mr. Albert Reynolds and Mr. Bertie Ahern
6 and Mr -- the Minister for Sport, Mr. Aylward throughout '93 and indeed into
7 1994 in connection with the Stadium?
- 8 A. Yes there was. The answer is yes.
- 9 Q. 225 Now, some of that I think, Mr. Dunlop, was organised by you and if I can show
14:33:48 10 you at 9143. A letter from Mr. O'Callaghan of the 28th of January '93. 9148,
11 please -- to Mr. Albert Reynolds then the Taoiseach. And it's from Mr.
12 O'Callaghan to Mr. Reynolds.
- 13
- 14 "Dear Taoiseach, Hope you are keeping well. Frank Dunlop told me you were
14:34:10 15 enquiring about the National Stadium and asked me to contact you."
- 16
- 17 And then it sets out some difficulties with the planners in relation to roads.
18 And in the very last paragraph it says "I should know where I stand in the next
19 three weeks and with will then explain the situation to you if you can spare me
14:34:27 20 15 or 20 minutes. I will ring your secretary to make an appointment".
- 21
- 22 First of all did Mr. Albert Reynolds approach you in January '93 to your
23 recollection about the National Stadium?
- 24 A. Yes I believe he did. I think it was in relation. I was talking to the
14:34:40 25 Taoiseach in relation to another matter and he made a comment to the effect how
26 is that matter progressing with Owen O'Callaghan in relation to the Stadium and
27 I passed this message on to Owen O'Callaghan.
- 28 Q. 226 Yes. And it would seem from 9259 in a letter to De Loitte & Touche for
29 Mr. Owen O'Callaghan of the 12th of February '93, at the beginning of the
14:35:00 30 second paragraph Mr. O'Callaghan says it to Mr. Bowen.

14:35:04 1
2 "The stadium has got itself into the real political arena at the present moment
3 and I will try to outline as briefly as possible the up-to-date situation" and
4 the following page at 9260 in the second paragraph he says:

14:35:16 5
6 "The Taoiseach" and that was Mr. Albert Reynolds "has now got himself directly
7 involved in this and at the opening of the National Basketball Stadium
8 recently, announced that the Stadium would commence in the near future and
9 publicly asked the county manager to speed up the planning process. This of
10 course has caused all kinds of problems resulting in me having to meet the
11 County Manager on Wednesday 24th February, and report back to the Taoiseach
12 thereafter. The Minister for the Environment has also been asked by the
13 Taoiseach to report to him on the project".
14

14:35:43 15 And I think that was Mr. Michael Smith, isn't that right?

16 A. Yes.

17 Q. 227 "I have also he states." Sorry. Mr. O'Callaghan continues to state "I have
18 also spoken to the Taoiseach in the past few days and he has repeated to me his
19 support the for the project".

14:35:57 20
21 That would suggest direct contact between Mr. Albert Reynolds and Mr. Owen
22 O'Callaghan, isn't that right, in February 1993?

23 A. Yes.

24 Q. 228 And that certain remarks made by Mr. Albert Reynolds at the opening of the
14:36:09 25 Basketball Stadium involved the Stadium at Neilstown and that people had been
26 asked to expedite matters, isn't that right?

27 A. Correct, yes.

28 Q. 229 So it would appear that there was some communication between Mr. Reynolds and
29 Mr. O'Callaghan which led to this correspondence to Mr. Bowen on the 12th of
14:36:23 30 February, isn't that right?

14:36:24 1 A. Correct.

2 Q. 230 Now were you a party to that communication that passed between Mr. Reynolds and

3 Mr. O'Callaghan --

4 A. No.

14:36:31 5 Q. 231 -- in February of '93?

6 A. No, I don't believe I was a direct party but I think it is highly probable that

7 Mr. O'Callaghan did tell me of the contact either immediately afterwards or

8 subsequently.

9 Q. 232 Yes. And do you know of the circumstances that would have led Mr. Reynolds to

14:36:47 10 contact Mr. O'Callaghan in early 1993 or in February of 1993?

11 A. Not particularly, no, I don't.

12 Q. 233 Yes. In the last the second last paragraph of that letter at 9260 Mr.

13 O'Callaghan states "There is a very strong will and commitment for it to

14 proceed and as you know it is in the government's programme For Government" and

14:37:08 15 we saw that, isn't that right?

16 A. Yes.

17 Q. 234 And then continuing "In fact the Taoiseach has mentioned to me on a number of

18 occasions" isn't that that right?

19 A. Yes.

14:37:18 20 Q. 235 So that again reiterates what's in the earlier part of the letter that there

21 had been more than one communication between Mr. Reynolds and Mr. O'Callaghan

22 in early 1993.

23 A. Correct.

24 Q. 236 But you weren't a party to that communication, is that right?

14:37:28 25 A. I don't believe so other than in Mr. O'Callaghan telling me either immediately

26 afterwards or subsequently that he had been speaking to the Taoiseach.

27 Q. 237 Right. And did Mr. O'Callaghan know Mr. Albert Reynolds independently of any

28 contact that you would have had with Mr. Reynolds?

29 A. Yes I believe he did. I think he had met him previously ever before I

14:37:49 30 "introduced him" to him in relation to the Stadium, yes I do believe they had

- 14:37:54 1 met believe previously.
- 2 Q. 238 And at 9279, Mr. Dunlop, on the 19th of February the Taoiseach's office
- 3 contacts your office at 10:51, isn't that right?
- 4 A. Yes.
- 14:38:03 5 Q. 239 And on the 26th of February at 9290, at 12:25 and 3:10 a Dr. Albert Gordon of
- 6 the Taoiseach's Department wanted to know what was coming up in the discussion
- 7 and also called you again at 3:10?
- 8 A. Yes.
- 9 Q. 240 And on the 5th of March, Mr. Dunlop, 1993 at 9322. Mr. Albert Reynolds' diary
- 14:38:28 10 records a meeting with you for the 5th of March 1993?
- 11 A. Yes.
- 12 Q. 241 There is no indication in that, that you attended with anybody else?
- 13 A. No.
- 14 Q. 242 And insofar as your own diary is concerned, Mr. Dunlop, at 9293. Subject to
- 14:38:43 15 anything that you want to tell the Tribunal for a consideration of the entry of
- 16 the 5th of March 1993. You don't appear to have an entry for Mr. Reynolds.
- 17 A. No.
- 18 Q. 243 But isn't it likely in view of the contact from Mr. Reynolds' office to your
- 19 office preceding the 5th of March of 1993, and the entry in Mr. Albert
- 14:39:07 20 Reynolds' diary which is stated to be confirmed that you did in fact have a
- 21 meeting with the Taoiseach on the 5th of March 1993?
- 22 A. Yes I think that is absolutely guaranteed.
- 23 Q. 244 Yes. Because if you look at 9322 which is the extract from Mr. Reynolds diary
- 24 the standard of the interview or meeting is described as confirmed, isn't that
- 14:39:24 25 right?
- 26 A. Yes, correct.
- 27 Q. 245 And it's for 12:15.
- 28 A. Correct.
- 29 Q. 246 Now, do you think, Mr. Dunlop, looking at that sequence of documentation that
- 14:39:33 30 it's likely that that meeting might have been in connection with a project in

- 14:39:37 1 which you or Mr. O'Callaghan were involved?
- 2 A. It is possible. And notwithstanding the facts that it might be in relation to
- 3 a separate matter altogether, the likelihood is that as was his wont, the
- 4 Taoiseach may well have raised the issue of the Stadium with me.
- 14:39:54 5 Q. 247 Is it likely that if you were having a face to face meeting with Albert
- 6 Reynolds in relation to another matter --
- 7 A. Yes.
- 8 Q. 248 -- that you of your own volition, might have raised with him something to do
- 9 with the Stadium or the development in Neilstown?
- 14:40:06 10 A. That is quite possible as well.
- 11 Q. 249 There is nothing in Mr. Reynold's diary to indicate that another person
- 12 attended the meeting, isn't that right?
- 13 A. No there is not.
- 14 Q. 250 Right. And there is nothing in your diary equally to indicate even that the
- 14:40:19 15 meeting didn't took place, isn't that right?
- 16 A. Correct.
- 17 Q. 251 So in the absence of that information it's likely and I am putting it no higher
- 18 than that, Mr. Dunlop, that you met Mr. Reynolds on your own?
- 19 A. Yes.
- 14:40:28 20 Q. 252 And is it also likely that even if that meeting was about something else, that
- 21 you would have availed of the opportunity to press Mr. O'Callaghan's case with
- 22 Mr. Reynolds?
- 23 A. Yes and for contextualisation I should say to you that every opportunity that
- 24 you got to meet the Taoiseach if you had issues, if I may describe them as
- 14:40:46 25 such, that you took the opportunity to raise them no matter how short the
- 26 meeting or what the genesis of the meeting was.
- 27 Q. 253 Yes. And it would appear that on the 5th of March 1993, which is the date that
- 28 you have your meeting with Mr. Albert Reynolds, that you also receive a
- 29 telephone communication at 9320 from Mr. Bertie Ahern's office, the Minister
- 14:41:08 30 for Finance at 12:35?

14:41:10 1 A. Uh-huh.

2 Q. 254 And at 12:35 it's recorded "Brendan Ward, Bertie Ahern's office called before
3 12:45 Bertie tied up most of today".

4 A. Uh-huh.

14:41:20 5 Q. 255 That would suggest, Mr. Dunlop, that you were seeking a meeting with Mr. Ahern,
6 isn't that right?

7 A. Yes it certainly would yes.

8 Q. 256 And again, it can you speculate as best you can, is it likely that that meeting
9 might have been connected to the matter that you had gone to see Mr. Albert
10 Reynolds about on the same day?

11 A. It may well be. The two matters may well have been connected, yes.

12 Q. 257 Yes. And in absolute fairness to yourself, Mr. Dunlop, and you will recollect
13 this, that there was a political issue that developed in or around that time
14 that was not connected with the Stadium, isn't that right?

14:41:50 15 A. Correct.

16 Q. 258 And that did necessitate contact between Mr. Albert Reynolds and yourself?

17 A. Correct.

18 Q. 259 And Mr. Bertie Ahern yourself that wasn't connected to Mr. O'Callaghan, isn't
19 that right?

14:41:59 20 A. Correct yes.

21 Q. 260 And I think that's the Greencore issue?

22 A. That's the Greencore issue.

23 Q. 261 In fairness in your diary generally when it comes to dealing with Greencore, it
24 was clear from looking at your diary which meetings related to Greencore and
14:42:15 25 which didn't, isn't that right?

26 A. Correct yes.

27 Q. 262 And therefore this particular meeting with Albert Reynolds doesn't have any
28 attribution in relation to Greencore in relation to it, isn't that right?

29 A. No but the issue was raised with Mr. Albert Reynolds.

14:42:24 30 Q. 263 Of Greencore?

14:42:24 1 A. Yes.

2 Q. 264 Yes but the point that I am making to you is that subsequently when the meet
3 with Albert Reynolds in connection with Greencore, you record it in your diary,
4 isn't that right?

14:42:33 5 A. Yes correct.

6 Q. 265 And you did so, Mr. Dunlop, because you were charging Greencore, isn't that
7 right?

8 A. Correct.

9 Q. 266 On an hourly basis?

14:42:39 10 A. Correct.

11 Q. 267 And in your diary you will see for example that where you speak to somebody, if
12 you just look at 9357 on this issue. And if you just look at the Sunday 28th
13 of March.

14 A. Yes.

14:42:54 15 Q. 268 And we will just increase that the 28th of March.

16 A. Yes.

17 Q. 269 At the bottom and you will see there Greencore four and a half hours Aer Lingus
18 two hours.

19 A. Yes.

14:43:04 20 Q. 270 Liaison with Bertie re Tribune, Sunday Business Post stories Gerry in UK.

21 A. Yes.

22 Q. 271 Now that's a Greencore matter.

23 A. Specifically, yes.

24 Q. 272 And in fairness to yourself, Mr. Dunlop, you have recorded a number of entries
14:43:17 25 with Mr. Ahern and with Mr. Albert Reynolds in your diary but you attribute
26 those to Greencore because you are doing so for the purpose of billing, isn't
27 that right?

28 A. Correct.

29 Q. 273 And you see for example even on March 23rd, you see there you have a reference
14:43:30 30 "BA by phone".

- 14:43:32 1 A. Yes.
- 2 Q. 274 Yes. And again what you are recording there is that you had telephoned
- 3 Mr. Ahern, isn't that right?
- 4 A. Correct.
- 14:43:38 5 Q. 275 So that you are keeping a record of your dealings in connection with Greencore,
- 6 isn't that right?
- 7 A. Correct.
- 8 Q. 276 So for all of those entries that are in your diary that are clearly relating to
- 9 Greencore, Mr. Dunlop, I don't propose taking you through them and saying to
- 10 you would you have discussed in the course of these the Stadium?
- 11 A. Yes.
- 12 Q. 277 But just for example if you look at 9403, on Wednesday April 7th. And you see
- 13 there you have an entry two hours on Greencore?
- 14 A. Yes.
- 14:44:15 15 Q. 278 "Spoke to BA".
- 16 A. Correct.
- 17 Q. 279 Now, clearly had that is attributing your conversation with Mr. Ahern to the
- 18 Greencore issue which was then extremely current, isn't that right?
- 19 A. Correct.
- 14:44:24 20 Q. 280 And there are a number of such entries and telephone contacts in the --
- 21 recorded in your diaries, isn't that right?
- 22 A. Correct.
- 23 Q. 281 And but there are also I think some meetings that aren't so attributed?
- 24 A. That's right.
- 14:44:37 25 Q. 282 And in particular, can I draw to your attention a meeting on the 7th of May, at
- 26 9524. Now, you will see there an entry 9:30 Bertie Department of Finance.
- 27 A. Yes.
- 28 Q. 283 And on the previous day which was the 6th of May at 9547, at 2:30.
- 29 A. Yeah.
- 14:45:05 30 Q. 284 Hanah O'Riordan from Bertie Ahern's office had telephoned you, 9547, please.

- 14:45:11 1 You see there?
- 2 A. Yes.
- 3 Q. 285 That telephone contact is the 6th of May '93, and is I suggest to you in
4 relation to the meeting on the 7th?
- 14:45:19 5 A. I think she is ringing me to tell me that Bertie will see me the following day
6 at whatever time.
- 7 Q. 286 All right. On the following day on the 7th of May, in Mr. Ahern's diary I
8 don't think it's recorded, Mr. Dunlop, that meeting in Mr. Ahern's diary.
9 Right? Is it likely however because it is recorded in your diary at 9524.
10 That you would have in fact met Mr. Ahern on that occasion?
- 11 A. Yes, I think so. The fact that it is in the diary in that format, I would say
12 that I did.
- 13 Q. 287 Yes. And isn't it also likely to be the position, Mr. Dunlop, that because you
14 don't attribute that meeting to Greencore that it's likely to have been a
15 matter other than Greencore?
- 14:46:05 16 A. Yes, correct.
- 17 Q. 288 All right. And at that time can you remember other than Greencore, was Mr.
18 O'Callaghan's business or the matter in relation to the Stadium one of the
19 matters that you did discuss with Mr. Ahern?
- 14:46:17 20 A. Yes, I think it is highly likely that on occasion, notwithstanding the specific
21 reason for any meeting with Bertie Ahern as Minister for Finance at the time,
22 that the likelihood is that I did use the occasion to mention the Stadium to
23 him, yes. I cannot specifically say to you what that meeting at 9:30 on the
24 7th of May 1993, was about but certainly I would not have lost the opportunity
25 as I viewed matters to raise the issue of the Stadium in the context of Mr.
14:46:43 26 O'Callaghan's brief.
- 27 Q. 289 Yes. But and the point that I just want to reiterate there with you is that in
28 the other meetings with Mr. Ahern where the contact had been in connection
29 Greencore?
- 14:47:04 30 A. Yeah.

- 14:47:04 1 Q. 290 You have identified it as being in connection with Greencore, isn't that right?
- 2 A. Absolutely, yes.
- 3 Q. 291 And similarly if the contact that happened in the early part of 1993 Albert
- 4 Reynolds, it is so identified?
- 14:47:10 5 A. Yes.
- 6 Q. 292 I am suggesting to you, Mr. Dunlop, that if this was a Greencore related
- 7 meeting, that for billing purposes you would have identified it as such, isn't
- 8 that right?
- 9 A. And just for completeness, the Greencore issue, I know we are not going to go
- 14:47:21 10 into it. The Greencore issue was a highly, highly emotive sensitive issue and
- 11 people were being very cautious and careful about to whom they spoke and on the
- 12 specific subject matter and therefore there was a reportage element that I had
- 13 to report back what the views were of the minister or senior officials in the
- 14 Department of Finance. That is the reason together with the reason for the
- 14:47:44 15 billing exercise.
- 16 Q. 293 Yes but it is clear from your diaries those meetings that are attributed to the
- 17 Greencore that involved Mr. Reynolds and Mr. Ahern.
- 18 A. Correct, yes.
- 19 Q. 294 And in fairness to yourself, I just want to be clear that I wasn't suggesting
- 14:47:56 20 that those meetings that took place in the early part of '93, were connected in
- 21 any way to Mr. O'Callaghan.
- 22 A. No.
- 23 Q. 295 Now, I think that in June of 1993, Mr. Dunlop, at 9691. You issued your second
- 24 invoice in connection with the National Stadium, isn't that right?
- 14:48:16 25 A. Yes correct.
- 26 Q. 296 Now we had seen the July '92, invoice which was paid in November of '92, isn't
- 27 that right?
- 28 A. Correct.
- 29 Q. 297 And this is the second invoice that you issue.
- 14:48:24 30 A. Yes.

- 14:48:24 1 Q. 298 Can you first of all identify what discussion you had with Mr. O'Callaghan
2 about this invoice prior to it being issued?
- 3 A. Well certainly as in accordance with the evidence I have given already, this
4 invoice would certainly not have issued without prior discussion with him. And
14:48:42 5 the date it was to be issued and obviously it has been issued as a result of
6 that discussion because I have raised the matter with him and yes and it is
7 marked "paid" on the 14th of the 9th. But the reason -- the reason that
8 invoice was issued was because we had Mr. O'Callaghan and I would have had a
9 discussion in relation to the raising of it.
- 14:49:06 10 Q. 299 In early 1993, Mr. Dunlop, you may have spoken to either Mr. Bertie Ahern or
11 Mr. Albert Reynolds about the Stadium, isn't that right?
- 12 A. Yes.
- 13 Q. 300 And you may have attended meetings.
- 14 A. Yes correct.
- 14:49:17 15 Q. 301 One or two in connection with on one occasion with Mr. Ahern and on another
16 occasion with Mr. Albert Reynolds, at which the Stadium might have been
17 discussed, is that right?
- 18 A. Correct, yes.
- 19 Q. 302 And in September of 1992, you had overseen the public launch of the Stadium,
14:49:30 20 isn't that right?
- 21 A. That's correct.
- 22 Q. 303 You had arranged the press conference and you had dealt with the press queries
23 that arose from that, isn't that right?
- 24 A. Correct.
- 14:49:37 25 Q. 304 Now, other than that, Mr. Dunlop, what did you do?
- 26 A. Not very much I have to say, other than in the constant discussion that took
27 place between Mr. O'Callaghan and others in relation to the Stadium and
28 organising any meeting that was required if they were so required. But just
29 the normal part of what I would have considered a lobbying exercise in relation
14:50:04 30 to a project.

- 14:50:05 1 Q. 305 So that you have now issued invoices for 95,000 pounds?
2 A. Correct.
3 Q. 306 Isn't that right? Your total agreed fee you say with Mr. O'Callaghan was
4 100,000 pounds?
14:50:16 5 A. Correct.
6 Q. 307 And to date what you have done, if I understand your end evidence correctly by
7 the time I you issued the second invoice is you have overseen the publication
8 or the press conference in relation to the public statements in connection with
9 the Stadium, is that right?
14:50:30 10 A. That's correct, yes.
11 Q. 308 You have spoken to councillors to make the case that the Stadium is a bona fide
12 genuine development?
13 A. That's right.
14 Q. 309 You have in addition when called upon to do so, made arrangements to meet
14:50:43 15 either the Minister for Sport, the Taoiseach or the Minister for Finance.
16 A. Correct.
17 Q. 310 And you have had some contact and communication with those three people in
18 connection with the Stadium on behalf of Mr. O'Callaghan?
19 A. Correct.
14:50:55 20 Q. 311 And for that you have been paid 95,000 pounds without VAT?
21 A. Correct.
22 Q. 312 And this is the invoice, Mr. Dunlop, that is paid in September '93, isn't that
23 right?
24 A. Correct, yes.
14:51:06 25 Q. 313 And you will remember because we've dealt with this at length and I don't want
26 to revisit it, that this is the cheque that you cash, isn't that right?
27 A. Correct.
28 Q. 314 And you have the entry in your diary for Powers Hotel?
29 A. Correct.
14:51:17 30 Q. 315 And you can't remember who you met but you think it's likely when you did meet

- 14:51:20 1 whoever you met in Powers Hotel you would have had your briefcase with the
2 25,000 pounds with you, isn't that right?
- 3 A. Correct.
- 4 Q. 316 But further than that effort on your behalf, you can't assist the Tribunal any
14:51:35 5 further as to what you might have done with the money, isn't that right?
- 6 A. That's correct.
- 7 Q. 317 But you say you do not believe that you paid any senior politician with that
8 money, isn't that right?
- 9 A. Correct, yes.
- 14:51:39 10 Q. 318 And similarly with the withdrawal of 55,000 Pounds in November 1992, which is
11 the first Stadium invoice, while you made disbursements you say to some
12 councillors, you say you did not pay any senior political figures out of that
13 money?
- 14 A. Correct.
- 14:51:56 15 Q. 319 And again, is it the position again in relation to both of those invoices and
16 the mechanism of payment, that that was agreed between yourself and Mr.
17 O'Callaghan?
- 18 A. Yes.
- 19 Q. 320 And at any of these discussions that you had with Mr. O'Callaghan about the
14:52:09 20 method by which you would be paid, Mr. Dunlop, was there anybody else present?
- 21 A. I don't believe so ever, no.
- 22 Q. 321 And other than the entries in your diary to which we have referred, some of
23 which were obliterated, did you make any note or recording of any of your
24 agreements with Mr. O'Callaghan?
- 14:52:27 25 A. Other than the ones that we have looked at in the diary, yes, I don't believe
26 so.
- 27 Q. 322 So that other than the date on the invoices --
- 28 A. Yes.
- 29 Q. 323 -- there is nothing to date when the invoices were issued, isn't that right?
- 14:52:41 30 A. Other than the date on the invoice, yes.

- 14:52:43 1 Q. 324 Because they are not in fact paid at the time that they are issued, isn't that
2 right?
- 3 A. Correct, yes.
- 4 Q. 325 They are paid sometime later.
- 14:52:49 5 A. Correct.
- 6 Q. 326 And you will accept and I think it is the case that you could have created
7 these invoices retrospectively although you state that you did not do so, isn't
8 that right?
- 9 A. That's correct.
- 14:52:59 10 Q. 327 Now, I think that in -- by June of 1993, De Loitte & Touche had been retained
11 as was outlined in Mr. Deane's letter, isn't that right?
- 12 A. That's right.
- 13 Q. 328 And if you look at 9754. In a letter to Mr. O'Callaghan of the 17th of June re
14 the Sports Stadium in that, I think this is Mr. Ciaran Mulcahy. He states
14:53:24 15 "Last week you asked me to write to you concerning the level of funding which
16 would be required from the government to proceed with the Sports Stadium and
17 the manner in which the government could make the funding available" and then
18 it goes on to state that the FAI have renewed their contract with the IRFU at
19 Landsdowne Road.
- 14:53:40 20 A. Correct.
- 21 Q. 329 A matter that is subsequently I think borne out in a letter from Owen
22 O'Callaghan to Mr. Ambrose Kelly and yourself and Mr. Lawlor?
- 23 A. Correct.
- 24 Q. 330 In fact that the FAI had renewed their agreement with the IRFU about Landsdowne
14:53:56 25 Road. I think at this stage there had been some communication at this stage
26 with the FAI?
- 27 A. That's right there was.
- 28 Q. 331 All right. But insofar as the Stadium, the funding is concerned, at 9755.
29 Mr. Mulcahy identifies three possible sources of government funding. The first
14:54:12 30 of which is EC structural fund grants. The second of which is National Lottery

14:54:17 1 grants and the third of which is designated area tax status.

2

3 Now, insofar as the first is concerned, he is doubtful whether structural

4 grants could be achieved. But insofar as National Lottery funds are concerned,

14:54:30 5 he describes the Sports Stadium as an ideal project for National Lottery funds

6 and he says "that the present value of the annual grants of three to six

7 million are set out below and he sets out a scale of grants that would be

8 required from the National Lottery in order to fund the operation of the

9 Stadium" and they are set out at 9756. And there is the annual grant for 10

14:55:01 10 years with discount rate and a present value?

11 A. Yes.

12 Q. 332 So it is capitalizing there what the 3 million grant for ten years would be

13 worth at present value. The third area was government funding could be

14 provided designated area status and Mr. Mulcahy says that "if the Stadium

14:55:19 15 received designated area tax status similar to that provided in Tallaght it

16 could potentially offer significant financial benefit to fund the project. The

17 total capital cost of the project is estimated at 60 million but some of these

18 costs would be disallowed in competing available tax allowances. On assumption

19 that the project has available allowances of 50 million, they could achieve a

14:55:40 20 taxation liability of 20 million on 40 per cent corporation taxpayer."

21

22 In other words what in effect what he is saying is that you could sell on the

23 benefit of the designated status to small end users?

24 A. Correct.

14:55:53 25 Q. 333 Such as had happened in Tallaght?

26 A. Yes.

27 Q. 334 And in summary he says "that if EEC structural funds were not available -- and

28 he seemed to think that the Stadium was not suitable for that -- the government

29 contribution would have to be made of capital allowances to the grant of

14:56:07 30 designated area tax status and National Lottery contributions, isn't that

- 14:56:10 1 right?
- 2 A. Correct.
- 3 Q. 335 Now, two things arise from that. The grant of a designated tax status is a
- 4 matter that's within the remit of the government, isn't that right, Mr. Dunlop?
- 14:56:21 5 A. Correct.
- 6 Q. 336 Right. And it is in the first instance a matter for the Department of the
- 7 Environment but the Minister for Finance must agree, isn't that right?
- 8 A. Correct.
- 9 Q. 337 Insofar as National Lottery funding is concerned, the Minister for Sport would
- 10 be the person to whom you would make allocation for that, isn't that right?
- 11 A. Correct, yes.
- 12 Q. 338 And it is clear, Mr. Dunlop, that by the June of '93, that Mr. O'Callaghan with
- 13 your assistance had been in contact with all of the people involved both the
- 14 Minister for the Environment, the Minister for Sport and the Minister for
- 14:56:53 15 Finance, isn't that right?
- 16 A. Yes.
- 17 Q. 339 Now I think, Mr. Dunlop, if you look at 9916. And you will remember if you
- 18 look at July 29th, there is an entry in your diary spoke to OOC re big one
- 19 again yes, yes?
- 14:57:10 20 A. Yes.
- 21 Q. 340 And you will remember the first of these entries was in January of '93, isn't
- 22 that right?
- 23 A. Correct.
- 24 Q. 341 This is the second entry and some five days later, Mr. Dunlop, on August 3rd.
- 14:57:24 25 Sorry, at 14218 -- you again have a similar entry spoke to OOC re 'big one'
- 26 again yes, yes?
- 27 A. Yes.
- 28 Q. 342 Isn't that right?
- 29 A. Correct.
- 14:57:35 30 Q. 343 And you have maintained that this is in relation to a success fee, isn't that

- 14:57:40 1 right?
- 2 A. Correct.
- 3 Q. 344 And I think then, Mr. Dunlop, at 10071. On the 31st of August you have an
- 4 entry in your diary at 2:15 collect OOC at airport?
- 14:57:53 5 A. Yes.
- 6 Q. 345 And beneath that you have 3 o'clock meet LL/OOC at home?
- 7 A. Yes.
- 8 Q. 346 Was that your home, Mr. Dunlop?
- 9 A. Yes that was my home.
- 14:58:02 10 Q. 347 And what was the purpose of that meeting?
- 11 A. I believed it was a type of strategy meeting including updating matters in
- 12 relation to Quarryvale and the Stadium. I cannot specifically say. I don't
- 13 think it lasted for very long but certainly it was at my home.
- 14 Q. 348 Yes.
- 14:58:21 15 A. And --
- 16 Q. 349 You were, you appear in terms of length, Mr. Dunlop, to have taken out the rest
- 17 of the afternoon, isn't that right?
- 18 A. Yes.
- 19 Q. 350 That would suggest to somebody looking at your diary that after you had met
- 14:58:31 20 with Mr. O'Callaghan and brought him to your house at 3 o'clock with Mr. Lawlor
- 21 that the balance of the afternoon was spent with those two gentlemen on
- 22 whatever business you were transacting?
- 23 A. At home, yes. Yes. I mean as I recollect matters we sat at the dining room
- 24 table and drank tea and coffee and shot the breeze.
- 14:58:49 25 Q. 351 Yes. And did you do anything else, Mr. Dunlop, on the 31st of August that
- 26 might assist the Tribunal in establishing what exactly you had discussed with
- 27 Mr. O'Callaghan and Mr. Lawlor?
- 28 A. Offhand now I cannot say.
- 29 Q. 352 Yes.
- 14:59:03 30 A. I may well have done.

- 14:59:04 1 Q. 353 In the previous month you had spoken to Mr. O'Callaghan on two occasions about
2 'big one' and you have it in your diary as "yes, yes" isn't that right?
3 A. Correct yes.
- 4 Q. 354 Did you discuss the question of the success fee with Mr. O'Callaghan at this
14:59:20 5 meeting this lengthy meeting that took place with Mr. Lawlor and Mr.
6 O'Callaghan?
7 A. I don't believe I did. I raised the matter with Mr. O'Callaghan on various
8 occasions but I cannot say specifically that I did but Mr. Lawlor was present
9 we were talking about strategy.
- 14:59:38 10 Q. 355 Would you also have been discussing at this meeting, a breakdown or a
11 distribution of the Stadium assets between yourself Mr. Lawlor Mr. O'Callaghan
12 and Mr. Ambrose Kelly?
13 A. It is possible but Mr. Kelly wasn't at the meeting, he wasn't present in my
14 home, has never been in my home, and it is possible, yes.
- 14:59:59 15 Q. 356 And at 10077, Mr. Dunlop, on the 2nd of September.
16 A. Uh-huh.
- 17 Q. 357 '93, two days after your meeting with Mr. Lawlor and Mr. O'Callaghan?
18 A. Yeah.
- 19 Q. 358 You wrote to Cox's Solicitors and you said:
15:00:15 20
21 "Dear James, I mentioned the proposed National Stadium to you during our
22 telephone conversation on Tuesday last" and Tuesday last, Mr. Dunlop, was the
23 31st of August the day that you had your meeting in your house with Mr. Lawlor
24 and Mr. O'Callaghan, isn't that right?
- 15:00:28 25 A. Yes correct.
- 26 Q. 359 And I am suggesting to you therefore that it's likely that what prompted your
27 telephone call to Cox's in connection with the Stadium was what you had
28 discussed with Mr. Lawlor and Mr. O'Callaghan in your house at the meeting?
29 A. It is quite possible, yes.
- 15:00:48 30 Q. 360 And in 1077 you say "I act professionally for the promoter of the Stadium, Owen

15:00:48 1 O'Callaghan of O'Callaghan Properties Limited, Cork. I have also 25 per cent
2 shareholder and I hold another 25 per cent in trust in the company which will
3 promote and project manage both the funding and construction of this facility.
4 The name of this company is Leisure Ireland Limited. I would like Arthus Cox
15:01:01 5 to advise Leisure Ireland Limited on all the legal aspects and requirements of
6 this project and would be grateful nominate person which with whom I can
7 liaise. I know you are going away shortly but I would be most grateful if you
8 could nominate this person prior to your departure."
9

15:01:15 10 Now, the first thing, Mr. Dunlop, is to clarify is who was the person for whom
11 you were holding 25 per cent in trust?

12 A. Liam Lawlor.

13 Q. 361 And I think there is documentation whereby it is agreed that there was such an
14 agreement that Mr. Lawlor's share would be held in trust, isn't that right?

15:01:30 15 A. Correct either as initially envisaged either by Ambrose Kelly or myself but as
16 matters turned out, I am telling James O'Dwyer that I am the person so holding
17 the trust.

18 Q. 362 Mr. Lawlor in the information that he provided to the Tribunal stated that his
19 share was to be held in trust?

15:01:47 20 A. Yes.

21 Q. 363 Isn't that right? Now, I think, Mr. Dunlop, and correct me if I'm wrong that
22 in the course of the Carrickmines Module when you were being asked about
23 whether or not you were aware of any circumstances in which Mr. Lawlor's share
24 was ever held in trust for another person, I think you indicated that apart
15:02:04 25 from the Carrickmines situation you weren't aware of any such, isn't that
26 right?

27 A. Correct, yeah, yeah.

28 Q. 364 Now was that evidence correct?

29 A. No it wasn't not in the context of the Stadium.

15:02:12 30 Q. 365 Yes. Because if you were correct and if Mr. Liam Lawlor is correct about the

- 15:02:15 1 agreement that was entered into which is evidence by this letter that you sent
2 on 2nd of September, you were to hold Mr. Lawlor's share in trust, isn't that
3 right?
- 4 A. Correct.
- 15:02:24 5 Q. 366 Why was that, Mr. Dunlop? Why was Mr. Lawlor's share to be held in trust?
6 A. Because Mr. Lawlor, two things. One Mr. Lawlor apparently wanted it that way.
7 And secondly, I think the other participants Mr. O'Callaghan myself and Mr.
8 O'Callaghan, Mr. Kelly and myself, viewed it as easier, an easier matter to
9 deal with without having Liam Lawlor's name attached.
- 15:02:54 10 Q. 367 In other words you viewed that the known involvement of Mr. Lawlor in the
11 project would have a negative effect on the project?
12 A. Correct.
- 13 Q. 368 Is that right?
14 A. Correct.
- 15:03:03 15 Q. 369 Was that something that was confined to Council circles or was it something
16 that would have had a national effect in other words speaking to national
17 politicians such as the Minister for the Environment for example if it was
18 known that Mr. Lawlor had an involvement in the project. How would that have
19 effected applications for assistance from the government?
- 15:03:19 20 A. Well I don't know how it would have had effect from assistance from the
21 government because that would be a matter for the representatives of the
22 government to make a decision appropriate. But I can answer your question by
23 saying sadly, I believe that it would have had a negative effect in that
24 people's perception of the matter might have been skewed by virtue of the fact
15:03:41 25 that Liam Lawlor was attached.
- 26 Q. 370 Yes. And I think following on just in relation to this issue at 10078. While
27 the Taoiseach's office calls you at 11:50 on the 3rd of September '93 at 4:00
28 it's recorded extremely urgent letter had arrived from Arthur Cox and that it
29 was locked in the top drawer?
- 15:04:03 30 A. Yes.

15:04:03 1 Q. 371 At 10079 on the 3rd of September '93, Mr. James O'Dwyer told you that he would
2 be delighted to act for you in connection with the Stadium and he proposed
3 Mr. John Walsh and Colm Duggan on the corporate side and that they should set
4 up a meeting and I think at 10086 you wrote to Mr. O'Dwyer following on his
15:04:25 5 letter to you personal and confidential by hand and you say:

6
7 "Dear James, thank you for your prompt reply. I would very much appreciate if
8 a meeting could be arranged with John Walsh, Colm Duggan and Ronan Walsh.
9 Given that the project now has planning permission together with strong backing
15:04:38 10 from the government, I would suggest this meeting ought to be held sooner
11 rather than later" isn't that right?

12 A. Correct.

13 Q. 372 Now, you are telling your solicitor then there that the project has strong
14 backing from the government, isn't that right?

15:04:49 15 A. Yes.

16 Q. 373 On what did you base that assertion, Mr. Dunlop?

17 A. I base the assertion on the stated and repeated support given by Albert
18 Reynolds as Taoiseach to both Mr. O'Callaghan and myself in relation to the ...
19 to the ... to the project. The fact that a National Stadium was now a national
15:05:17 20 objective as it were and had been listed as such by the government and
21 representatives of the government. And to all intents and purposes it was an
22 issue in relation to the possibility of government funding that just had to be
23 tied down.

24 Q. 374 And was it your understanding from the -- from what you were hearing either
15:05:34 25 directly from Mr. Reynolds or indirectly through Mr. O'Callaghan that there was
26 a positive reaction to the applications that were being made to the submissions
27 that were being made?

28 A. Yes, yes. It is difficult to replicate this type of conversation and it would
29 be Mr. O'Callaghan can give evidence in relation to what was directly said to
15:05:55 30 him. But let me put it to you as pithily as I can. And that is that the

- 15:06:01 1 impression was, the impression persisted that from the moment that the idea of
2 a National Stadium was presented to the government as a possibility, and a
3 request for funding in whatever format it would be given, was made, that the
4 attitude was positive.
- 15:06:21 5 Q. 375 Yes. But had you by that stage received any actual commitment in relation to
6 funding for the station National Stadium?
7 A. I don't believe so.
- 8 Q. 376 Yes. I think that at 10081, Mr. Dunlop, on the 10th of September, you have a
9 meeting with Arthur Cox's, isn't that right?
- 15:06:40 10 A. Yes.
11 Q. 377 Now, I think and I will come back to deal with this again. That in or around
12 that time Chilton & O'Connor had come to Dublin on one of their first visits,
13 isn't that right?
14 A. Yes, correct.
- 15:06:50 15 Q. 378 Just dealing with this issue at the moment and what you were in a position to
16 instruct your solicitors on the 10th of September. You attended a meeting with
17 a number of solicitors in Coxs', isn't that right?
18 A. Yes and for completeness I should say that I did act for Arthur Cox at a
19 specific stage as well during my career so any reference to Arthur Cox or James
15:07:11 20 O'Dwyer would relate to, could possibly relate also to my relationship with
21 Arthur Cox but I did attend a meeting in Arthur Cox's with representatives that
22 were named by Mr. O'Dwyer in the letter and Mr. O'Dwyer was present briefly for
23 the meeting at the start.
- 24 Q. 379 Yes. Mr. O'Dwyer had told you that he felt John Walsh, Colm Duggan and Ronan
15:07:35 25 Walsh should be your advisors.
26 A. Correct, yes.
- 27 Q. 380 And in the notes of the meeting at 10106 on the 10th of September '93, Arthur
28 Cox's -- the attendance first of all is yourself and then Mr. John Walsh
29 Mr. CD, Colm Duggan and M Walsh or R Walsh, Ronan Walsh, isn't that right?
15:07:56 30 A. Yes, correct.

15:07:56 1 Q. 381 So the three solicitors that had been identified to you are present, isn't that
2 right?
3 A. Correct.
4 Q. 382 Now, I just want to draw and presumably, Mr. Dunlop, the Tribunal can take it
15:08:06 5 from this that all of the information that was recorded by the solicitors came
6 from you?
7 A. Oh, absolutely.
8 Q. 383 Right. And that prior to you meeting with these solicitors other than what had
9 passed in the phone call and the letters between Mr. Walsh and yourself, that
15:08:19 10 there had been no information provided about this project, is that right?
11 A. Correct, other than the brief discussion with Mr. O'Dwyer by telephone.
12 Q. 384 Yes. But then you had the exchange of correspondence that we've seen and then
13 this is the first meeting at which you in effect are briefing Cox's, isn't that
14 right?
15:08:32 15 A. Correct.
16 Q. 385 In connection with the Stadium and acting on behalf of Leisure West as it
17 became, isn't that right?
18 A. Correct.
19 Q. 386 Now, in that document at 10106, I am doing my best now to decipher it as best I
15:08:47 20 can if we move half way down the page it says "focus then on 33 acres plan for
21 national ST. Plan for National Stadium" do you see that, Mr. Dunlop?
22 A. Yes.
23 Q. 387 Beneath that it says "Merrygrove (OOC company)".
24 A. Yes.
15:09:04 25 Q. 388 So that's what you've told them. And then beneath that "Leisure West wishes to
26 enter into an agreement with Merrygrove to acquire the site".
27 A. Yeah.
28 Q. 389 Now, you remember I had put it to you yesterday, Mr. Dunlop, about whether or
29 not the agreement you had involved acquiring the site and you had said no that
15:09:20 30 your interest or your understanding of Leisure West is that it was going to

15:09:24 1 develop the situation, isn't that correct?

2 A. Correct.

3 Q. 390 But in your first attendance with your solicitors you are saying that the

4 company want to buy the site from Merrygrove, isn't that right?

15:09:33 5 A. Yes.

6 Q. 391 And then you set out the directors. Owen O'Callaghan 33.3 per cent. Frank

7 Dunlop 33.3 and Ambrose 33.3 per cent. There is no reference to Mr. Lawlor?

8 A. No.

9 Q. 392 Is it the case that you didn't disclose to Cox's the involvement of Mr. Lawlor?

15:09:51 10 A. No, never did.

11 Q. 393 Okay. On the next page please. And you say he De Loitte & Touche, you are

12 recorded as telling them "De Loitte & Touche asked to conduct a feasibility

13 study on funding".

14 A. Yes.

15:10:00 15 Q. 394 "Approach Minister for Sport".

16 A. Yeah.

17 Q. 395 "Commitment of 5 million per annum for ten years".

18 A. Yeah.

19 Q. 396 Now, I had asked you, Mr. Dunlop, whether you had received at this stage, a

15:10:12 20 commitment from anybody in government in relation to the funding and you had

21 said no, isn't that right?

22 A. Yes.

23 Q. 397 Now looking at that document do you agree first of all that you told your

24 solicitors in September of 1993, the 10th of September '93, that in fact you

15:10:26 25 had a commitment of 5 million per annum for ten years?

26 A. Well I would -- I would dispute that because I don't believe that there was any

27 such commitment of 5 million per annum for ten years. Well I was going to say

28 ever. But certainly in any discussions that I would have had with

29 representatives of Arthur Cox. It is either to the effect that what is

15:10:49 30 required is a commitment of 5 million per annum for ten years arising out of

- 15:10:54 1 the De Loitte & Touche advice but certainly I don't recollect and I do believe
2 I am absolutely correct that there was no such commitment given by the time I
3 was talking to Arthur Cox in relation to 5 million per annum for ten years.
- 4 Q. 398 But is it possible whether or not now looking back on it, Mr. Dunlop.
- 15:11:11 5 A. Uh-huh.
- 6 Q. 399 There was in fact any such commitment given that you in fact told your
7 solicitors on the 10th of September '93, that such a commitment had been given?
- 8 A. I think it is evident from the note that there was a discussion in relation to
9 a commitment from the State of something of the order of 5 million per annum
10 for 10 years.
- 11
12 Yes, whether that was stated absolutely as a definitive commitment arising out
13 of one given by a representative of the government. I don't believe that is
14 the case because I don't believe that ever took place.
- 15:11:43 15 Q. 400 What is recorded hereby one of the solicitors is commitment of 5 million per
16 annum for 10 years from State (possibility this from lottery), isn't that
17 right?
- 18 A. Correct.
- 19 Q. 401 Okay. Now on the next page at 10108, we have the second note of one of the
15:11:58 20 solicitors who attended.
- 21 A. Uh-huh.
- 22 Q. 402 And the second person's note records as follows "Minister for Sport arrow 5
23 million per annum 10 years 1996".
- 24 A. Uh-huh.
- 15:12:10 25 Q. 403 So that is similar to the note of the first solicitor, isn't that right?
- 26 A. Correct.
- 27 Q. 404 So the second person who is attending the meeting has made the same mistake, if
28 mistake, it was, Mr. Dunlop isn't that right?
- 29 A. Well mistake. What I am saying is, it is obvious that a discussion took place
15:12:24 30 in relation to finance. It is obvious that a discussion of 5 million per annum

15:12:28 1 for a ten-year period was the subject of discussion. Whether that emanated
2 from the De Loitte & Touche report or not, I can't say. But definitely I do
3 not, the point I wish to make is I do not recollect ever receiving a commitment
4 of 5 million pounds per annum for ten years from the State either on behalf of
15:12:49 5 the Stadium for Mr. O'Callaghan or Mr. O'Callaghan telling me that he had such
6 other than discussions about funding from the National Lottery.

7 Q. 405 Yes. If we look then at the what the third solicitor who attended the meeting
8 recorded you as saying the 10th of September '93, at 10109. And again the
9 handwriting is quite difficult but doing one's best to decipher as best we can
15:13:14 10 working from the bottom the third paragraph up approximately and I want to draw
11 to your attention "government commitment of 5 million per annum 10 years
12 (beginning '96 from lotto funds?) this will be an FAI Stadium?

13 A. Yeah.

14 Q. 406 Now that is the same note that is recorded by the first solicitor, isn't that
15:13:33 15 right, effectively?

16 A. Yeah.

17 Q. 407 So now you have the three solicitors who attend the meeting with you, Mr.
18 Dunlop, recording separately a note to the effect that there is a commitment
19 for. The word commitment is there isn't that right, government 10 years
15:13:49 20 beginning 1996.

21 A. Yes.

22 Q. 408 Now, and then if you see the little box that's beneath that, Mr. Dunlop?

23 A. Uh-huh.

24 Q. 409 It says "F Dunlop says too late - needed in 1994".

15:14:01 25 A. Yes.

26 Q. 410 Do you see that, isn't that right?

27 A. Yeah.

28 Q. 411 That would suggest that in fact what the solicitor is recording is an actual
29 commitment. In other words that your understanding was that there was a
15:14:10 30 commitment in place for this payment beginning in 1996 because the point you

- 15:14:21 1 are making there to the solicitor is 1996 is too late?
- 2 A. Yeah.
- 3 Q. 412 You need it in 1994, isn't that right?
- 4 A. Yes correct.
- 15:14:21 5 Q. 413 Now, that would suggest, Mr. Dunlop, unless you are in the business of
6 misleading your solicitors, and I suggest that you wouldn't do such a thing,
7 that in fact here at this stage you had a belief, isn't that right?
- 8 A. Yes.
- 9 Q. 414 In the fact that a commitment of some sort had been given for State funding for
15:14:38 10 the National Stadium?
- 11 A. Yes. Again, without revisiting what I said. I believe that obviously there
12 was a discussion with the solicitors, there is absolutely no doubt about that
13 in relation to funding. And that any discussion in relation to amounts of
14 money with the word "commitment" I cannot say that such a statement was made by
15:15:03 15 me because I do not recollect ever having had a commitment either directly to
16 me or via Owen O'Callaghan at that time.
17
- 18 All I can say to you is yes, there was discussions with senior representatives
19 of the government about funding and the location of that was via the National
15:15:20 20 Lottery, as I recollect matters. Whether this is related to the De Loitte &
21 Touche recommendation as to what was, what would be required or not, I cannot
22 say. But certainly I would have no dispute whatsoever with any note that took
23 place at a meeting with the solicitors from Arthur Cox, that a discussion did
24 take place in relation to funding. But at that stage I cannot say to you that
15:15:45 25 I had any definitive commitment from anybody or that Mr. O'Callaghan had
26 either.
- 27 Q. 415 Yes. So that if this record of these three solicitors is to the effect that
28 their understanding was that you were telling them that you had a commitment or
29 that the company had a commitment or that the project had a commitment of
15:16:04 30 government funding for five million a year for ten years then they are in error

- 15:16:08 1 in that regard?
- 2 A. If that was their understanding that there was a definitive commitment at that
- 3 time 5 million for ten years, I would say yes.
- 4 Q. 416 There is one other matter that I want to draw to your attention in that
- 15:16:20 5 particular note, Mr. Dunlop. If we move up the page a little bit. On the
- 6 document if we can just move it up. And where it says Owen O'Callaghan, FD and
- 7 Ambrose Kelly architect each?
- 8 A. Yes.
- 9 Q. 417 With 33 and a third per cent do you see that, Mr. Dunlop?
- 15:16:36 10 A. Yes.
- 11 Q. 418 And then you see beside that written above the line as it were "value based on
- 12 services being brought by each to the company". Do you see that?
- 13 A. Yes, yeah.
- 14 Q. 419 All right. So what's recorded there is "value based on services being brought
- 15:16:51 15 to the company".
- 16 A. Uh-huh.
- 17 Q. 420 Right. Is that correct?
- 18 A. Well in broad terms I think when you asked me the other day yesterday I think
- 19 it was what I brought, I brought to the company an agreement was reached
- 15:17:08 20 between us and I brought to the company the fact that I was there at the
- 21 beginning with Mr. O'Callaghan and Mr. Lawlor and Mr. Kelly and that was the
- 22 way we were looking at matters.
- 23 Q. 421 Yes.
- 24 A. I can't say other than that in relation to that note.
- 15:17:26 25 Q. 422 So these were the instructions that you gave to your solicitors at the very
- 26 beginning and what you were advising them was about setting up a company that
- 27 was going to buy the lands, isn't that right?
- 28 A. Yes.
- 29 Q. 423 From Merrygrove?
- 15:17:38 30 A. Yes.

- 15:17:38 1 Q. 424 Okay. You weren't advising them about setting up an operational company, isn't
2 that right?
- 3 A. Correct.
- 4 Q. 425 Because there is nothing contained in this document of the first attendance by
15:17:47 5 the three solicitors who attended the meeting that records anything about a
6 share in a company that was going to operate the Stadium, isn't that right?
- 7 A. No.
- 8 Q. 426 Because what they were asked to do was to set entrain a process whereby
9 Merrygrove would transfer its legal interest in the land to this company
15:18:04 10 Leisure West, isn't that right?
- 11 A. Correct.
- 12 Q. 427 And therefore was it your agreement with Mr. O'Callaghan, Mr. Dunlop, at that
13 time and Mr. Lawlor and Mr. Ambrose Kelly, that in fact what you would get
14 would have been the land on the 33 acres that was owned by Merrygrove at the
15:18:22 15 Neilstown site?
- 16 A. Yes, I would have to say to you quite straight forwardly that as far as I'm
17 concerned that never entered the picture. I -- my view was that the Stadium
18 was the issue, notwithstanding the fact that it had to be located on lands
19 which were owned by Merrygrove but that it was the Stadium was the issue, was
15:18:46 20 the matter that was at issue and that the matter would be, the matters would be
21 resolved between the legal representatives of Owen O'Callaghan and the other
22 parties. And the other parties were being represented by Arthur Cox.
- 23 Q. 428 And at 10130, Mr. Dunlop, following on the meeting of the 10th you wrote
24 because you were asked to write --
- 15:19:13 25 A. Uh-huh.
- 26 Q. 429 -- to Mr. James O'Dwyer to give him formal instructions in relation to the
27 matter?
- 28 A. Yes.
- 29 Q. 430 "Dear James, it's re Leisure West. It's we met at your office on Friday 10th
15:19:22 30 in relation to the above. Thank you for your valuable advice and in the

15:19:25 1 expeditious manner in which the meeting was organised. You asked me to write
2 you with my recommendation as regards the ownership of the lands on which the
3 Stadium is to be built and the transfer of same to Leisure West."

4 A. Yes.

15:19:35 5 Q. 431 "Put simply, legal effect is now required for the transfer of the 33 acres of
6 land in the ownership Merrygrove Limited at Cappagh, Neilstown, Clondalkin
7 Dublin 22 and similarly the transfer of the auction which Merrygrove Limited
8 holds over the adjoining 28 acres to Leisure West Limited."

9 A. Yes.

15:19:54 10 Q. 432 Is there any ambiguity there, Mr. Dunlop?

11 A. None.

12 Q. 433 So what you instructed your solicitors to do, was to transfer the land not
13 alone the 33 acres that Merrygrove had the option on at Lucan/Clondalkin to
14 Leisure West but also to transfer the 28 additional acres that had been brought
15 to provide the additional car parking for the Stadium, isn't that right?

16 A. Correct.

17 Q. 434 And that the option was to be transferred into the name of Leisure West?

18 A. Yes.

19 Q. 435 And therefore if this exercise had taken place, Mr. Dunlop, the end result
15:20:18 20 would have been that Leisure West would have become the owner of the option
21 that Merrygrove had over the Dublin Corporation lands at Neilstown/Balgaddy,
22 isn't that right?

23 A. If that ever took effect, yes.

24 Q. 436 So the 33 acres and the 22 acres.

15:20:33 25 A. Yes.

26 Q. 437 That 51 acres of land. So that in fact your agreement, Mr. Dunlop, contrary to
27 what with you told the Tribunal yesterday in relation to the matter. If this
28 is an accurate reflection was an agreement whereby Leisure West would become
29 the owner of the options on the land, isn't that right?

15:20:49 30 A. Yes.

- 15:20:50 1 Q. 438 And not any development company in relation to running the Stadium.
- 2 A. Yes.
- 3 Q. 439 Okay. Now, in real terms, Mr. Dunlop, what would the value even then in 1993
- 4 have been of the 53 acres of or the 51 acres at Neilstown/Balgaddy?
- 15:21:07 5 A. Huge.
- 6 Q. 440 Uh-huh. Because Mr. Michael McLoone yesterday said that when he was
- 7 negotiating with Mr. O'Callaghan at this time for the sale of the additional 28
- 8 acres, the price was 40,000 an acre and I think the total price was 4.2 million
- 9 for those additional acres, isn't that right?
- 15:21:25 10 A. Correct.
- 11 Q. 441 So that in fact this was a multi million pound transaction, isn't that right?
- 12 A. It would have been a multi million pounds transaction if it ever took place.
- 13 Q. 442 Correct. Now how was it, Mr. Dunlop, when you came to explain your arrangement
- 14 with Mr. O'Callaghan to the Tribunal you never told the Tribunal until this
- 15:21:43 15 point in time, that if in fact your arrangement with Mr. O'Callaghan,
- 16 Mr. Lawlor and Mr. Kelly was to get the land on at Neilstown/Balgaddy and that
- 17 your interest in it would be 25 per cent?
- 18 A. Because quite straight forwardly as I said to you yesterday, my orientation
- 19 always has been that it related to the Stadium, it is easy for me to say in
- 15:22:08 20 relation to the preparation of this letter. But I will deal with that in a
- 21 moment.
- 22
- 23 But obviously I'm not the sole generator of this letter. But certainly I would
- 24 have said and would still say to this day, that the interest related solely in
- 15:22:25 25 the Stadium itself and that there was never, notwithstanding anything that is
- 26 in writing to solicitors or otherwise, there was never any intention on the
- 27 part of Mr. O'Callaghan or his companies transferring an interest in the land.
- 28 A. To Leisure West.
- 29 Q. 443 What was the point and going and sitting across the desk, Mr. Dunlop, from
- 15:22:44 30 three very expensive solicitors in Arthur Cox and feeding them a line that was

- 15:22:47 1 a lie from start to finish? What was the point of doing that if the purpose of
2 the exercise was to give you a share in a company that would develop the
3 Stadium?
- 4 A. I think perhaps and I am not saying this definitively, but perhaps it was to
15:23:05 5 push Mr. O'Callaghan into an agreement in relation to the setting up of Leisure
6 West and a division of the 25 per cent each in relation to the operation of the
7 Stadium. I never, to this day, even reviewing that document in the brief or
8 otherwise, to this day I have never believed and there was never any agreement
9 with Mr. O'Callaghan for the transfer of any lands to Leisure West.
- 15:23:28 10 Q. 444 Okay. Looking at the next paragraph then, Mr. Dunlop, which you drafted or
11 which you sent to your solicitors, this is your letter.
- 12 A. I did say to you that I would have something to say in relation to the drafting
13 I'll accept that for a moment.
- 14 Q. 445 Look the at the signature first of all at 10131.
- 15:23:46 15 A. Yes.
- 16 Q. 446 Is that your signature?
- 17 A. Yes.
- 18 Q. 447 We will go back and talk about who drafted the letter in a minute, Mr. Dunlop.
19 But looking at the next paragraph, simply on the issue of agreement with Mr.
15:23:52 20 O'Callaghan and others you state "agreement in principle has been reached
21 regarding such a transfer between the owners of Merrygrove Limited, the chief
22 of whom is Mr. Owen O'Callaghan and the shareholders and directors of Leisure
23 West Limited represented by myself".
- 24 A. Yes.
- 15:24:06 25 Q. 448 Now, was there such an agreement between Mr. O'Callaghan and the shareholders
26 of Leisure West represented by yourself?
- 27 A. I have no recollection of any such agreement.
- 28 Q. 449 But why would you baldly state that to be true in a letter to your solicitors
29 who are acting on your behalf, Mr. Dunlop?
- 15:24:21 30 A. Because, Mr. Lawlor and myself are pushing the solicitors to get on to John

15:24:26 1 Deane who is the solicitor for Mr. O'Callaghan, to effect an arrangement to
2 effect an agreement of some sort in relation to the Stadium. There was never
3 any intention as I recollect matters, it's up to Mr. O'Callaghan to give his
4 own evidence, and Mr. Deane. But I do not recollect any agreement in principle
15:24:44 5 or otherwise with Mr. O'Callaghan for the transfer of the ownership or an
6 interest in the lands at Neilstown to Leisure West.

7 Q. 450 Notwithstanding that, to this point in time your dealings and your instructions
8 to the three solicitors in Arthur Cox and your own letter of the 15th of
9 September --

15:25:01 10 A. Yes.

11 Q. 451 -- states that the whole purpose of what you are doing is to effect the
12 transfer of the lands, isn't that right?

13 A. Correct.

14 Q. 452 So that in effect you disown this correspondence now, Mr. Dunlop, is that the
15 position?

16 A. Well, no I don't disown it. What I am saying to you that it was written in
17 specific circumstances with the assistance of Mr. Lawlor in relation to pushing
18 Mr. O'Callaghan into a finality in relation to an agreement that we had arrived
19 at with verbally in relation to this Stadium.

15:25:30 20 Q. 453 And what was --

21 A. And it is the thing -- the headline on the letter is the Stadium re the
22 National Stadium.

23 Q. 454 And what agreement do you say had you entered into with Mr. O'Callaghan by the
24 15th of September '93?

15:25:42 25 A. My understanding has always been that Mr. O'Callaghan and I with Ambrose Kelly
26 and Liam Lawlor agreed that in relation to the Stadium in general, that there
27 would be a 25 per cent interest held by each of us and one of us would hold the
28 25 per cent for Mr. Lawlor and it was related to the Stadium. Notwithstanding
29 any technicalities in relation to the land that the Stadium was built on, to
15:26:11 30 this day I would have said that it was absolutely futile for anybody to suggest

15:26:16 1 to Mr. O'Callaghan that he would transfer his interest in the land at
2 Merrygrove -- held by Merrygrove to a new company called Leisure West. I don't
3 think that was ever in the offing.

4 Q. 455 But that was what you --

15:26:28 5
6 JUDGE FAHERTY: Sorry.

7
8 CHAIRMAN: Sorry. Mr. Dunlop, how is that paragraph which you say now is
9 completely untrue? How is that designed to push Mr. O'Callaghan into any
10 direction?

11 A. Yes, I think. I think on recollection with dealing with Mr. Lawlor, I think
12 Mr. Lawlor was anxious to push Mr. O'Callaghan into a finality. I shouldn't
13 blame Mr. Lawlor. I'm not blaming Mr. Lawlor. That Mr. Lawlor, Mr. Kelly and
14 myself were anxious to push Mr. O'Callaghan into finality in relation to an
15 agreement vis-a-vis a shareholding in the Stadium.

16
17 CHAIRMAN: But how was this paragraph designed for that purpose? How was that
18 going to bring about an agreement with Mr. O'Callaghan which didn't exist at
19 the time, you were dealing here with the solicitors for the Stadium --

15:27:02 20 A. Yes.

21
22 CHAIRMAN: Project. So they were Mr. O'Callaghan's solicitors as well as.

23 A. John Deane.

24
15:27:27 25 CHAIRMAN: But they were Mr. O'Callaghan's solicitors for the purposes of
26 seeking advice from Arthur Cox.

27 A. Sorry, Chairman, I missed that point.

28
29 CHAIRMAN: Was Mr. O'Callaghan -- you were dealing with the solicitors Arthur
15:27:46 30 Cox on behalf of the Stadium project

15:27:48 1 A. Yes, that was the genesis of my, yeah.

2

3 CHAIRMAN: So it was yourself, Mr. Lawlor, Mr. Kelly and Mr. O'Callaghan.

4 A. Correct.

15:27:56 5

6 CHAIRMAN: So how was giving clearly making an incorrect statement to the

7 solicitors acting for all of you giving an incorrect statement about one of

8 your participants, how was that supposed to push that participant in the

9 direction that he would provide you and Mr. Lawlor with a shareholding?

15:28:28 10 A. All I can say, Mr. Chairman, in relation to the matter is that there was a

11 feeling obviously between Mr. Kelly and Mr. Lawlor and myself that Mr.

12 O'Callaghan while he had undertaken verbally in relation to the shareholding

13 that I have outlined, wasn't expediting matters and that we were attempting to

14 push him along.

15:28:47 15

16 CHAIRMAN: But you weren't writing to him you were writing to.

17 A. Oh, yes but I'm not so sure that Mr. O'Callaghan saw this correspondence. I

18 can't recollect whether he did or not or whether he is the source of the

19 correspondence or I am the source of the correspondence. But certainly his

15:29:02 20 solicitor John Deane, would have been aware and was subsequently aware because

21 there was contact between Mr. Deane and Mr. Walsh of Arthur Cox in relation to

22 the matter.

23

24 JUDGE FAHERTY: Ms. Dillon, I wonder could you move back just to 1007 just for

15:29:18 25 a moment. Sorry, Mr. Dunlop.

26 A. Okay.

27

28 JUDGE FAHERTY: It's Mr. Dunlop's letter to Cox's solicitors of the 2nd of

29 September 1993. 1007. That's not it. Whatever number that is.

15:29:38 30

15:29:38 1 MS. DILLON: Yes. I have just temporarily lost it.
2
3 JUDGE FAHERTY: Thanks. I have the wrong.
4
15:29:55 5 MS. DILLON: 10077.
6
7 JUDGE FAHERTY: Sorry. I beg your pardon. Thanks, Ms. Dillon.
8 A. Yep.
9
15:30:11 10 JUDGE FAHERTY: That's the first, that's when you write to Cox's solicitors
11 isn't that correct, Mr. Dunlop?
12 A. Correct after the telephone conversation, yes.
13
14 JUDGE FAHERTY: Yes. And how soon after this letter. Tell me do you know how
15 soon after whatever agreement you entered into with the three other gentlemen
16 regarding your shareholding did you write this letter?
17 A. I'm afraid I can't tell you that. It obviously was a matter of discussion
18 among ourselves and but no I can't say exactly how soon after it.
19
15:31:00 20 JUDGE FAHERTY: Well you've already told us that it's likely that the
21 shareholding. The divvying up of shareholding was agreed at a meeting on the
22 31st of August.
23 A. Yes.
24
15:31:10 25 JUDGE FAHERTY: At your home, isn't that correct?
26 A. What I said to Ms. Dillon, yes I think it's quite likely that, yes.
27
28 JUDGE FAHERTY: Yes. Given the telephone calls to Arthur Cox's and the, and
29 this letter, isn't that correct?
15:31:24 30 A. Yes.

15:31:25 1
2 JUDGE FAHERTY: And how can you -- what then led you to say that your, the
3 instructions that you gave to the solicitors on the 15th of September, which
4 would have been I think some 12 or 13 days after that, what led you to believe
15:31:45 5 in your response as I understand it to both Ms. Dillon or the Chairman you were
6 saying this was this was triggered by your perception of, as -- I don't want to
7 misquote you but I understand what you are saying is your perception of some
8 inactivity on the part of Mr. O'Callaghan to progress the matter?

9 A. Yes.

15:32:05 10
11 JUDGE FAHERTY: 13 days have elapsed, isn't that correct?

12 A. Yes.

13
14 JUDGE FAHERTY: Yes.

15:32:12 15 A. To the best of my recollection, I think a discussion would have taken place
16 between Owen O'Callaghan -- between Liam Lawlor Ambrose Kelly and myself to the
17 effect that we need to all intents and purposes tie down Owen to the
18 arrangement that he has arrived at with us.

15:32:28 20 JUDGE FAHERTY: But surely the letter that you write to the solicitors on the
21 15th of September, is putting tying, if you use that phrase, Mr. O'Callaghan
22 down to the agreement you believed you had reached with him?

23 A. Yes.

15:32:43 25 JUDGE FAHERTY: Wouldn't that be the object to put it? You'd wanted to put it
26 in writing or to have at least a note. The best thing to a contemporaneous
27 note I suppose would be your instructions to your solicitors, isn't that
28 right?

29 A. Yes, I accept that. But as I've said, and to this day I say, that my
15:33:00 30 understanding of and my recollection of the arrangement with Owen O'Callaghan

15:33:03 1 related to the Stadium per se. Notwithstanding any correspondence in relation
2 to the transfer of land that was, well I shouldn't say it was never envisaged
3 and I don't ever believe Mr. O'Callaghan envisaged the transfer of land that he
4 had bought in the, by Merrygrove and held in the name of Merrygrove to a new
15:33:27 5 company called Leisure West. I, however inconceivable people might think that
6 it might be, I don't believe that it was ever conceived as such by Mr.
7 O'Callaghan that is what he would do. What he was doing was he was agreeing
8 with O'Callaghan with Lawlor and Kelly and myself that he would give, we would
9 get a shareholding in the Stadium, however that was to be effected. And it was
15:33:52 10 to be agreed among the solicitors and we nominated, I think if my memory is
11 correct that I told Mr. O'Callaghan that we were nominating Arthur Cox as the
12 solicitors, because I knew Mr. O'Dwyer and I had a relationship with Arthur Cox
13 and I believed subsequently believed that Mr. Deane and Mr. Walsh knew one
14 another.

15:34:12 15
16 JUDGE KEYS: Mr. Dunlop, just in case I misunderstand what you are saying. Do
17 I take it then that there was no question of an arrangement with Mr.
18 O'Callaghan where you would have a beneficial interest of some description in
19 the land upon which the Stadium was going to be built on or you had a
15:34:31 20 shareholding in a company which would have some rights to use the Stadium?
21 A. Yes. My abiding recollection and belief in this whole matter is that Liam
22 Lawlor, Ambrose Kelly and myself together with Mr. O'Callaghan would have a
23 shareholding in a company known as Leisure West, which would have some
24 operational linkage with the Stadium. That it was never envisaged,
15:34:59 25 notwithstanding anything that's in correspondence to solicitors, that Mr.
26 O'Callaghan and I do believe again Mr. O'Callaghan will give his evidence in
27 this regard. But I do believe that Mr. O'Callaghan ever said to me, whatever
28 he may have said to Mr. Kelly or Mr. Lawlor, that he was going to transfer the
29 lands held in the name of Mr. Merrygrove to this company called Leisure West on
15:35:23 30 which a Stadium would be built.

- 15:35:25 1
- 2 JUDGE KEYS: I see.
- 3 Q. 456 MS. DILLON: It is the sequence in the contemporaneous documents, Mr. Dunlop,
4 that following on your meeting with Mr. O'Callaghan and Mr. Lawlor on the 31st
15:35:38 5 of August 1993, you telephone Cox's for the first time?
- 6 A. Correct.
- 7 Q. 457 You follow that with a meeting which is attended by three solicitors and in the
8 instructions that you give, it is stated Leisure West wish to enter into an
9 agreement with Merrygrove to acquire the site, isn't that correct?
- 15:35:55 10 A. Correct.
- 11 Q. 458 And you make a distribution and they were the instructions that are recorded by
12 the solicitors, isn't that right?
- 13 A. Yes.
- 14 Q. 459 Following on that meeting you write a letter which we had been looking at, at
15:36:07 15 10130 in which you refer to agreement in principle had been reached regarding
16 such a transfer between the owners of Merrygrove, chief of whom is Mr. Owen
17 O'Callaghan and the shareholders and directors of Leisure West Limited?
- 18 A. Correct.
- 19 Q. 460 Now, the context tent of that note itself or part of the letter would indicate
15:36:23 20 that you knew that Mr. O'Callaghan was not the only person interested in
21 Merrygrove, isn't that right?
- 22 A. Absolutely, yeah.
- 23 Q. 461 And that you would have been aware of the interest of Mr. Gilmartin in
24 Merrygrove, isn't that right?
- 15:36:33 25 A. Correct.
- 26 Q. 462 And then you go on to say in the next paragraph "regarding the financial aspect
27 it is agreed that the costs associated with this transfer will be the exact
28 original purchase price paid for the 33 acres together with the accumulated
29 costs to date duly receipted."
- 15:36:49 30 A. Yes.

- 15:36:49 1 Q. 463 So you are now instructing your solicitors as to what the purchase price of the
2 lands with will be?
- 3 A. Yep.
- 4 Q. 464 Whatever it costs Merrygrove together with any money spent to date, isn't that
15:36:58 5 right?
- 6 A. Correct.
- 7 Q. 465 And you then go on to talk on the following page about Chilton O'Connor, isn't
8 that right?
- 9 A. Well ...
- 15:37:04 10 Q. 466 It's not really relevant to this particular issue.
- 11 A. Yes.
- 12 Q. 467 You have another meeting, Mr. Dunlop, at 10139 on the 21st of September, with
13 Cox's and you will see there A Cox re Stadium?
- 14 A. Yes.
- 15:37:17 15 Q. 468 And you see that. And then at 10146, Mr. Walsh writes to Mr. Deane, isn't that
16 right?
- 17 A. Yeah.
- 18 Q. 469 And he says "I refer to our telephone conversation" and this letter is dated
19 21st of September '93, the same date as your meeting. "I refer to our
15:37:37 20 telephone conversation and understand that agreement and principal has been
21 reached regarding an option in favour of Leisure West Limited to purchase 33
22 acres of land held by your client with a transfer of an option over adjoining
23 28 acres". That's what you have said in your letter, isn't that right?
- 24 A. That's correct.
- 15:37:49 25 Q. 470 That's now what Mr. Walsh is writing to Mr. Deane, isn't that right?
- 26 A. Correct.
- 27 Q. 471 "I also understand the proposed purchase price if the option is exercised will
28 equal the original purchase price paid for the 33 acres with accumulated costs
29 to date duly vouched". And then he looks forward to hearing from you as soon
15:38:04 30 as possible, isn't that right?

15:38:04 1 A. That's correct.

2 Q. 472 So that is Mr. Deane -- Mr. Walsh carrying out your instructions as you had set
3 out in your letter.

4 A. Correct.

15:38:10 5 Q. 473 And if you look at 10177, Mr. Dunlop, you will see that on the 27th of
6 September '93, Mr. Deane replied:
7
8 "Dear John, thank you for your fax of the 21st of September. Perhaps you could
9 also confirm to me your understanding as to the shareholding in Leisure West
10 Limited. Once I hear from you on this point I shall have consultation with my
11 client and revert."

12 A. Correct.

13 Q. 474 Isn't that right? So -- Mr. Walsh at 10178. On the 27th of September the same
14 date as Mr. Deane's letter immediately replies and says "further to your fax
15 27th, it is my understanding that three shareholders in Leisure West will hold
16 the share as to one-third each". Isn't that correct?

17 A. Yeah.

18 Q. 475 I think I think at 10174 on the 30th of September, you have an entry in your
19 diary again OOC report re 'big one' isn't that right?

15:38:59 20 A. Yes.

21 Q. 476 And then on the 6th of October '93, at 10220. Mr. Walsh writes to you and
22 says.
23
24 "Dear Frank, despite my letters and verbal conversation with John Deane, I've
15:39:09 25 not yet received any confirmation in relation to the option for the company. I
26 attach a copy of my further letter of today's date. I am concerned that
27 without the necessary instructions from O'Callaghan, John Deane may not move
28 forward despite my requests. Could I suggest that you might speak to Owen
29 O'Callaghan to request him to give John Deane the necessary instructions so
15:39:26 30 that the option can be put to bed before any major benefit accrues to the site

15:39:30 1 arising from your forthcoming discussions, isn't that right?

2 A. Correct.

3 Q. 477 Now the forthcoming discussions to which reference was made there was meetings

4 that I think that I will come back to deal with when i finish this issue, at a

15:39:41 5 reasonably high government at level, isn't that right? I will take you through

6 those, Mr. Dunlop?

7 A. Sure, sure.

8 Q. 478 On the 7th of December '93, at 10487 Mr. Deane replied, isn't that right?

9 A. Yeah.

15:39:53 10 Q. 479 Now, in this he makes an apology of not being able to make the meeting of

11 December '93. And at paragraph one he sets out how Merrygrove acquired the

12 land and that a deposit had been paid, isn't that right?

13 A. Correct.

14 Q. 480 And then he says however Owen O'Callaghan was requested by the city Manager to

15:40:07 15 come up with some alternative proposal for the site. In looking for

16 alternative proposals the idea for the National Stadium was suggested and

17 everybody agreed that the location was ideal for this Stadium by agreement with

18 the manager, Owen did not look for refund of the deposit and likewise did not

19 push for the completion of the sale.

15:40:24 20

21 2. During the course of the development of the Stadium project, it became

22 necessary to acquire some additional land for car parking. Once again the city

23 manager who again gave available an additional 20 acres subject to a valuation

24 Owen is hoping to meet valuers for Dublin Corporation prior to Christmas to

15:40:39 25 agree valuation."

26

27 That in fact happened, isn't that right? It was agreed at 40, 000 pounds.

28 A. Uh-huh.

29 Q. 481 And 3. As you will see from the foregoing the legal framework to secure the

15:40:47 30 site may be a little bit indefinite. There is no doubt that there is a

- 15:40:50 1 substantial goodwill on the part of the Dublin Corporation to see the Stadium
2 project proceed and on this basis Owen does not see any difficulty with Dublin
3 Corporation in relation to the entire site.
4
- 15:41:00 5 4. Owen is happy to grant the option referred to in your letter.
6
7 So what had been sought by Mr. Walsh according to Mr. Deane, and contrary to
8 what you said Mr. Dunlop, Mr. O'Callaghan was happy to grant the option, isn't
9 that right
- 15:41:13 10 A. In that letter, yes.
11 Q. 482 Yes. In the event of the option being exercised not only must the expenses
12 referred to your letter be reimbursed but also the deposit of 300,000 pounds
13 paid by Merrygrove. So what is being stated hereby Mr. Deane on behalf of Mr.
14 O'Callaghan in December 1993, that the price of the option will be the 300,000
15 Pounds paid by Merrygrove in relation to the land together with the expenses,
16 isn't that right?
17 A. Correct.
18 Q. 483 That is what you had instructed Mr. Walsh would be the cost of the option,
19 isn't that right?
- 15:41:43 20 A. Correct.
21 Q. 484 And which you have told the Tribunal earlier today was incorrect and wrong,
22 isn't that right?
23 A. Yes.
24 Q. 485 That doesn't appear to be the case?
- 15:41:50 25 A. Well not from that letter no.
26 Q. 486 In relation to the sum mentioned in your letter for expenses this is a figure
27 which Owen has agreed not subject to alteration or the production of vouchers
28 and other verification, isn't that right?
29 A. Correct.
- 15:42:02 30 Q. 487 So what is it being stated there by Mr. Deane in his letter is that Mr.

15:42:07 1 O'Callaghan will grant the option on payment of the sum of 300,000 Pounds
2 together with the expenses which don't appear to be negotiable?
3 A. Correct.
4 Q. 488 And which are not going to be the subject of production in any voucher, isn't
15:42:19 5 that right?
6 A. Correct.
7 Q. 489 5 he says "the shareholding as set out in your recent correspondence is
8 agreed". Isn't that right?
9 A. Yes.
15:42:26 10 Q. 490 And that would have been the reference to 33 and a third per cent between
11 Mr. Kelly, Mr. Dunlop and Mr. O'Callaghan, isn't that right?
12 A. Correct.
13 Q. 491 "6. It was also agreed that our firm would act for the new company in
14 connection with the Stadium project as we have been involved with the project
15:42:42 15 since the inception of the Stadium concept."
16
17 And that was a source of disagreement between Cox's and Deane's, isn't that
18 right?
19 A. Correct.
15:42:44 20 Q. 492 "You will see from the foregoing that while the principle of granting option is
21 totally agreed and accepted by my client, there may be some practical
22 difficulties as to how an option can be structured for the period suggested in
23 your letter. It is the structuring of the details of the transaction which I
24 would like to discuss with you when we meet."
15:43:00 25 A. Yeah.
26 Q. 493 If -- that letter would suggest, Mr. Dunlop, that Mr. Deane is confirming in
27 fact that what you had instructed to Mr. Walsh was correct, isn't that right?
28 A. Correct, yes.
29 Q. 494 And that there is agreement in principle between Mr. O'Callaghan on the one
15:43:12 30 side and Mr. Yourself on the other side on behalf of the other people?

- 15:43:16 1 A. Correct.
- 2 Q. 495 And what is being agreed will be transferred is that you will get the new
3 company will get an option to purchase the lands from Merrygrove?
- 4 A. Yes.
- 15:43:25 5 Q. 496 Isn't that right? And isn't that what the documentation shows, Mr. Dunlop?
- 6 A. No, I'm not so sure that that is what the documentation shows. This is a
7 letter from John Deane to Mr. Walsh of Cox's outlining what the position as was
8 outlined by me to Mr. Walsh. But I think the nub of the matter is contained in
9 the last paragraph.
- 15:43:57 10 Q. 497 No, with respect, Mr. Dunlop, you misunderstand me. What I am putting to you
11 is that whatever difficulties might be encountered in implementing the
12 agreement, what had been agreed between yourself and Mr. O'Callaghan as is
13 evidenced by the exchange of correspondence was what was set out in your
14 original letter of instructions to Mr. Walsh, isn't that right?
- 15:44:19 15 A. Sorry I see the point you're making my apologies.
- 16 Q. 498 Yes.
- 17 A. I revert again back to what I said to you and both Judge keys. My
18 understanding and at all stages notwithstanding anything in relation to
19 correspondence between solicitors and whatever eventuated, which nothing
20 happened. Nothing eventuated, was that there would be a shareholding between
21 the four people named in the entity known as the Stadium, whatever had to be
22 effected -- whatever had to be done to give effect to that would be agreed.
23
- 24 Now, I have absolutely no recollection of ever having a discussion with Owen
15:45:04 25 O'Callaghan in relation to the transfer of lands in held by Merrygrove or
26 indeed do I ever recollect a discussion between any of Mr. O'Callaghan, Ambrose
27 Kelly, Liam Lawlor and myself to that effect. Other than an agreement by Mr.
28 O'Callaghan that there would be a shareholding for each of us in the entity
29 known as the Stadium.
- 15:45:27 30 Q. 499 Yes.

- 15:45:27 1 A. And as it turned out, nothing ever happened.
- 2 Q. 500 In Mr. Walsh's letter, Mr. Dunlop, at 10146 that was written on foot of your
3 instructions.
- 4 A. Uh-huh.
- 15:45:38 5 Q. 501 What he says to Mr. Deane is "I refer to our recent telephone conversation and
6 understand that agreement in principle has been reached regarding an option in
7 favour of the Leisure West to purchase 33 acres of land held by your client
8 coupled with a transfer of an option over an adjoining 28 acres."
- 9 A. Yes, sir.
- 15:45:58 10 Q. 502 That was on foot of your instructions?
- 11 A. Yes.
- 12 Q. 503 What you had told Mr. Walsh was that there was an agreement in favour of
13 Leisure West to purchase the 33 acres, isn't that right?
- 14 A. Correct.
- 15:46:07 15 Q. 504 And what Mr. Deane in his letter in December of 1993, states at 10488. "Owen
16 is happy to grant the option referred to in your letter".
- 17 A. Yes.
- 18 Q. 505 Now, is there any ambiguity what Mr. O'Callaghan was happy to grant the about?
- 19 A. Through his solicitor, John Deane in that instance, no.
- 15:46:31 20 Q. 506 No. So how is it that you can tell the Tribunal, Mr. Dunlop, that there was
21 never any agreement in relation to the transfer of the land when the only
22 subject matter of the correspondence with respect to you passing between Cox's
23 on the one part and Mr. Deane on the other part related to an option to
24 transfer the land, isn't that right?
- 15:46:48 25 A. Yes.
- 26 Q. 507 And the only instructions that are recorded by Cox's three solicitors who
27 attend with you on the 10th of September '93, is in relation to transferring
28 the option from Merrygrove to the new company, Leisure West?
- 29 A. Correct.
- 15:47:01 30 Q. 508 And you will be 25 per cent share shoulder in Leisure West, isn't that right?

- 15:47:06 1 A. Correct.
- 2 Q. 509 Now, it would appear if what Mr. Deane has recorded in his letter that Mr.
- 3 O'Callaghan had no difficulty or was happy to grant the option that in fact
- 4 such an agreement had been made, isn't that right?
- 15:47:17 5 A. Between in relation to the transfer of the option.
- 6 Q. 510 Yes.
- 7 A. I don't recollect any agreement being made by Mr. O'Callaghan and myself and
- 8 Mr. Lawlor or Mr. Kelly in relation to an option to purchase land.
- 9 Q. 511 It is the case that no such option was ever entered into, isn't that right, Mr.
- 15:47:33 10 Dunlop?
- 11 A. That's correct, yeah.
- 12 Q. 512 But the issue that we are discussing here is in relation to what actual
- 13 agreement was made in mid 1993 in relation to the Stadium and you had been
- 14 suggesting to the Tribunal that at all stages that your agreement was in
- 15:47:48 15 relation to some company that would develop the Stadium, isn't that right?
- 16 A. Leisure West.
- 17 Q. 513 Yes. And did not relate in any way to the purchase of the lands, isn't that
- 18 right?
- 19 A. Correct.
- 15:47:57 20 Q. 514 But the contemporaneous documentation in 1993 suggests the absolute polar
- 21 opposite, isn't that right?
- 22 A. It does so suggest.
- 23 Q. 515 And I would like you to explain that now, Mr. Dunlop, to the Tribunal?
- 24 A. Well I think I have already done so. By biding recollection of my agreement
- 15:48:12 25 with Mr. O'Callaghan and Mr. Kelly and Mr. Lawlor was for 25 per cent
- 26 shareholding in an entity known as the Stadium. However that would be
- 27 effected.
- 28
- 29 Correspondence ensued, which you have just shown, which you have just outlined.
- 15:48:30 30 And nothing ever came of it, either in relation to the transfer of an option or

15:48:34 1 the purchase of land or a 25 per cent shareholding in any entity known as the
2 Stadium because the Stadium never eventuated. But my absolute abiding
3 recollection of any conversation I had with Mr. O'Callaghan related to the
4 entity known as the Stadium.

15:48:52 5 Q. 516 And you tell the Tribunal, Mr. Dunlop, that notwithstanding that what is
6 contained in your instructions to your solicitors in July August and September
7 of 1993, and notwithstanding what is contained in Mr. Deane's correspondence,
8 that the actual agreement you had with Mr. O'Callaghan reflected something
9 entirely different other than that which is reflected in the correspondence?

15:49:13 10 A. I do. And I think it's up to Mr. O'Callaghan and Mr. John Deane to give their
11 evidence in this matter. It is not a matter that was ever to the forefront of
12 my mind other than when asked about it, that that was the agreement that I had
13 with Mr. O'Callaghan. 25 per cent shareholding, I to hold 25 per cent
14 shareholding on behalf of Mr. Lawlor in the entity known as the Stadium.

15:49:35 15 Q. 517 Well --

16
17 CHAIRMAN: Mr. Dunlop, do you know or can you guess as to what the reason was
18 that you were all pretending to the solicitors that there was the ingredients
19 or there was in effect an agreement subject to it being made absolutely
15:49:59 20 definite? Why was everybody operating on that pretense, including -- according
21 to this there was you, Mr. Lawlor, Mr. O'Callaghan, there was Mr. Deane

22 A. Yes.

23
24 CHAIRMAN: Why, what was the purpose?

15:50:13 25 A. Well to answer your question, Chairman. Notwithstanding anything that is said
26 in that letter from Mr. Deane to Mr. Walsh in relation to Owen was happy to
27 grant the option. I don't recollect ever having that conversation with Mr.
28 O'Callaghan and I would find it quite extraordinary, virtually inconceivable
29 that Mr. O'Callaghan who held, albeit with another person, ownership or an
15:50:35 30 option on land through a company called Merrygrove would grant an option to

15:50:40 1 three other people named Liam Lawlor, Ambrose Kelly and myself for services
2 rendered. In the expectation that this would become so valuable that it would
3 be almost uncountable.

4
15:50:58 5 CHAIRMAN: Yes. And I would find that strange as well. But why -- but at the
6 same time this is what was being done. Everybody was pretending to Arthur Cox
7 that this deal was in the hat so to speak.

8 A. Well again --

9
15:51:12 10 CHAIRMAN: So there had to be a purpose behind it?

11 A. Yes, again, again, I know I have been accused in the past of saying things
12 because it may have been convenient for me to say things because somebody has
13 deceased, has become deceased. But as I say, too that Mr. O'Callaghan
14 Mr. Deane can give their evidence in this matter. I do not believe, and the
15 reason I do not believe is that Mr. O'Callaghan and I never had, he may well
16 have said it to Mr. Kelly or Mr. Lawlor. He never said it to me that he
17 intended to transfer or give us an option in relation to the lands in
18 Merrygrove.

19
15:51:47 20 CHAIRMAN: Yes. I accept that that's your view.

21 A. Or held sorry.

22
23 CHAIRMAN: But do you know why you were all pretending that it was, that the
24 situation was different to what you understood the position to be?

15:51:58 25 A. Well I think I touched on it slightly. And I mean, other than touching on it
26 slightly, I don't think that I can add much more to it. And that is that
27 certainly quite a substantial element of this, and that's why I prefaced my
28 remarks, quite a substantial element of this was driven by Liam Lawlor.

29
15:52:18 30 CHAIRMAN: But he was also then driving --

15:52:20 1 A. Yes.
2
3 CHAIRMAN: Mr. O'Callaghan.
4 A. Yes, correct.
15:52:23 5
6 CHAIRMAN: But you don't know what the purpose behind this idea was, namely,
7 that?
8 A. No.
9
15:52:32 10 CHAIRMAN: That the solicitors would be misled by all of you as to what was
11 being agreed or what wasn't being agreed?
12 A. Yes well I don't think. I don't think people set out with the intention
13 mislead solicitors. I think what was in issue here was, as I said some 10, 15
14 minutes ago, was to push Owen O'Callaghan into an agreement, and that agreement
15:52:57 15 being as I've always understood it; being 25 per cent shareholding in a company
16 called Leisure West, which and I'm sure Ms. Dillon will come to this, was
17 actually or attempts were made, I can't actually remember whether it was
18 actually established or registered. But that certainly there was moves made to
19 have a company called Leisure West established and I undertook those moves.
15:53:23 20
21 CHAIRMAN: Yes.
22
23 Q. 518 MS. DILLON: The status of the lands in question at that time, Mr. Dunlop, was
24 as follows.
15:53:33 25 A. Uh-huh.
26 Q. 519 300,000 pounds had been paid for an option?
27 A. Correct.
28 Q. 520 Right. The lands had been sold after that to I -- initially to Mr. Gilmartin's
29 company Barkhill, isn't that right?
15:53:47 30 A. Correct, yes.

- 15:53:48 1 Q. 521 Further lands were in the process of being acquired at this time at 40,000
2 pounds an acre but no money had in fact been spent on them Isn't that correct?
3 A. Correct.
- 4 Q. 522 By way of an option. But the lands had planning permission for a Stadium isn't
15:54:00 5 that right?
6 A. Correct.
- 7 Q. 523 According to the notes taken by the solicitors who have recorded what you said,
8 it may have been the case that you understood that there was some sort of a
9 commitment or recorded to your solicitors a commitment for funding for 5
10 million pounds for 10 years isn't that right?
11 A. Yes.
- 12 Q. 524 There was, you were optimistic about some sort of government financial backing
13 for the project of the Stadium, isn't that right?
14 A. What I said to you was that from its beginnings the attitude of representatives
15:54:33 15 of the government was positive.
- 16 Q. 525 Yes. And you had retained international consultants?
17 A. Correct.
- 18 Q. 526 And you had retained De Loitte & Touche?
19 A. Yes.
- 15:54:41 20 Q. 527 And at around this time when this is happening De Loitte & Touche produce their
21 first preliminary feasibility report in relation to the Stadium isn't that
22 right, the financing aspect of it, isn't that the position?
23 A. Yes in or around that time yes.
- 24 Q. 528 This was an extremely valuable piece of land, isn't that right, Mr. Dunlop?
15:54:56 25 A. Correct.
- 26 Q. 529 And it was to have been a given a 25 per cent share in a company that owned 51
27 acres of lands zoned as these lands were zoned, would have been an extremely
28 valuable asset, isn't that right?
29 A. Correct.
- 15:55:10 30 Q. 530 And would be well worthy of entries in your diaries such as 'big one' 'big one'

- 15:55:16 1 isn't that right, Mr. Dunlop?
- 2 A. Yes that is a possibility.
- 3 Q. 531 Which also make their appears those entries for the first time in 1993, isn't
- 4 that right?
- 15:55:23 5 A. Yes.
- 6 Q. 532 And there is no reference prior to that in your diaries to any such agreement
- 7 with Mr. O'Callaghan that's recorded in that particular way, isn't that right?
- 8 A. That's correct, yes.
- 9 Q. 533 Right. And it is clear from those entries throughout your diary that you were
- 15:55:38 10 seeking to get Mr. O'Callaghan to implement or move on what is described as
- 11 'big one', isn't that right?
- 12 A. Correct.
- 13 Q. 534 And in September of 1991, De Loitte & Touche produced their feasibility study.
- 14 And at 9876 in 1993 they produced their feasibility study, a draft at 9876 and
- 15:56:00 15 they set out the options. And just briefly looking at what the options were
- 16 for the Stadium. Option one required an annual contribution for ten years.
- 17 A. Yes.
- 18 Q. 535 Combined with designated area status. Option two was an annual contribution
- 19 for ten years without full designated area status. Option three was an initial
- 15:56:19 20 contribution combined with full designated status. Option four an initial
- 21 contributions without designated status. Five. Substantial initial
- 22 contributions with lesser annual contributions and full designation status.
- 23 Six the same, but without designated status, isn't that right?
- 24 A. Correct.
- 15:56:35 25 Q. 536 And it is clear from a consideration of this report to which you were
- 26 furnished, that without substantial government funding the project was never
- 27 going to run, isn't that right?
- 28 A. Highly unlikely, yes.
- 29 Q. 537 And that it wasn't a question of there being private development or anything
- 15:56:48 30 such as this sort, it was e essential that there would be government funding,

15:57:00 1 isn't that right?

2 A. Yes.

3 Q. 538 And in August of '93, at 10073, on the 30th of August, the Taoiseach's office

4 contacts you, isn't that right?

15:57:02 5 A. Yes.

6 Q. 539 And on the 3rd of September '93, at 10080, Mr. Albert Reynolds diary records a

7 telephone call to you.

8 A. Yes.

9 Q. 540 Isn't that right, and that is recorded as confirmed, isn't that right?

15:57:15 10 A. Correct.

11 Q. 541 Now what was that about, Mr. Dunlop?

12 A. I have no idea.

13 Q. 542 Is it likely to have been about the report that produced by De Loitte & Touche

14 and about the Stadium issue and seeking support for it?

15:57:29 15 A. It is possible.

16 Q. 543 And isn't it more -- at this time, Mr. Dunlop, you have been on to your

17 solicitors.

18 A. Uh-huh.

19 Q. 544 And you have been setting in place the correspondence with Mr. Deane, isn't

15:57:39 20 that right, in relation to the Stadium which if that correspondence was to be

21 taken at face value is going to give you personally a significant interest in a

22 very valuable asset, isn't that right? If one was to take it at face value?

23 A. If one was to take it at at face value, yes.

24 Q. 545 Isn't that right?

15:57:57 25 A. Yes.

26 Q. 546 And at the same time you are contacting Mr. Albert Reynolds, isn't that right?

27 A. Yes.

28 Q. 547 And Mr. Albert Reynolds at that stage is a person who would be in a position of

29 providing or considering the provision of funding for the Stadium which is

15:58:11 30 already within the Programme For Government, isn't that right?

- 15:58:14 1 A. Correct yes.
- 2 Q. 548 Now do you think taking the two things the timing of Mr. Reynolds' contact and
3 meeting with you together with your meetings with the solicitors that it's
4 likely that your contact with Mr. Reynolds at this stage was about funding for
15:58:30 5 the Stadium?
- 6 A. Yes it is likely, yes. I do not believe that I ever had a conversation on my
7 own with Mr. Reynolds as Taoiseach in relation to funding for the Stadium. But
8 it is likely that issues relating to the Stadium could have been part of that
9 telephone conversation, yes.
- 15:58:46 10 Q. 549 Yes because also on the 6th of September at 10082, Mr. Dunlop. Mr. Nick Reidy
11 of Bertie Ahern's office contacts your office, isn't that right?
- 12 A. Yes.
- 13 Q. 550 As does Mr. Niall Lawlor and Mr. Niall Lawlor's telephone number there is an
14 American telephone number. Mr. Lawlor was employed in Chilton O'Connor, isn't
15:59:07 15 that right?
- 16 A. Correct.
- 17 Q. 551 In fact Chilton & O'Connor write to you on the 7th -- had securities group on
18 the 7th of September '93. And this is all around the time that you are dealing
19 with the solicitors, Mr. Dunlop, in relation to Leisure West, isn't that right?
- 15:59:23 20 A. September '93, yes correct, yes.
- 21 Q. 552 Because your first contact with them has been on the 3rd, isn't that right?
- 22 A. Yes.
- 23 Q. 553 So at 10091, this is a letter from Mr. Kevin T Burke, Senior Vice President,
24 and it's also sent to William O'Connor, Frank Dunlop and Beth de Hamel and it
15:59:42 25 says:
- 26 "Dear Charles," it's to Charles Keeley in England and it says "I will try to
27 meet you on Thursday September 9th '93, regarding the proposed 90 million
28 National Sports Stadium".
- 29
- 15:59:51 30 Now, Mr. Kevin Burke was coming to London and Dublin, isn't that right, at that

15:59:56 1 time?

2 A. Correct yes

3 Q. 554 In the next paragraph he says "The stadium is permitted on the site approved by

4 the Dublin Council 24th. We have been formally retained by the developer

16:00:05 5 senior manager of this transaction. The Taoiseach, Prime Minister,

6 Mr. Reynolds was recently in our offices here in Los Angeles and we are very

7 confident at the level of support which the Republic of Ireland has committed

8 will create a very attractive security.

9

16:00:18 10 Now, what do you know, Mr. Dunlop, approximate Mr. Reynolds meeting with

11 Chilton & O'Connor in September or August of 1993, in Los Angeles in

12 connection with the National Stadium?

13 A. Very little. Other than to say that I did know at the time in or about the

14 time that he was in the United States, that the Taoiseach was in the United

16:00:36 15 States that he was or did meet Mr. Bill O'Connor and other than what Mr. Burke

16 is saying here in this letter about what took place between Mr. Reynolds and

17 Mr. O'Connor, I just can't say.

18 Q. 555 Yes. Well the value that is put on the National Stadium is 90 million dollars,

19 isn't that right?

16:01:01 20 A. Yes.

21 Q. 556 So what one is talking about here is a very valuable asset, isn't that right?

22 A. Correct.

23 Q. 557 Now, at the time that this meeting took place between Mr. Albert Reynolds and

24 Chilton & O'Connor who set up the meeting?

16:01:15 25 A. I can't ... I am not absolutely certain about that to be honest with you. I

26 just couldn't say. There may well be a likelihood that I was involved in some

27 way or another but I just can't recollect. It could well have been done

28 through Niall Lawlor. I just cannot recollect.

29 Q. 558 There is nothing in your diaries or your telephone attendances although there

16:01:51 30 is contact.

- 16:01:51 1 A. Yes.
- 2 Q. 559 To record anything about Mr. Reynolds going to visit Chilton & O'Connor in Los
3 Angeles, isn't that correct?
- 4 A. Correct.
- 16:01:51 5 Q. 560 And there is no reference in any piece of paper that you have submitted to the
6 Tribunal, Mr. Dunlop, about Mr. Reynolds visiting Chilton & O'Connor in Los
7 Angeles in or around August September 1993, isn't that right?
- 8 A. That's correct.
- 9 Q. 561 All right. And if you were involved in any way in setting up this meeting, it
10 certainly didn't leave any paper trail, isn't that right?
- 11 A. Correct.
- 12 Q. 562 Okay. Now, were -- did you discuss with Mr. Lawlor, Mr. Liam Lawlor
13 Mr. Reynolds' visit to Chilton & O'Connor?
- 14 A. I may well have done, yes.
- 16:02:23 15 Q. 563 And what was the purpose of Mr. Reynolds' meeting with Chilton & O'Connor?
- 16 A. That I cannot say to you. I see the letter that Mr. Burke has written here in
17 relation to what Mr. Reynolds is alleged to have said given a level, given a
18 level of confidence about the support which the Republic of Ireland would
19 commit in relation to this attractive security.
- 16:02:54 20
21 I just can't say to you other than I was probably aware of the meeting at some
22 stage probably via Liam Lawlor probably via his son Niall but other than that,
23 I certainly wouldn't there wasn't there. I have no recollection of setting it
24 up. I may well have been aware in advance that the meeting was going to take
16:03:16 25 place, I cannot say.
- 26 Q. 564 All right. This, I think that subsequently in 1994, Mr. Bertie Ahern visited
27 Chilton & O'Connor in Los Angeles also, isn't that right?
- 28 A. Correct, yes.
- 29 Q. 565 And were you involved in setting up that meeting?
- 16:03:31 30 A. Again.

16:03:32 1 Q. 566 Which was in March I think?
2 A. Yes.
3 Q. 567 Of 1994, isn't that right?
4 A. Yes. Again, I may well have been. I cannot absolutely say that I was but yes
16:03:40 5 again I may well have been.
6 Q. 568 Yes. I think that 10825. And this is March the 9th 1994?
7 A. Yeah.
8 Q. 569 Headed re March 11 meeting with Minister Bertie Ahern in Los Angeles:
9
16:03:54 10 "Dear Frank, as you are probably aware the above meeting has been arranged for
11 this coming Friday. Obviously I will need to talk with you Mr. Ambrose Kelly
12 or Mr. O'Callaghan prior to meeting with Minister Ahern. It would also be
13 imperative to hear the result of the pending meeting this Thursday with
14 Minister Aylward."
16:04:11 15
16 And there is no such meeting in your diary with Mr. Aylward. "I need an update
17 with reference to recent discussions with the FAI and De Loitte & Touche.
18 Currently being forwarded to me are the recently published National Lottery
19 annual report and Finance Ministry documentation. Also it would be most useful
16:04:26 20 going into this meeting with Minister Ahern to have some indication of the role
21 of Leisure West would anticipate for Chilton & O'Connor.
22
23 I look forward to discussing all of the above and hopefully ironing out all of
24 the funding details for this important project sometime soon in Dublin. I
16:04:40 25 remain yours truly Kevin T Burke."
26 A. Yes.
27 Q. 570 Now, in relation to the meeting that took place with Mr. Albert Reynolds in or
28 around September 1993 in Chilton & O'Connor, when he was then Taoiseach and in
29 relation to the meeting that took place on the 11th of March 1994, with
16:04:59 30 Mr. Bertie Ahern, then Minister for Finance. Were you provided with any

- 16:05:02 1 documentation following those meeting as to the contents of the discussions
2 that had taken place in Los Angeles?
- 3 A. I don't believe I was but I would have been provided with some verbal report
4 either through Liam Lawlor or through his son.
- 16:05:19 5 Q. 571 Who was providing the information referred to there in relation to the National
6 Lottery annual report and finance ministry documentation in the second
7 paragraph?
- 8 A. I would suspect, and it's only suspect, a suspicion on my part, that would be
9 through Liam Lawlor. I don't recollect providing Kevin Burke with any material
16:05:49 10 other than anything that might have been readily available like a published
11 National Lottery report. I don't recollect doing so but I mean I think the
12 contact between Chilton & O'Connor on a direct basis was in the form of a
13 triangle, Liam Lawlor, Owen O'Callaghan and occasionally, myself.
- 14 Q. 572 Yes but obviously it's not yourself, Mr. Dunlop?
- 16:06:10 15 A. No.
- 16 Q. 573 Because currently being forwarded to them were the recently published National
17 Annual report and the letter is addressed to you and that you are not
18 suggesting that you're sending it on to him?
- 19 A. No and the letter is not cc'ed to Liam Lawlor either.
- 16:06:22 20 Q. 574 Yes.
- 21 A. So what I am at the very least I am suggesting is that it is Liam Lawlor who is
22 effecting the direct contact through his son in Chilton & O'Connor with Bill
23 O'Connor or Kevin T Burke.
- 24 Q. 575 But who is the person, Mr. Dunlop, that set up the two meetings one in 1993
16:06:43 25 with Mr. Albert Reynolds and Chilton & O'Connor and the second in 1994 with
26 Mr. Bertie Ahern and Chilton & O'Connor both in Los Angeles?
- 27 A. That I cannot say other than saying to you that I was probably aware that the
28 meetings were taking place. I would, I did set up a meeting with Albert
29 Reynolds with Bill O'Connor on one occasion.
- 16:07:07 30 Q. 576 That's the Connemara Cost Hotel at the Galway Races you know well it's nothing

- 16:07:11 1 to do with this meeting in Los Angeles which is what we're talking about. What
2 we are trying to now to assist the Tribunal is within the people who are
3 involved --
- 4 A. Yeah.
- 16:07:21 5 Q. 577 -- in Ireland on, in the development of the Stadium as a project, who were the
6 people who set up these two meetings, first of all was it you?
- 7 A. I don't believe it was. Other than to say to you that I was probably aware
8 that they were taking place. That is as much as I can recollect. I don't
9 believe that I directly set them up.
- 16:07:40 10 Q. 578 Do you believe it was Mr. Ambrose Kelly?
- 11 A. No, I don't believe it was.
- 12 Q. 579 What about Mr. Owen O'Callaghan?
- 13 A. It's possible that it was Owen O'Callaghan, either alone or in consort with
14 Mr. Liam Lawlor.
- 16:07:55 15 Q. 580 Do you think it was Mr. Lawlor?
- 16 A. Certainly Mr. Lawlor had direct contact with Bill O'Connor and as I say his son
17 Niall worked for the company and I had met Mr, I did meet Mr. Bill O'Connor in
18 the company of Liam Lawlor. But I just cannot say specifically who organised
19 the meetings.
- 16:08:19 20 Q. 581 Yes. And looking at this particular meeting on the 11th of March in Los
21 Angeles at 10825. That is the same date as the fundraising dinner for
22 Mr. Albert Reynolds?
- 23 A. Yes.
- 24 Q. 582 That took place in Cork, isn't that right, the 11th of March 1994?
- 16:08:36 25 A. Yes.
- 26 Q. 583 Right. And therefore we know that Mr. O'Callaghan was at that dinner in Cork
27 on the 11th of March 1994, because that's what Mr. O'Callaghan's statement
28 tells the Tribunal and he wrote a cheque on that night, isn't that correct?
- 29 A. Yes.
- 16:08:48 30 Q. 584 For 10,000 pounds, isn't that the position?

- 16:08:50 1 A. Correct, yes.
- 2 Q. 585 And you yourself had given some advice to Mr. Des Richardson in advance of that
- 3 dinner about a couple of words that he might say to the people attending the
- 4 dinner, isn't that right?
- 16:09:00 5 A. Correct.
- 6 Q. 586 And there is nothing in your diary to suggest that you were in Los Angeles on
- 7 the 11th of March 1994?
- 8 A. I wasn't yes.
- 9 Q. 587 Okay. And it follows then that Mr. Reynolds and Mr. O'Callaghan were in Cork
- 16:09:12 10 on the 11th of March 1994. You were in Dublin in March 1994. So who else
- 11 attended with Chilton & O'Connor when Mr. Ahern attended with Chilton &
- 12 O'Connor on the 11th of March 1994?
- 13 A. I'm afraid, Ms. Dillon, I am slightly lost. Who attended with Mr. Bertie Ahern
- 14 --
- 16:09:36 15 Q. 588 Yes.
- 16 A. -- in Los Angeles with Bill O'Connor?
- 17 Q. 589 Yes.
- 18 A. Well seeing as I wasn't there, I can't say. I don't know.
- 19 Q. 590 You know about this meeting in advance, Mr. Dunlop?
- 16:09:53 20 A. Yes.
- 21 Q. 591 Because you get this letter at the time, isn't that right?
- 22 A. Correct, yes.
- 23 Q. 592 And as does Mr. Kelly and Mr. O'Callaghan, isn't that the position?
- 24 A. Yes.
- 16:10:00 25 Q. 593 This is an important meeting from the point of view of those who believe they
- 26 have an interest in the Stadium, isn't that right?
- 27 A. Correct.
- 28 Q. 594 And you were one because you had a belief of an entitlement to some interest in
- 29 the Stadium, isn't that right?
- 16:10:12 30 A. As per the arrangement with Mr. O'Callaghan vis-a-vis Leisure West.

- 16:10:15 1 Q. 595 Yes. And the importance of Mr. Ahern attending any such meeting is that
2 Mr. Ahern is the person who controls the purse strings as it were, isn't that
3 right, he is the Minister for Finance?
4 A. Yes.
- 16:10:26 5 Q. 596 And you have already agreed and we have seen in the De Loitte & Touche report
6 that government funding was absolutely essential for the Stadium, isn't that
7 right?
8 A. Correct.
- 16:10:39 9 Q. 597 And therefore any meeting with Mr. Ahern or indeed Mr. Reynolds is a meeting of
10 vital importance to those who were involved in the development of the Stadium,
11 isn't that right?
12 A. Yes, I would say it is a matter of some interest yes.
- 13 Q. 598 Some interest. And you would like to be appraised would you not of what had
14 happened at any such meetings, isn't that right?
16:10:52 15 A. Yes.
- 16 Q. 599 All right. And who was going to report back to you about these meetings?
17 A. Well I don't think that there was any formal structure for anybody to report
18 back and as I have said to you, anything that might have been said in relation
19 to what occurred at the meeting probably came to me via Liam Lawlor.
- 16:11:12 20 Q. 600 And how would Mr. Lawlor have found out?
21 A. Because he probably found out because he was either there, that I cannot say to
22 you, whether he was or not, or he heard it from his son, Mr. Niall Lawlor.
- 23 Q. 601 Yes. If I can show you in fact a letter not directly to you, Mr. Dunlop, in
24 relation to what transpired at the meeting but a letter to Mr. Jim Lacey then
16:11:36 25 of National Irish Bank, at 16471.
26
27 And on 21st March 1994, Kevin T Burke writes to Mr. Lacey and states "it has
28 been recommended to Chilton & O'Connor that we contact you with regard to a
29 number of projects which are currently pursuing in Ireland. Chilton & O'Connor
16:11:55 30 is member of the International Financial Services Centre in Dublin. And we are

16:11:59 1 very interested in local government finance in Ireland and have considerable
2 expertise in this area. In California, Chilton & O'Connor have underwritten
3 over 3 billion dollars in local government, municipal, financing since its
4 inception in 1983.

16:12:12 5
6 Bill O'Connor, our president and I recently met with Minister for Finance, Mr.
7 Bertie Ahern on his recent visit to Los Angeles. We discussed two specific
8 projects which we are currently evaluating namely the Irish National Stadium
9 and proposed Liffey Tunnel. We also discussed with Minister Ahern, various
16:12:27 10 funding mechanisms, deliverage, matching fund grants from EEC from the EC for
11 planned infrastructure projects."
12 A. Uh-huh.
13 Q. 602 So general discussion appears to have been in relation to two specific projects
14 and then general financing, isn't that correct?

16:12:41 15 A. Yes.
16 Q. 603 There is no suggestion there that Mr. Lawlor was at that meeting, isn't that
17 right?
18 A. No, there's not.
19 Q. 604 And according to this document it was Mr. Burke, Mr. O'Connor and Mr. Ahern who
16:12:50 20 was at the meeting, isn't that right?
21 A. Yes.
22 Q. 605 And then it states we would like to have an opportunity to meet with you to
23 discuss potential mutual areas of interest and then he was coming to Ireland in
24 May. Did you meet with Mr. Lacey following on this correspondence?

16:13:07 25 A. No. In relation to the National Stadium, no.
26 Q. 606 Right. If we look at 14575 please. On the 24th of March 1994, Mr. Ahern has
27 an entry in his diary --
28 A. Uh-huh.
29 Q. 607 -- for 11 o'clock for Mr. Owen O'Callaghan, do you know anything about that
16:13:27 30 meeting?

- 16:13:32 1 A. I cannot say that I organised that meeting. The likelihood is that I did.
2 The -- I cannot say that I was present. I don't recall it if I was because I
3 do recall the number of times that I met Bertie Ahern in the company of Owen
4 O'Callaghan. So all I can say to you is I either organised the meeting for
16:14:02 5 Owen O'Callaghan and I either brought him there and was there but I have no
6 recollection of it.
7 Q. 608 Yes. And if I show you 1891. MOn the 12th of April.
8 A. Uh-huh.
9 Q. 609 The Taoiseach's office 10891 please. The Taoiseach's office Mr. Reynolds
16:14:20 10 office contacts your office at 3:30.
11 A. Yeah.
12 Q. 610 And on the 13th of April, the same day at 14781, there is an entry in
13 Mr. Bertie Ahern's diary for 3:30 Owen O'Callaghan.
14 A. Yeah.
16:14:35 15 Q. 611 And the spelling of the Owen is different in that case. Do you know anything
16 about that meeting if it was Mr. Owen O'Callaghan?
17 A. I would suggest that it is Owen O'Callaghan notwithstanding the spelling but no
18 I'm afraid I don't other than the possibility as is evidenced in relation to
19 the telephone calls that I set it up.
16:14:56 20 Q. 612 Yes. And at 10912 on the 25th of April '94, you have a telephone call for
21 10:10 from Bertie Ahern's office. 2:30 and 4:05 Mr. Jim Lacey contacts you?
22 A. Yes.
23 Q. 613 Do you see that?
24 A. Yes.
16:15:13 25 Q. 614 And you will remember the letter to Mr. Lacey from Chilton & O'Connor following
26 on the meeting with Mr. Bertie Ahern?
27 A. Correct.
28 Q. 615 Isn't that right?
29 A. Yes.
16:15:21 30 Q. 616 And does this contact by Mr. Lacey with your office have anything to do with

- 16:15:26 1 that contact that arose as a result of Mr. Ahern's visit?
- 2 A. Yes.
- 3 Q. 617 To Los Angeles?
- 4 A. I don't believe so. I don't recollect ever talking to Jim Lacey about anything
- 16:15:37 5 to do with meeting in between Bertie Ahern and Chilton & O'Connor in Los
- 6 Angeles. I have had contact with Mr. Lacey for a variety of reasons over a
- 7 long number of years. But I don't recollect ever being contacted by Jim Lacey
- 8 or speaking to Jim Lacey in relation to funding for the National Stadium
- 9 arising out of that meeting.
- 16:16:03 10 Q. 618 Did you ever set up meeting with Mr. Ahern for Mr. Lacey?
- 11 A. I do believe I did once, yes.
- 12 Q. 619 And what was the purpose of that?
- 13 A. It was certainly nothing to do with the National Stadium. It related to --
- 14 Q. 620 If it --
- 16:16:19 15 A. It's nothing to do with the National Stadium. It's a sensitive issue on the
- 16 part of Mr. Lacey but it is nothing whatsoever to do with the National Stadium.
- 17 Q. 621 And at 10911 on the 25th of April '94, there is an entry in your diary Bertie
- 18 with Jim Lacey, do you see that?
- 19 A. Yes.
- 16:16:34 20 Q. 622 And then at 10927, in May --
- 21 A. Uh-huh.
- 22 Q. 623 There is an entry in your diary for the 5th of May '94, do you see that and you
- 23 see Bill O'Connor and Jim Lacey?
- 24 A. Yes.
- 16:16:56 25 Q. 624 Now bill O'Connor is Chilton & O'Connor, isn't that right?
- 26 A. Yes, correct.
- 27 Q. 625 And Mr. O'Connor had written to Mr. Lacey following on Mr. Ahern's meeting on
- 28 the 11th of March 1994, isn't that right?
- 29 A. Correct, yeah.
- 16:17:05 30 Q. 626 And in the 5th of May 1994, your diary records a meeting between Bill O'Connor

- 16:17:11 1 with Mr. Lacey?
- 2 A. At the Berkley court.
- 3 Q. 627 Yes. Now do you still maintain a that Mr. Lacey never had anything to do with
- 4 the Stadium, Mr. Dunlop, or that that meeting with Mr. O'Connor was nothing to
- 16:17:22 5 do with the Stadium?
- 6 A. I have to say to you that I have no recollection of any involvement of Jim
- 7 Lacey and the Stadium.
- 8 Q. 628 It is clear that according to your diary there were two meetings set up that
- 9 day. The first was for Mr. O'Connor with the Taoiseach which is cancelled,
- 16:17:37 10 isn't that right?
- 11 A. Yes correct.
- 12 Q. 629 And the second one is for Mr. O'Connor with Mr. Lacey?
- 13 A. Correct.
- 14 Q. 630 The previous 25th of April, a week earlier than that, you had met Bertie Ahern
- 16:17:48 15 with Mr. Lacey, isn't that right?
- 16 A. So it appears, yes.
- 17 Q. 631 And it would appear that there had been telephone calls to your office from Mr.
- 18 Lacey which appear to have commenced sometime around March of 1994, isn't that
- 19 right?
- 16:18:02 20 A. Yes, correct.
- 21 Q. 632 And it is also clear from the correspondence that Mr. O'Connor has written
- 22 directly to Mr. Lacey at 16471, arising out of Mr. Ahern's visit to Los
- 23 Angeles, isn't that correct?
- 24 A. Yes absolutely, correct, yes.
- 16:18:15 25 Q. 633 Now does all of that assist you, Mr. Dunlop, particularly the reference to
- 26 Mr. O'Connor in your diary with Mr. Lacey in recollecting whether in fact you
- 27 made contact with Mr. Lacey in connection with Chilton & O'Connor?
- 28 A. No, I'm afraid it doesn't. As I have said to you, I have no recollection
- 29 whatsoever of discussing the National Stadium with Jim Lacey. I discussed many
- 16:18:38 30 things with Jim Lacey from time to time but I certainly have no recollection of

- 16:18:43 1 discussing the National Stadium with Jim Lacey.
- 2 Q. 634 Yes.
- 3 A. And other than as outlined in the correspondence. I would have no recollection
- 4 whatsoever of even discussing the matter with him or organising meetings for
- 16:18:58 5 him on behalf of the National Stadium.
- 6 Q. 635 And I think Mr. Lacey has written to the Tribunal and says he has no
- 7 recollection of ever discussing the Stadium. But what I am asking you about at
- 8 10927, Mr. Dunlop, the entry in your own hand on the 5th of May '94. For
- 9 Mr. Bill O'Connor and Mr. Jim Lacey?
- 16:19:14 10 A. Uh-huh.
- 11 Q. 636 Yes.
- 12 A. I have no recollection of that and I have no recollection. I have met Mr. Bill
- 13 O'Connor in the Berkley Court in the company of Mr. Liam Lawlor. I have no
- 14 recollection of either setting up a meeting for Bill O'Connor and Jim Lacey in
- 16:19:31 15 the Berkley Court or attending such a meeting.
- 16 Q. 637 Is it likely, Mr. Dunlop, that what might have happened is that following on
- 17 the letter from Mr. Chilton & O'Connor to Mr. Lacey, arising from Mr. Ahern's
- 18 visit on the 11th of March, that Mr. Lacey might have mentioned that matter to
- 19 you or that contact from Chilton & O'Connor and set up the meeting on the 5th
- 16:19:50 20 of May '94?
- 21 A. It is I would readily admit. It is possible yes. It is possible but I have no
- 22 recollection of doing so and I certainly have no recollection of ever either
- 23 attending such a meeting between those two gentlemen or discussing the National
- 24 Stadium with Jim Lacey.
- 16:20:05 25 Q. 638 Yes. If I take you back to the visit by Mr. Reynolds on the 7th of September
- 26 '93 at 10091. And you confirm that you were aware of this visit by
- 27 Mr. Reynolds to Chilton & O'Connor in Los Angeles at the time, isn't that
- 28 right?
- 29 A. Yes I believe I was, yes.
- 16:20:23 30 Q. 639 And I think subsequently around that time on he want September 9th and 10th,

- 16:20:26 1 that Mr. Kevin Burke came to visit in Dublin, isn't that right?
- 2 A. Yes he did.
- 3 Q. 640 And I think that also in September, Mr. Dunlop, I don't suggest that they are
- 4 connected but as it is a matter of fact that on the 14th of September '93, you
- 16:20:40 5 received payment of the 25,000 pounds which you cashed, isn't that right?
- 6 A. Correct.
- 7 Q. 641 Is there any connection with any of these matters between the cashing of that
- 8 cheque for 25,000 pounds on the 14th of September '93 and the dissipation of
- 9 that those funds by you?
- 16:20:56 10 A. No.
- 11 Q. 642 You met with Mr. O'Connor when he came to Ireland on that occasion, isn't that
- 12 right?
- 13 A. Yes, I did.
- 14 Q. 643 Ask you discuss with him what had transpired at the meeting with Mr. Reynolds?
- 16:21:13 15 A. I believe that Mr. O'Connor mentioned the fact that the Taoiseach had visited,
- 16 he had met with Mr. O'Connor while he was in Los Angeles, yes.
- 17 Q. 644 You discuss financing with Mr. Burke when he came, isn't that right?
- 18 A. Yes, correct.
- 19 Q. 645 Right. And I think that in October of 1993, there were various pieces of
- 16:21:32 20 correspondence and instructions given to your solicitors suggesting that there
- 21 was something going to be further contact with Mr. Reynolds and Mr. Ahern,
- 22 isn't that right?
- 23 A. Correct, yes.
- 24 Q. 646 And I think in fact that there may in fact have been a meeting with
- 16:21:47 25 Mr. Reynolds but there is no reference to any meeting with Mr. Ahern taking
- 26 place at that time?
- 27 A. That's right.
- 28 Q. 647 But in 1994, Mr. Dunlop, and at page 10927. Again on the 5th of May '94 you
- 29 have an entry for Bill O'Connor and Taoiseach and then Bill O'Connor and Jim
- 16:22:08 30 Lacey, was there meeting at that time with the Taoiseach Mr. Reynolds?

- 16:22:13 1 A. With Bill O'Connor?
- 2 Q. 648 Yes.
- 3 A. I can't say that there was. I do believe that Mr. O'Connor and Owen
- 4 O'Callaghan did have a meeting with Mr. Reynolds at some stage, I cannot
- 16:22:31 5 specifically say whether it was on that occasion.
- 6 Q. 649 I think that at 10934 --
- 7 A. Yes.
- 8 Q. 650 -- Mr. Reynolds' diary records a meeting with Mr. Bill O'Connor and Mr. Owen
- 9 O'Callaghan, isn't that right?
- 16:22:48 10 A. Correct.
- 11 Q. 651 Do you know what transpired at that meeting?
- 12 A. Other than Mr. O'Callaghan telling me that they had the meeting had taken place
- 13 and I do believe that I may have been responsible for the setting up of the
- 14 meeting, I wasn't present. But according to Mr. O'Callaghan, Bill O'Connor
- 16:23:14 15 outlined in relation to a possible funding structure in relation to the
- 16 Stadium, including the issuing of the municipal bonds I think they were called.
- 17 Q. 652 I beg your pardon.
- 18 A. Municipal bonds, bonding issue that would take place that would allow the
- 19 funding, the government to be participating in the funding of the Stadium.
- 16:23:39 20 Now, I wasn't present at the meeting and my understanding is contingent on what
- 21 Mr. O'Callaghan told me. But certainly the view was that Mr. O'Connor and Mr.
- 22 O'Callaghan were happy with the meeting that they had with Mr. Reynolds.
- 23 Q. 653 And that was a meeting that took place in May of 1994, isn't that right?
- 24 A. Yes.
- 16:24:00 25 Q. 654 On the 6th of May.
- 26 A. Yes.
- 27 Q. 655 And you yourself had had a meeting in October 1993 at 10317, with Mr. Ahern,
- 28 isn't that right?
- 29 A. Yes.
- 16:24:14 30 Q. 656 On the 28th of October?

- 16:24:15 1 A. Yes.
- 2 Q. 657 And that is also recorded in Mr. Ahern's diary at 10327.
- 3 A. Correct.
- 4 Q. 658 Right. Now, there is nothing in that entry, Mr. Dunlop, to suggest what the
- 16:24:27 5 purpose or the content of the meeting was, isn't that right?
- 6 A. Correct.
- 7 Q. 659 There are meetings subsequent to that which are identified as being in
- 8 connection with the marry, isn't that right?
- 9 A. Yes.
- 16:24:37 10 Q. 660 In your diary. But this particular meeting in October of 1993, which was just
- 11 after the planning had in fact been granted for the Stadium. Just to put it
- 12 into context for you, with Mr. Ahern has no attribution either in your diary or
- 13 Mr. Ahern's diary as to it's subject matter, isn't that right?
- 14 A. No.
- 16:24:57 15 Q. 661 Is it likely therefore that what you were discussing at that stage was the
- 16 National Stadium?
- 17 A. It is possible and it is also possible that it while it is not designated as
- 18 such in either diary that it was in relation to a client, another client but it
- 19 is possible I would go no further than that and say that it is possible.
- 16:25:16 20 Q. 662 And I think that on the 13th of December '93 following, that at 10550.
- 21 Yourself and Mr. O'Callaghan met with Mr. --
- 22 A. Yeah.
- 23 Q. 663 Mr. Albert Reynolds, isn't that right?
- 24 A. Correct.
- 16:25:28 25 Q. 664 And that I suggest to you was in connection with the Stadium?
- 26 A. Yes that definitely was in connection with the Stadium.
- 27 Q. 665 Yeah and what was its purpose of that meeting and its outcome?
- 28 A. Well as I recollect matters, it was a general meeting at which Owen O'Callaghan
- 29 updated Albert Reynolds, the Taoiseach in relation to the Stadium and what
- 16:25:52 30 progress was being made, the planning application had been granted -- the

16:25:56 1 permission. I think the permission was granted in August of '93. And I think
2 there was certainly a discussion again in general terms in relation to funding
3 and the possibility of government support. I don't believe anything concrete
4 emerged from it.

16:26:15 5 Q. 666 Yes. And in your diary at 10480, Mr. Dunlop. Just in relation to 10480. Yes.
6 You see the entry for Sunday the 12th of December?
7 A. Yes.

8 Q. 667 Which is the day before your meeting with Mr. Albert Reynolds?
9 A. Yes.

16:26:37 10 Q. 668 And you see you have a note 9:30 to T re complex, do you see that?
11 A. Yes.

12 Q. 669 And that means to the Taoiseach re complex, isn't that right?
13 A. Yes.

14 Q. 670 And that I suggest to you is a reference to your meeting the following morning
16:26:44 15 13th of December with Mr. Reynolds?
16 A. Correct. And meeting the following morning with Mr. Reynolds is with -- on my
17 own or with Mr. O'Callaghan.

18 Q. 671 It's with Mr. O'Callaghan in your diary, it's recorded as 10548.
19 A. No, yeah. Sorry.

16:27:03 20 Q. 672 It's recorded as T re Stadium?
21 A. I think go back to the day before.

22 Q. 673 Yes. At 10480.
23 A. Yeah. That meeting to the Taoiseach re complex is at the Taoiseach's Albert
24 Reynolds' then home in Hazeldene in Ballsbridge and complex is not the Stadium
16:27:29 25 it is completely separate issue which is not germane to the Tribunal at all.

26 Q. 674 And at 10548, Mr. Dunlop, the entry in your diary for the 13th relates to T re
27 Stadium?
28 A. Yes.

29 Q. 675 Isn't that right?
16:27:44 30 A. Correct.

16:27:44 1 Q. 676 And at the bottom of that page, Mr. Dunlop, do you see the entry OOC and LL?
2 A. Yes.
3 Q. 677 And do you see discussion re 'big one'?
4 A. Yes.
16:27:55 5 Q. 678 When?
6 A. Yeah.
7 Q. 679 If deal comes through private deal when leave it to FD?
8 A. Yeah.
9 Q. 680 Now in December 1993, you will remember that on the 7th of December '93, that
16:28:07 10 Mr. Deane had replied to Mr. Walsh's correspondence in relation to the option
11 or proposed option over the Neilstown lands, isn't that right?
12 A. Yes.
13 Q. 681 Now, is this, Mr. Dunlop, a reference to that agreement?
14 A. No I don't believe it is. I can absolutely assure you that it's not.
16:28:25 15 Q. 682 Will you just explain precisely what it means?
16 A. Well I think it's. I've had a discussion with not with -- with Owen
17 O'callaghan in relation to the success fee and I'm -- I cannot specifically
18 tell you what the reference is to private is or when. It is relating to the
19 success fee and always has related to the success fee.
16:28:49 20 Q. 683 Well if we just sort of break it down a little bit, Mr. Dunlop. It says
21 discussion re 'big one'?
22 A. Yeah.
23 Q. 684 Then it says when?
24 A. Yeah.
16:28:56 25 Q. 685 And they were it says if deal comes through?
26 A. Yeah.
27 Q. 686 So what deal were you talking about, Mr. Dunlop? What deal was in the pipeline
28 in December 1993?
29 A. Well there was no deal in the pipeline in December 1993 because there was no
16:29:10 30 deal in relation to anything else that I was concerned of with Mr. O'Callaghan

- 16:29:16 1 at that time and that was the success fee.
- 2 Q. 687 No, you are incorrect, Mr. Dunlop?
- 3 A. Uh-huh.
- 4 Q. 688 Because there was a deal in progress which was the correspondence evidenced
- 16:29:24 5 between the two solicitors which was current and which had not been -- if you
- 6 just wait -- responded to on the 7th of December 1993 isn't that right?
- 7 A. Did not relate to this.
- 8 Q. 689 And it is clear, Mr. Dunlop, from the correspondence and Mr. Deane's reply that
- 9 Mr. Deane is suggesting that there was agreement in principle, isn't that right
- 16:29:43 10 but matters had to be worked out?
- 11 A. Yeah.
- 12 Q. 690 Isn't that right. And I am suggesting to you Mr. Dunlop that that
- 13 correspondence more accurately fits what you have recorded in your diary, isn't
- 14 that right?
- 16:29:52 15 A. No, I don't agree and I have never so regarded it as such. I have always
- 16 regarded 'big one' as being relating to the success fee.
- 17 Q. 691 Yes, but the only deal that was current Mr. Dunlop in December 1993 was nothing
- 18 about a success fee. The only deal that was going on or negotiation between
- 19 yourself and Mr. O'Callaghan related to the Stadium, isn't that right?
- 16:30:15 20 A. There was the discussion and correspondence that you have outlined yes were
- 21 taking place in or around this time but I can tell you that it did not relate
- 22 to that.
- 23 Q. 692 And Mr. Lawlor had no interest in discussing any success fee with you Mr.
- 24 Dunlop because that was a totally private matter between yourself and Mr.
- 16:30:30 25 O'Callaghan, isn't that right?
- 26 A. Correct, yes.
- 27 Q. 693 But Mr. Lawlor was a silent 25 per cent proposed partner in the Stadium
- 28 enterprise, isn't that right?
- 29 A. Correct.
- 16:30:38 30 Q. 694 And would have had, I suggest to you, a very great interest in any discussion

- 16:30:42 1 passing between yourself and Mr. O'Callaghan about the Stadium isn't that
2 right?
- 3 A. And did so participate on many occasions.
- 4 Q. 695 And I would suggest to you that according to the note that you say is
16:30:51 5 contemporaneous and that you made and that Mr. Lawlor and Mr. O'Callaghan are
6 present or in some way connected to the note that you have made isn't that
7 right?
- 8 A. Yes, I have never discussed any success fee other than with Mr. O'Callaghan.
- 9 Q. 696 You didn't listen to my question. I am suggesting to you that from the entry
16:31:17 10 that's recorded in your diary that Mr. Lawlor was present with Mr. O'Callaghan
11 when you were having your discussion with Mr. O'Callaghan about the 'big one',
12 because the arrow comes from both Mr. Lawlor and Mr. O'Callaghan in your diary
13 to the discussion about the 'big one', isn't that right?
- 14 A. I hear what you are saying and I see what you are suggesting and what I am
16:31:25 15 saying to you is that I never had a discussion with Mr. O'Callaghan and Liam
16 Lawlor in relation to a success fee.
- 17 Q. 697 And I am suggesting to you Mr. Dunlop that for reasons that you haven't
18 disclosed to the Tribunal, that the entries in your diary in relation to 'big
19 one' do not relate to a success fee. That they relate instead to some
16:31:45 20 agreement that you thought you had in connection with the Stadium?
- 21 A. No, I disagree.
- 22 Q. 698 And can you explain then why in this entry that you have made in your diary it
23 suggests that both Mr. Lawlor and Mr. O'Callaghan were part and parcel of the
24 agreement in -- or discussion in connection with 'big one'?
- 16:32:04 25 A. No, other than to say that it is obvious that there was a meeting with Owen
26 O'Callaghan and Liam Lawlor but it is also obvious from what I have said that I
27 have never discussed with Owen O'Callaghan and Liam Lawlor a success fee.
- 28 Q. 699 Yes. And what other deal could have been -- there are two deals being referred
29 to there isn't that right, Mr. Dunlop? If deal comes through then private
16:32:27 30 deal?

- 16:32:28 1 A. Uh-huh.
- 2 Q. 700 Isn't that right?
- 3 A. Yes.
- 4 Q. 701 What was that, what does that mean in the context of a success fee for
- 16:32:33 5 Quarryvale?
- 6 A. That I can't tell you, I'm afraid. Other than to say that any references in
- 7 the diary in relation to 'big one' between Mr. O'Callaghan and myself related
- 8 to a success fee. I cannot -- I cannot account for the rest of the note.
- 9 Q. 702 But the note, Mr. Dunlop, I suggest to you makes absolutely no sense when
- 16:32:55 10 looked at in the context of a plain and simple agreement for the payment of a
- 11 success fee, isn't that right?
- 12 A. No, I don't accept that.
- 13 Q. 703 Fine. Then if you don't accept that, will you just explain to the Tribunal Mr.
- 14 Dunlop how you say what you mean when you put in the words "if deal comes
- 16:33:11 15 through then private deal"?
- 16 A. Yes I have said to you I can't explain that. Other than in the circumstances
- 17 which I have said to you consistently that 'big one' relates to a success fee.
- 18 "Deal coming through" no deal came through. If that is what you are alluding
- 19 to, something in relation to a discussions in relation to the Stadium, any
- 16:33:34 20 discussion I had with Owen O'Callaghan related to the success fee.
- 21 Q. 704 Yes but the whole purpose of you making this note I suggest to you Mr. Dunlop
- 22 is so that it would be clear to you and that you would understand the note
- 23 isn't that right? In other words, this is an aid memoire for you in the future
- 24 isn't that right?
- 16:33:49 25 A. At the time, yes.
- 26 Q. 705 Yes?
- 27 A. Or possibly in the future, I can't account for everything that I write down but
- 28 certainly I can't account for the rest of it.
- 29 Q. 706 And it's financial. It's connected to money isn't that right, Mr. Dunlop?
- 16:34:01 30 A. 'Big one' is, yes.

- 16:34:02 1 Q. 707 You say. And therefore you must, being the author of this note, understand
2 what you meant when you said that if the deal comes through then private deal
3 when leave it to FD.
- 4 A. No. I can't. I don't have any difficulty in saying that to you other than
16:34:20 5 saying to you that yes, a discussion obviously took place with Owen O'Callaghan
6 in relation to 'big one'. Any reference to any other deal contemporaneous as
7 far as I'm concerned it does not relate to that. There is no such eventual.
8 That never happened. There was no such arrangement. There was no such deal as
9 it were. The only arrangement I had with Mr. O'Callaghan related to success
16:34:46 10 fee.
- 11 Q. 708 At that meeting on December the 13th Mr. Dunlop between Mr. Reynolds and Mr.
12 O'Callaghan at 10553?
- 13 A. Yep.
- 14 Q. 709 In a note with AIB Mr. O'Callaghan is recorded as saying "he went on to
16:35:04 15 indicate he is meeting Albert Reynolds and Bertie Ahern later today in
16 connection with the Sports Stadium"?
- 17 A. Uh-huh.
- 18 Q. 710 "I expressed surprised at this. He indicated he had no real option but to
19 continue his discussions in relation to the Stadium in that there is enormous
16:35:16 20 political interest in same. He will not be moving anything forward unless
21 there is significant State subsidies. He mentioned 5 million Pounds per annum.
22 He mentioned that the project could work but obviously it is at fairly early
23 stages"?
- 24 A. Yes.
- 16:35:30 25 Q. 711 Again, does that accord with your recollection of events at that time?
- 26 A. Yes, and specifically in relation to what he was intending doing was contingent
27 on the receipt of some government funding.
28
29 CHAIRMAN: Ms. Dillon, it's now nearly half past four so ...
16:35:53 30

16:35:53 1 MS. DILLON: I thought we were going until five o'clock.

2

3 CHAIRMAN: Well, that may have been the original plan. But I think there is
4 some matter that we have to deal with.

16:36:03 5

6 MS. DILLON: Very good, Sir. So unless you want to just finish a topic that
7 you are on at the moment.

8

9 MS. DILLON: I have some other short matters to deal with Mr. Dunlop in the
10 morning, so it doesn't matter.

16:36:11 10

11

12 CHAIRMAN: All right. So we will sit at ten tomorrow.

13

14 MS. DILLON: All right, Sir. May it please you.

16:36:18 15

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

19 **THURSDAY, 7TH FEBRUARY 2008, AT 10:00 A.M.**

16:37:43 20

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