

09:37:01 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY,**  
2 **5TH FEBRUARY 2008, AT 10:00 A.M:**

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4

CHAIRMAN: Good morning, Ms. Dillon.

10:13:53 5

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

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**MR. FRANK DUNLOP, PREVIOUSLY SWORN, CONTINUES TO BE QUESTIONED**

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**BY MS. DILLON AS FOLLOWS:**

10:14:00 10

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CHAIRMAN: Good morning, Mr. Dunlop.

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A. Good morning, Chairman, good morning, Ms. Dillon.

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Q. MS. DILLON: Good morning, Mr. Dunlop.

10:14:07 15

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Today I want to discuss with you the origin and concept of the National

17

Stadium. And if you could first of all, I explained to the Tribunal the

18

circumstances in which the National Stadium was first developed as an

19

alternative use for the Neilstown site

10:14:44 20

21

A. Okay. At some stage relatively early on, I can't put an exact date on it, but

certainly relatively early it was suggested by, again, I'm virtually certain by

22

Liam Lawlor that to block off the Neilstown site from any further potential

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difficulties, either vis-a-vis representations and lobbying that was being

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conducted by Green Property and/or individual councillors in relation to the

usage of the Neilstown site, that a sports stadium was suggested.

10:15:28 25

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This -- my recollection is of a meeting in my office which was attended by Mr.

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O'Callaghan and Mr. Ambrose Kelly, myself, Liam Lawlor, I cannot attest that

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there were others present but certainly those at least were present. At which

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the notion was put forward and the genesis of it being to provide an

10:16:01 30

alternative usage for the Neilstown site. I'm not suggesting that people came

10:16:08 1 up with the idea solely in the interests of sporting activity or leisure  
2 activity but certainly it came forward on the basis of providing an alternative  
3 usage for the Neilstown site and matters progressed from there. I mean, if you  
4 take it as the initial genesis of it being to block off any other usage of the  
10:16:32 5 Neilstown site and then follow it through in the context of a certain amount of  
6 enthusiasm that was generated, particularly by Mr. O'Callaghan in relation to  
7 the Neilstown site and in relation to the idea and he went forward with a  
8 planning application. He hired quite a significant number of individual  
9 experts, a model was produced, an application was made, a decision was given, a  
10:17:04 10 grant of planning permission was given and considerable lobbying took place, at  
11 various stages, even in the early stage, in relation to the provision of a  
12 National Stadium.

13 Q. The, in the May 1991 decision, Mr. Dunlop, the town centre zoning had been  
14 changed from the old Lucan/Clondalkin town centre to the Quarryvale lands,  
10:17:28 15 isn't that right?

16 A. That's correct, yes.

17 Q. So that from 1991 and from the time of the first public display, the  
18 designation of D or town centre was on the Quarryvale lands, isn't that the  
19 position?

10:17:39 20 A. Correct, yes.

21 Q. There effectively had been a swap in the zoning, isn't that right, between  
22 Neilstown, Lucan/Clondalkin town centre at Neilstown and the Quarryvale lands?

23 A. To all intents and purposes that's correct, yes.

24 Q. So that from May of 1991, the Quarryvale lands were zoned D for town centre.

10:17:57 25 A. Yes.

26 Q. Isn't that right? And the Lucan/Clondalkin town centre lands were I think  
27 zoned E, industrial isn't that right?

28 A. Yes.

29 Q. Now, if I understand your evidence correctly, what you appear to be suggesting  
10:18:11 30 to the Tribunal is that in order to copper fasten the zoning on the Quarryvale

- 10:18:16 1 lands it became necessary to consider what would happen with the  
2 Lucan/Clondalkin town centre lands, is that right?
- 3 A. Yes, I put it in the context, Ms. Dillon, that there was still ongoing issues  
4 relating to what usage the Neilstown site would be put. And various people  
10:18:37 5 notwithstanding the decision in 1991, that people were still suggesting that  
6 the town centre site could be reverted back to the Neilstown site.
- 7 Q. Yes. And in fact ultimately applications and motions were brought before  
8 Dublin County Council in December 1992 as we saw --
- 9 A. Yes.
- 10:18:59 10 Q. -- over the last few days, seeking to reverse the zoning.
- 11 A. Yes.
- 12 Q. That had obtained in 1991, and in fact ultimately in 1992, the D zoning was  
13 replaced on the Lucan/Clondalkin town centre lands?
- 14 A. That's correct.
- 10:19:11 15 Q. I see. With an amendment?
- 16 A. With an amendment, yes.
- 17 Q. To the Written Statement?
- 18 A. Yes.
- 19 Q. To provide for, that would have permitted for the development of a National  
10:19:20 20 Stadium on those lands, isn't that correct?
- 21 A. Correct.
- 22 Q. But if we just look at the physical location, Mr. Dunlop, on 944 please. And  
23 on this map which is an extract from the Draft Development Plan of 1991, the  
24 Quarryvale lands are coloured blue, isn't that right?
- 10:19:43 25 A. Yes.
- 26 Q. And they have a D zoning in the blue part and the balance of the Quarryvale  
27 lands are then zoned I think E, isn't that right?
- 28 A. E correct, yes.
- 29 Q. Now in the southern corner of the map there is a purple piece of land.
- 10:19:55 30 A. Yes.

- 10:19:55 1 Q. And that is the location of the Lucan/Clondalkin town centre, which at this  
2 stage is now zoned E to provide for industrial and related uses, isn't that  
3 right?
- 4 A. Correct yes.
- 10:20:05 5 Q. Now, this is I think an extract from map 16 and on map 17 the other half of the  
6 Lucan/Clondalkin town centre lands can be seen, isn't that right?
- 7 A. Yes correct.
- 8 Q. They were in effect an oblong that was bounded by the proposed railway line,  
9 isn't that right?
- 10:20:20 10 A. Correct.
- 11 Q. Now, as I understand it, Mr. Dunlop, one of the problems with the  
12 Lucan/Clondalkin town centre site and one of the matters that had prevented its  
13 development was the lack of roads infrastructure.
- 14 A. Yes.
- 10:20:34 15 Q. And that evidence has been given to the Tribunal that until the Fonthill Road  
16 and the Fonthill Road exchange was upgraded that access into the site was  
17 extremely poor and limited.
- 18 A. Correct.
- 19 Q. Right. So that and one of the arguments that was made to promote the idea of  
10:20:51 20 transferring the town centre zoning from the Lucan/Clondalkin town centre  
21 location to Quarryvale was that the access on the Quarryvale site was much  
22 better because it was bounded by the Western parkway, isn't that right?
- 23 A. Correct.
- 24 Q. And in fact it was the case that access to the Quarryvale site was extremely  
10:21:07 25 good, isn't that right?
- 26 A. Correct.
- 27 Q. Right. But the problem in relation to developing anything on the  
28 Lucan/Clondalkin town centre site, whether it was town centre it was National  
29 Stadium, was going to be access one of the main problems, isn't that right?
- 10:21:21 30 A. Correct, yes.

- 10:21:21 1 Q. Right. But one of the questions that would be put I think, Mr. Dunlop, to  
2 anybody promoting the development of the Quarryvale lands as suitable for the  
3 town centre would have been what alternative use the other lands were going to  
4 be put, isn't that right?
- 10:21:37 5 A. Yes, that did arise at various levels as to what was going to happen to the  
6 original, what we referred as the original Neilstown site.
- 7 Q. And as I understand from the documentation, the distance between the  
8 Lucan/Clondalkin town centre lands on the southern portion of the map at 944  
9 and the Quarryvale lands was a mile.
- 10:22:01 10 A. Of that order yes.
- 11 Q. Of the order.
- 12 A. Yes.
- 13 Q. But within that mile there was access into the Quarryvale lands but by road  
14 structure but there was no access of any meaningful sort into the  
10:22:12 15 Lucan/Clondalkin town centre lands.
- 16 A. Correct.
- 17 Q. Right. In the statements that have been provided to the Tribunal in relation  
18 to the origin of this concept of the development of in a National Stadium,  
19 there appears to be agreement that it is likely to have been Mr. Lawlor.  
10:22:27 20 Excuse me, who came up with the idea.
- 21 A. Certainly from my point of view as I recollect matters I, as I said at the  
22 outset, I cannot attest as to whether there was anybody else present but the  
23 furthest back that I can recall in relation to a suggestion of a National  
24 Stadium if I put it in this context for you. I certainly didn't suggest it. I  
10:22:55 25 don't believe Mr. O'Callaghan suggested it. I don't believe Ambrose Kelly  
26 suggested it. I do believe that Mr. Lawlor suggested it, either on his own  
27 initiative or as a result of some other suggestion of the matter by somebody  
28 else. I just don't know.
- 29 Q. The first recorded document dealing with the proposal for a Stadium at  
10:23:21 30 Clondalkin, Mr. Dunlop, is at 5153. And this is dated the 29th of May 1991.

- 10:23:30 1 Now, I am going to suggest to you that that was an important date --
- 2 A. Yes.
- 3 Q. -- because of the decision that had been taken immediately preceding that to
- 4 transfer the zoning.
- 10:23:39 5 A. Yes.
- 6 Q. From Neilstown to Quarryvale, isn't that right?
- 7 A. Yes, correct.
- 8 Q. And then in the same month on the 29th of May 1991, in a letter entitled
- 9 National Outdoor Sports Centre, Mr. Colm McGrath writes to the then Minister
- 10:23:54 10 for Sport and the Department of Sport as it was, was a part of the Department
- 11 of Education at the time, isn't that right?
- 12 A. That's correct, yes.
- 13 Q. And he says "further to our telephone conversation I wish to invite you to
- 14 consider the former designated town centre site at Ronanstown/Clondalkin for
- 10:24:08 15 the sitting of the Outdoor National Sports Centre" and then it sets out the
- 16 reasons why. And he states that "the developer of the new town centre Mr. Tom
- 17 Gilmartin has indicated his willingness to develop the centre and has already
- 18 had a feasibility study completed".
- 19 A. Uh-huh.
- 10:24:25 20 Q. Now, in relation to that part of the letter, do you know anything about Mr.
- 21 Gilmartin being consulted or having a discussion or knowing anything about the
- 22 development of a sports centre on the Lucan/Clondalkin town centre lands?
- 23 A. No.
- 24 Q. Who drafted this letter, do you know?
- 10:24:40 25 A. I have no idea, Ms. Dillon.
- 26 Q. Did you draft this letter, Mr. Dunlop?
- 27 A. No, I did not.
- 28 Q. Were you aware of the fact that Mr. McGrath was in correspondence with the then
- 29 Minister for Sport in May of 1999?
- 10:24:51 30 A. No, I don't believe I was.

- 10:24:53 1 Q. And --
- 2 A. In May of 1991.
- 3 Q. In May of 1992, yes?
- 4 A. No I don't believe I was.
- 10:24:58 5 Q. Would you not have expected, Mr. Dunlop, as the person who was in charge of the  
6 lobbying and PR by this time in relation to the Quarryvale site that you would  
7 have been involved in this?
- 8 A. Not, I wouldn't have expected -- I don't know whether this was a frolic,  
9 Mr. McGrath was on a frolic of his own on this particular occasion. But  
10:25:18 10 certainly I have no recollection of either Mr. Gilmartin -- Mr. McGrath being  
11 in contact with Mr. Fahy in relation to this matter or that Mr. Gilmartin  
12 allegedly was supporting the idea. My recollection, the furthest back as I say  
13 I can go, was subsequent to what had occurred in May, June -- May of 1991  
14 because of the issue of the existing Neilstown site and what was going to be  
10:25:45 15 done with it and the possibility that existed that if people weren't careful a  
16 reversion could take place.
- 17 Q. And arising from that letter from Mr. McGrath to Mr. Frank Fahy there are two  
18 letters acknowledging receipt of that correspondence. And then, Mr. Dunlop, at  
19 14207 on the 31st of October 1991, you will see an entry in your diary 11  
10:26:13 20 o'clock, Frank Fahy, Owen, Ambrose etc.
- 21 A. Yes.
- 22 Q. And that would suggest a meeting with Frank Fahy, then Minister for Sport, is  
23 that right?
- 24 A. Yes.
- 10:26:23 25 Q. And that it's likely that Mr. Kelly and Mr. O'Callaghan and yourself attended  
26 that meeting, isn't that right?
- 27 A. It is quite likely yes. I don't have a particular recollection of ever meeting  
28 Frank Fahy with either of the gentlemen but given that it is in my diary it is  
29 a likelihood that it did take place or it was organised.
- 10:26:40 30 Q. And it appears to have been organised through you, is that right, Mr. Dunlop?

- 10:26:44 1 A. Yes.
- 2 Q. Because it appears in your diary, isn't that right?
- 3 A. Yes.
- 4 Q. And would you have known Mr. Frank Fahy?
- 10:26:50 5 A. Not very well. I knew him as a Fianna Fail TD and as a junior minister. I
- 6 think I have met the man at most half a dozen times in my life.
- 7 Q. At 6207 on the 4th of November '91, Mr. O'Callaghan wrote to Mr. Fahy "thanking
- 8 him for the courtesy which he extended to himself and Ambrose Kelly when they
- 9 had the opportunity to outline the background to the joint venture proposal".
- 10:27:16 10 A. Yes.
- 11 Q. "Of the National Soccer Stadium at north Clondalkin" and Mr. O'Callaghan goes
- 12 on to state "We were very encouraged by your positive response to the proposal
- 13 and we would now proceed with our formal submission for your department's
- 14 consideration".
- 10:27:29 15
- 16 And then it sets out reasons why Mr. O'Callaghan considers "This site as
- 17 strategically located to develop such a National Sports Stadium" isn't that
- 18 right?
- 19 A. Correct.
- 10:27:40 20 Q. Now, is it possible that having set up the meeting, Mr. Dunlop, that you in
- 21 fact didn't attend it because your attendance is not record in the that letter?
- 22 A. Yes, it is. As I said to you, I have no recollection of meeting Frank Fahy. I
- 23 have a recollection of meeting others in relation to the National Stadium. I
- 24 have no recollection of meeting Frank Fahy. And the possibility does exist
- 10:27:58 25 that while I set it up I did not attend.
- 26 Q. Yes. And in the course, in that letter Mr. O'Callaghan refers in the first
- 27 paragraph that there were outlining to the minister the background of the joint
- 28 venture proposal.
- 29 A. Yes.
- 10:28:11 30 Q. Do you see that?



- 10:28:12 1 A. Yes.
- 2 Q. Do you know what that joint venture was?
- 3 A. In, in maybe opaque and vague terms, that it was a proposal in Mr.
- 4 O'Callaghan's mind that there would be joint venture with the Government, with
- 10:28:27 5 the Department of Education in the provision of a National Soccer Stadium, or a
- 6 joint venture in relation with another entity, be it sport or otherwise, I
- 7 think at this stage the thing was quite vague. But I certainly don't have any
- 8 recollection of the joint venture proposal being of the nature other than
- 9 seeking assistance from the Government, what the Government could do to fast
- 10:29:01 10 track or facilitate the proposal.
- 11 Q. Well is it possible that at this stage in late 1991, Mr. O'Callaghan was
- 12 himself involved in discussions with other parties to which you were not privy?
- 13 A. It is possible and I am not so aware.
- 14 Q. Yes. Because on the 7th of November 1991 at 6221, Mr. O'Callaghan writes to
- 10:29:20 15 the Football Association of Ireland, the FAI Mr. Sean Connolly in relation to a
- 16 National Sports Centre Clondalkin and says:
- 17
- 18 "As you are aware progress to date has been quite significant on the above
- 19 proposal. The project has received very encouraging support from the Minister
- 10:29:36 20 for Sport, Dunlin Corporation and Dublin County Council. As we are anxious to
- 21 maintain this momentum, we enclose for your attention, outline of a draft joint
- 22 venture agreement."
- 23 A. Yes.
- 24 Q. So that would suggest that the joint venture agreement referred to in the
- 10:29:48 25 discussions with Mr. Frank Fahy related in fact to the FAI, isn't that right?
- 26 A. Yes.
- 27 Q. Were you aware in 1991, that Mr. O'Callaghan was having discussions about a
- 28 joint venture agreement with the FAI?
- 29 A. Yes, I do. I do recollect Mr. O'Callaghan telling me that he had had meetings
- 10:30:03 30 with the FAI.

- 10:30:04 1 Q. And that would appear to be the case because at 6272, Mr. Connolly tells Mr.  
2 O'Callaghan that they will be discussing this matter at the next meeting and  
3 that he will contact him by telephone and he says "I look forward to meeting  
4 with you again soon" suggesting that by that stage Mr. Connolly and Mr.  
10:30:22 5 O'Callaghan had met about the proposed joint venture, isn't that right?  
6 A. Correct.  
7 Q. And in fact I think on the letter of the 7th of November '91, Mr. O'Callaghan  
8 included at 6222, a draft of a joint venture agreement between the Football  
9 Association of Ireland and O'Callaghan Properties Limited.  
10:30:41 10 A. Yes.  
11 Q. Now, do you know who was the actual owner of the Lucan/Clondalkin town centre  
12 lands, Mr. Dunlop?  
13 A. Merrygrove.  
14 Q. Yes. And Merrygrove was not in fact I think an O'Callaghan Properties --  
10:30:54 15 A. No.  
16 Q. -- company isn't, that right?  
17 A. That's correct, yes.  
18 Q. It was a company that was jointly owned by Mr. Gilmartin, isn't that the  
19 position?  
10:31:00 20 A. Correct, yes.  
21 Q. And in fact I think as of this time all that had happened was that Merrygrove  
22 had an option to buy --  
23 A. Yes.  
24 Q. -- the lands from Dublin Corporation, isn't that right?  
10:31:10 25 A. Correct yes.  
26 Q. And they had paid 300,000 pounds for that option, having purchased it  
27 effectively from Mr. Gubay, isn't that right?  
28 A. That's correct.  
29 Q. And I think that was the option that had been sold by Merrygrove to Mr.  
10:31:23 30 Gilmartin about which the Tribunal has heard evidence, isn't that right?

- 10:31:26 1 A. Yes.
- 2 Q. But at in stage the option was held by Merrygrove Estates Limited, isn't that  
3 the position?
- 4 A. That's correct, yes.
- 10:31:34 5 Q. Now I think that in December of 1991, the first formal submission at 1030 about  
6 the National Stadium was made to Dublin Corporation. I beg your pardon.  
7 Dublin County Council.
- 8 A. Yes.
- 9 Q. And this was the first formal proposal made to the Council for the proposal for  
10 a National Soccer Stadium on the lands, isn't that right?
- 11 A. Yes in relation to the County Development Plan. It was a submission vis-a-vis  
12 the county development plan.
- 13 Q. Yes. The 3rd of December was the last date for any such submission, isn't that  
14 right?
- 10:32:06 15 A. Yes.
- 16 Q. In 1991?
- 17 A. In 1991, yes.
- 18 Q. And what the undersigned were proposing and the undersigned were at 1031.  
19 Ambrose Kelly Group on behalf of O'Callaghan Properties and what they were  
10:32:21 20 proposing was that a national soccer stadium would be built on the old  
21 Lucan/Clondalkin town centre site, isn't that right?
- 22 A. Correct.
- 23 Q. So now, formally what is being put to the Council is an alternative use for the  
24 Lucan/Clondalkin town centre lands, isn't that right?
- 10:32:36 25 A. Yes absolutely.
- 26 Q. So within or at the end of the first public display there are two matters that  
27 have been submitted to the Council. One is to maintain the D zoning on the  
28 Quarryvale lands which was a submission that was made.
- 29 A. Yes.
- 10:32:48 30 Q. In line with the May 1991 vote.

- 10:32:51 1 A. Yes.
- 2 Q. And the second is now being proposed for the first time formally an alternative  
3 use for the lands, isn't that right?
- 4 A. Correct.
- 10:32:58 5 Q. Throughout this, certainly, Mr. Dunlop, by the 3rd of December 1991, you must  
6 have had discussions within the strategic team as it were about this matter and  
7 about putting forward this proposal, isn't that right?
- 8 A. Oh, yes. I absolutely agree with that. I cannot put a specific date on it but  
9 certainly as I said at the outset, very early on after the original vote in  
10:33:22 10 1991, that the notion or idea of a sports Stadium arose.
- 11 Q. And insofar as steps now appear to be taken insofar as a submission is being  
12 made by the end of 1991 to Dublin County Council, meetings have apparently  
13 taken place with the FAI and Mr. Colm McGrath has written to the then Minister  
14 for Sport and a meeting has taken place with the Minister for Sport. Was there  
10:33:45 15 a belief within the Quarryvale strategic team that this in fact was something  
16 that was going to come to pass?
- 17 A. I think bearing in mind what I said to you at the outset when you asked me for  
18 a sort of over arching statement in relation to the matter. I think my view,  
19 my view has always been that this notion of a Stadium, or a national stadium,  
10:34:11 20 the genesis of it arose from the worry that people had about the usage of the  
21 site and the possibility that there could be a reversion of the decision of  
22 1991 to the original town zoning designation on the Neilstown/Balgaddy site.  
23 And in those circumstances I regarded it as something of a ruse is I think the  
24 word that I have used in the past, that it was something of a ruse. But  
10:34:42 25 certainly the matter took on far greater importance, certainly from Mr.  
26 O'Callaghan's point of view, given the outline of the documentation in the  
27 documentation that you have given in relation to the meetings with the minister  
28 and with the FAI. And it progress from there to large extent, a succession of  
29 very, very intensive meetings took place in relation to it which I'm sure you  
10:35:14 30 are going to come to.

- 10:35:15 1 But certainly my original view which I would not resile from was that it was a  
2 ruse to block off any usage of the Neilstown site in line with the original  
3 plan.
- 4 Q. In the course of the private interviews, Mr. Dunlop, and just to give a flavour  
10:35:32 5 of the view that you expressed then, at page 17707 and the question that was  
6 put to you at the time.
- 7 A. Uh-huh.
- 8 Q. At question 117 I think Mr. Hanratty says "Just from your own perspective in  
9 the period up to that, was there ever a point in time when you woke up in the  
10:35:49 10 morning and said to yourself sometime during the day and this is about the  
11 Stadium Jesus Christ he's actually going to build this thing?
- 12 A: The answer to that is no. There is a lot of fanciful enthusiasm, there is  
13 a lot of false enthusiasm generated about it by us by me, by O'Callaghan, by  
14 Ambrose Kelly, by Lawlor. Did any of them seriously believe there was ever --
- 10:36:10 15 A: I think Ambrose Kelly did at one stage. He thought it was a runner or  
16 possibility as is evidenced by the fact that he had one, certainly one if not  
17 more of his staff working on it full-time. Absolutely full-time".
- 18
- 19 Does that encapsulate, Mr. Dunlop your view about the Stadium?
- 10:36:26 20 A. Well who things strike me about that particular extract. One is language used  
21 by the senior counsel gives an indication of the relaxed atmosphere that  
22 existed in the private sessions when these discussions were taking place and  
23 secondly, yes is the answer.
- 24 Q. Yes so that in fact it was your view that the entire purpose of the national  
10:36:44 25 stadium was a strategy?
- 26 A. Yes.
- 27 Q. That was worked out to provide what appeared to be a viable alternative use for  
28 the Lucan/Clondalkin town centre lands?
- 29 A. In its original format, yes. And I believe that to this day. Notwithstanding  
10:36:57 30 anything that has occurred on an historic basis planning permissions,

- 10:37:01 1 applications, planning permissions, FAI, Wimbledon, all of that. All of that  
2 followed on. The origination of the idea was as I recollect matters, that the  
3 concern existed in relation to the potentiality for a reversion to the original  
4 plan, vis-a-vis the Neilstown site and that therefore that had to be in some  
10:37:27 5 way accommodated.
- 6 Q. So I think you have previously described it as an idea to block off the  
7 Lucan/Clondalkin town centre site.
- 8 A. Correct, yes.
- 9 Q. In other words, if a viable alternative was put forward it would ringfence the  
10:37:41 10 Lucan/Clondalkin site.
- 11 A. Yes.
- 12 Q. And that would then give Quarryvale a far better chance of holding on to the  
13 zoning that it then had.
- 14 A. Yes.
- 10:37:49 15 Q. And being developed as the retail centre.
- 16 A. Correct.
- 17 Q. So that in fact the whole idea of the National Stadium or alternative use for  
18 the Lucan/Clondalkin town centre was part of a dual strategy if I can put it  
19 like that. The primary strategy was to secure the zoning and keep the zoning  
10:38:05 20 for Quarryvale.
- 21 A. Yes.
- 22 Q. And in order to do that or achieve that a viable alternative that was  
23 believable had to be put forward in relation to the Lucan/Clondalkin town  
24 centre.
- 10:38:19 25 A. Correct.
- 26 Q. Now, I think in 1992, Mr. Dunlop, and correct me if I'm wrong, Mr. Charles J  
27 Haughey, who was then Taoiseach, resigned on the 11th of February of 1992. And  
28 Mr. Albert Reynolds was appointed Taoiseach in his place.
- 29 A. Yes.
- 10:38:29 30 Q. Right. And I think that following on, on that on the 13th of February 1992,

- 10:38:34 1 Mr. O'Callaghan at 6725 wrote to Mr. Louis Kilcoyne of the FAI heading re  
2 football stadium.  
3  
4 "Dear Lois, Frank Vaughan told me that he had met you recently and he was  
10:38:50 5 preparing a report for you. The present political situation may be even more  
6 favourable to other our proposal than the past".  
7  
8 Now first of all, did you know about this correspondence between Mr. Kilcoyne  
9 and the FAI?
- 10:39:04 10 A. Yes. I cannot account for the actual correspondence I know that it's in the  
11 brief. But certainly I did know that Mr. O'Callaghan was talking to  
12 Mr. Kilcoyne, yes.
- 13 Q. And were you aware of Mr. O'Callaghan's view as expressed in this letter that  
14 the then present political situation as of the 13th of February '92, could be  
10:39:21 15 even more favourable to his proposal than the past?
- 16 A. Well I'm not 100 per cent certain what is meant by that sentence in that  
17 particular letter but certainly at this stage by February of 1992, the  
18 representation has been made to Dublin County Council in relation to a Stadium  
19 on the site, discussions have taken place with the FAI.
- 10:39:51 20 Q. That's not the question I asked you, Mr. Dunlop. Just concentrate on the  
21 question that I asked you which is the comment that I'm asking you to deal with  
22 is Mr. O'Callaghan's statement that the present political situation --
- 23 A. Yes.
- 24 Q. -- may be even more favourable to our proposal than the past.
- 10:40:07 25 A. Yes.
- 26 Q. I have drawn to your attention that the only change in the political landscape  
27 that occurred at that time was that on the 11th of February 1992, Mr. Charles J  
28 Haughey resigned and Mr. Albert Reynolds was appointed in his sted?
- 29 A. Fine.
- 10:40:21 30 Q. In the light of that isn't it likely, Mr. Dunlop, that the change in the

- 10:40:25 1 present political situation that is referred to by Mr. O'Callaghan relates to  
2 the appointment of Albert Reynolds?
- 3 A. Yes.
- 4 Q. Yes. And that it has nothing whatsoever to do with submissions to Dublin  
10:40:35 5 County Council in December 1991?
- 6 A. This is a matter Mr. O'Callaghan can comment on when he gives evidence. It is  
7 not a matter for me to interpret what Mr. O'callaghan means in a letter to  
8 Mr. Kilcoyne.
- 9 Q. Yes. That's what I was about to ask you and I had asked you, Mr. Dunlop, when  
10:40:49 10 you started talking about Dublin County Council in December '91. What to your  
11 knowledge, political changes had happened in February of 1992?
- 12 A. Well the government, the Taoiseach, as you quite rightly say, the job of  
13 Taoiseach had changed and there had been a new cabinet, a new cabinet was  
14 appointed.
- 10:41:08 15 Q. At that time in early 1992, Mr. Dunlop, a series of meetings took place between  
16 Dublin County Council and various people who had made submissions by way of  
17 oral hearings, isn't that right?
- 18 A. Yes.
- 19 Q. This was part of the standard discussion process that took place as part of the  
10:41:26 20 Development Plan, isn't that right?
- 21 A. Correct, yes.
- 22 Q. It wasn't necessary for everyone to have an oral hearing but if you requested  
23 an oral hearing you had an oral hearing is that the way it operated?
- 24 A. That's correct, yes.
- 10:41:37 25 Q. An oral hearing took place in relation to the O'Callaghan Properties submission  
26 about the Lucan/Clondalkin town centre in March of on the 6th of March 1992 at  
27 1019. And in fact this in effect is a submission about Quarryvale but in the  
28 course of that submission, Mr. Dunlop, at 1026, the following was stated in the  
29 second last paragraph.
- 10:42:08 30



- 10:42:08 1 "We feel it appropriate at this time to formally state our intentions for  
2 developing the Balgaddy E zone side site. As you are aware O'Callaghan  
3 Properties still retains an interest in this site and for several months now  
4 conducting negotiations with the FAI and government departments as well as  
10:42:24 5 other interested parties with a view to finalising a proposal for the national  
6 football Stadium on this land."  
7 A. Yes.  
8 Q. So what is being suggested here is the alternative use.  
9 A. Correct.  
10:42:34 10 Q. All right. And that attached to that was at 1028, a proposed Stadium planning  
11 application timetable.  
12 A. Yes.  
13 Q. Were you involved in drawing up these submissions to the Council?  
14 A. No, that was done by Mr. O'Callaghan -- by Mr. Ambrose Kelly and/or other  
10:43:03 15 advisors that Mr. Kelly town planners that Mr. Kelly spoke to or sought advice  
16 from.  
17 Q. Do you know whether or not Mr. Lawlor was involved in drafting these  
18 submissions, Mr. Dunlop?  
19 A. I am not. I cannot say for definite that he was but given Mr. Lawlor's  
10:43:13 20 involvement in the totality of what was happening in relation to Quarryvale,  
21 and because of his unique relationship with Mr. Kelly, I would, it would not  
22 surprise me but I cannot attest to that absolutely. But certainly he was  
23 involved to a very large extent in everything that took place vis-a-vis both  
24 sides the totality of the sites at Clondalkin, the Quarryvale site and the  
10:43:36 25 Neilstown Clondalkin site.  
26 Q. And insofar as this I suggest to you would have been a slightly unique  
27 situation in that a developer who had an interest in the Quarryvale lands also  
28 had an interest in the Lucan/Clondalkin town centre lands, isn't that right?  
29 A. Yes.  
10:43:51 30 Q. And they were only a mile apart the two pieces of land.

- 10:43:55 1 A. Correct.
- 2 Q. Was it ever part of your function within the strategic team to advise on  
3 planning matters?
- 4 A. No.
- 10:44:02 5 Q. And was your function within the strategic team directed in the first instance  
6 towards the support of councillors?
- 7 A. Yes.
- 8 Q. And would that have included directing your attention to securing their support  
9 for this endeavour, the Stadium.
- 10:44:15 10 A. Yes, it would.
- 11 Q. And your would your remit have also included the introducing of whoever needed  
12 to be introduced to government ministers or members of the cabinet as the need  
13 arose?
- 14 A. Yes, it would.
- 10:44:28 15 Q. Would it have been the case that you would have facilitated the organisation of  
16 these meetings but that in all cases you did not necessarily attend?
- 17 A. Correct.
- 18 Q. The development of the concept of the National Stadium once it came to this  
19 stage in early 1992, Mr. Dunlop, would have necessitated a planning application  
10:44:49 20 then, isn't that right?
- 21 A. Yes it would, yes.
- 22 Q. And that in fact did occur in the course of 1992, isn't that right?
- 23 A. Yes I think a planning application was put in some time in the latter part of  
24 '92, if my memory serves me right.
- 10:45:02 25 Q. Yes. And I suggest to you that it was important that the planning application  
26 be lodged and indeed that the planning permission issue because that would show  
27 faith with the councillors as you would be in a position to make the case to  
28 the councillors on behalf of Mr. O'Callaghan, look we have applied for  
29 planning, we have gone to that expense, we have spent that money.
- 10:45:21 30 A. Yes, that would dissipate any skepticism that might exist in relation to the

- 10:45:25 1 intention.
- 2 Q. Yes. And insofar as there was interface with the officials of the Council in  
3 relation to the idea of the Stadium. Did you deal with Mr. Brady or with  
4 Mr. Fitzgerald or with any of the officials of the Council in relation to the  
10:45:39 5 concept of the Stadium?
- 6 A. No.
- 7 Q. So was that something that was dealt with by Mr. O'Callaghan?
- 8 A. Either with Mr. O'Callaghan or Mr. Kelly.
- 9 Q. Right. Did you ever have any discussions with Allied Irish Bank about the  
10:45:50 10 concept of the National Stadium or its purpose or function within the overall  
11 Quarryvale scheme?
- 12 A. I don't believe I ask no.
- 13 Q. Any information then that was provided to Allied Irish Bank would that have  
14 been provided by either Mr. O'Callaghan or Mr. Deane or somebody else other  
10:46:05 15 than yourself?
- 16 A. Yes other than if I had been asked, of which I don't recollect, had been asked  
17 to give like I had been on a number of, on previous occasions, to give an  
18 overview as to the actuality vis-a-vis the actual application. But I don't  
19 recall ever having to do that in relation to the Stadium.
- 10:46:25 20 Q. There is no suggestion, Mr. Dunlop, in the documentation that you were --
- 21 A. No.
- 22 Q. -- ever requested by the bank to provide any information in relation to the  
23 Stadium. And does that accord with your recollection that you never in fact  
24 did so?
- 10:46:37 25 A. That accords, to the best of my recollection, yes.
- 26 Q. And it would follow from that then that any information that was provided to  
27 Allied Irish Bank came in all likelihood from either Mr. O'Callaghan or  
28 Mr. Deane, who are the people who regularly attended meetings with the bank,  
29 isn't that so?
- 10:46:51 30 A. I believe so.

- 10:46:54 1 Q. Did you ever discuss the concept of the national stadium with Mr. Gilmartin?
- 2 A. Never.
- 3 Q. Did you ever have reason, on any of the occasions which you met Mr. Gilmartin,
- 4 discuss the idea, perhaps not National Stadium but alternative use for the
- 10:47:07 5 Lucan/Clondalkin lands?
- 6 A. No, it never arose.
- 7 Q. Now, if I could just show you on the 18th of March '92, at 6934. In a note
- 8 taken by Mr. Eddie Kay of Allied Irish Bank in relation to a meeting on the
- 9 18th of March '92, with Mr. O'Callaghan and Mr. Deane in the fourth paragraph
- 10:47:28 10 Mr. Kay records:
- 11
- 12 "In relation to the alternative site at Clondalkin, they are progressing the
- 13 concept of a Stadium and have produced a model. They believe that the Stadium
- 14 could be viable at a total cost of 32 million and would be funded by 10 million
- 10:47:43 15 from the State. 10 million from the sale of a ten-year tickets and perhaps
- 16 another 10 million from private promoters. This would be 40,000 seating
- 17 capacity".
- 18
- 19 Now, do you know where Mr. O'Callaghan or Mr. Deane obtained the information by
- 10:47:58 20 the 18th of March 1992, that the State -- that the funding of the Stadium would
- 21 be viable if they could get 10 million pounds from the State?
- 22 A. I can't say that I knew on that particular date or in or around that particular
- 23 time. But yes I was aware that Mr. O'Callaghan was looking for State support
- 24 or State subvention in some capacity in relation to the provision of the
- 10:48:30 25 Stadium, I think I eluded to that earlier on, about ten minutes ago. But what
- 26 exactly that was, how it was going to be organised, I wasn't aware.
- 27 Q. Would you have been aware in a general way from the very beginning of the
- 28 development of the idea that there was a desire that there would be State
- 29 support or State funding of some sort in connection with the Stadium?
- 10:48:53 30 A. Yes, yes I would.

- 10:48:55 1 Q. And were you aware subsequently over '92 and '93 of meetings taking place at a  
2 fairly senior level with politicians in relation to securing that support?
- 3 A. Yes, I was.
- 4 Q. And you were instrumental I think in setting up some of those meetings?
- 10:49:08 5 A. That's correct.
- 6 Q. And I think on the 18th of March '92, at 6935. You wrote to the then Minister  
7 for Sport, Mr. Liam Aylward, isn't that right?
- 8 A. Yes.
- 9 Q. And you asked him for a meeting to outline a proposal for a National Soccer  
10 Stadium which a group of colleagues and I, that being yourself had put together  
11 recently, isn't that right?
- 12 A. Yes.
- 13 Q. And you referred to its location at north Clondalkin. And in paragraph three  
14 you say "the project is being spearheaded by O'Callaghan Properties who are  
10:49:36 15 also the developers of the much needed town centre at Westpark, a short  
16 distance away".
- 17 A. Yes.
- 18 Q. Isn't that right? And you put a price on it at approximately 35 million  
19 pounds?
- 10:49:47 20 A. Correct.
- 21 Q. And in the final paragraph you ask Mr. Aylward would he allow you to bring Mr.  
22 O'Callaghan to a meeting, isn't that right?
- 23 A. That's correct.
- 24 Q. And I think at 6939, on the 20th of March, two days later Patricia in Liam  
10:50:02 25 Aylward's office at 11:20 rang you about a meeting, isn't that right?
- 26 A. That's correct, yes.
- 27 Q. And there is no. The meeting was to be on Monday. And there is no meeting in  
28 your diary for the following Monday the 23rd at 6962, but is it likely that  
29 such a meeting did in fact take place?
- 10:50:23 30 A. Yes, I believe such a meeting did take place not in my office.

- 10:50:29 1 Q. In Mr. Aylward's office?
- 2 A. I am not absolutely certain about that, Ms. Dillon. I do have a recollection
- 3 that a meeting was organised at some stage with Mr. Aylward and Mr. Aylward
- 4 attended at Ambrose Kelly's office.
- 10:50:41 5 Q. That's later I think.
- 6 A. Yes.
- 7 Q. Yes.
- 8 A. But I cannot specifically say to you that I can recall a meeting in
- 9 Mr. Aylward's office.
- 10:50:49 10 Q. All right. But certainly in March of 1992, you were involved in setting up a
- 11 meeting or seeking to set up a meeting between Mr. O'Callaghan --
- 12 A. Oh, yes.
- 13 Q. -- and Mr. Aylward in relation to the sports Stadium, isn't that right?
- 14 A. Correct, yes.
- 10:51:02 15 Q. Now, I think around that time you issued I think one of the Shefran invoices,
- 16 isn't that right?
- 17 A. Yes.
- 18 Q. In March of 1992. And in April of 1992, Mr. Dunlop, at 7021, the 7th of April
- 19 92, on the following page. At 4:45 Mr. Brendan Ward from Mr. Bertie Ahern's
- 10:51:25 20 office rings you.
- 21 A. Yes.
- 22 Q. And I think that according to Mr. Ahern's diary at 7046, you have a meeting on
- 23 the 10th of April 1992.
- 24 A. Yep.
- 10:51:38 25 Q. And in your own diary in Mr. Ahern's diary there is nothing to indicate the
- 26 subject matter of the meeting, isn't that right?
- 27 A. That's correct.
- 28 Q. But in your diary at 7017, you will see there is an entry in your diary for
- 29 11:30 Bertie.
- 10:51:57 30 A. Yeah.

- 10:51:57 1 Q. And then the previous day you had meetings with Mr. Lawlor and Mr. Kelly, isn't  
2 that right?
- 3 A. Yes.
- 4 Q. And the day before that you had been meeting Mr. O'Callaghan all day.
- 10:52:10 5 A. Correct.
- 6 Q. Isn't that the position?
- 7 A. Yes.
- 8 Q. Is it likely that your meeting with Mr. Ahern on the 10th of April 1992, might  
9 have been connected to Mr. O'Callaghan or the Stadium?
- 10:52:17 10 A. I don't believe so.
- 11 Q. What --
- 12 A. I cannot absolutely categorically attest to the issue of the Stadium was not  
13 mentioned but I don't believe that was the genesis of that meeting. I had many  
14 meetings with Mr. Ahern from time to time but and I think we will come to it  
10:52:37 15 subsequently. There was a meeting with Mr. Ahern in relation to the totality  
16 of the Stadium at a later stage but I don't believe that I went to see  
17 Mr. Ahern on my own in relation to the Stadium ever.
- 18 Q. Well is it possible that you brought Mr. O'Callaghan to a meeting on the 10th  
19 of April 1992 with Mr. Ahern?
- 10:52:55 20 A. It is possible.
- 21 Q. Yes.
- 22 A. It is possible, yes.
- 23 Q. All right. On the 8th of April 1992 at 7025, Mr. Albert Reynolds, then the  
24 Taoiseach's office rings you Pat Power at 10:10, do you see that?
- 10:53:19 25 A. Yes.
- 26 Q. And in your diary Mr. Dunlop at 7017. On the 8th, which is the following day,  
27 the same day I beg your pardon, you have an entry in your diary Owen O C all  
28 day?
- 29 A. Yeah.
- 10:53:32 30 Q. And you have an arrow to the bottom of the day.

- 10:53:35 1 A. Correct.
- 2 Q. And you have an entry at 5 o'clock AR.
- 3 A. Yes.
- 4 Q. That I suggest is a reference to Albert Reynolds, isn't that right?
- 10:53:41 5 A. Yes.
- 6 Q. And when you provided your diaries to the Tribunal at 7024. You had removed
- 7 the reference to AR, isn't that right?
- 8 A. Yes.
- 9 Q. And according to Mr. Albert Reynolds' diary records at 7023, his diary confirms
- 10:53:59 10 a meeting with you, isn't that right?
- 11 A. Correct.
- 12 Q. Now, so that what happens on the 8th of April, you have a meeting with the then
- 13 Taoiseach Mr. Albert Reynolds, on a day at which you have Mr. O'Callaghan
- 14 entered into your diary and present all day. And then two days later on the
- 10:54:15 15 10th of April '92, you have a meeting with the then Minister for Finance, Mr.
- 16 Bertie Ahern, isn't that right?
- 17 A. Correct.
- 18 Q. Now looking first of all at the meeting between yourself and Mr. Reynolds. Do
- 19 you think that that is a meeting that was likely to have something to do with
- 10:54:29 20 Mr. O'Callaghan or otherwise?
- 21 A. Mr. O'Callaghan accompanied me to a meeting with Mr. Reynolds in his office in
- 22 relation to the nation Stadium.
- 23 Q. Is that the meeting that occurred or the meeting that you have in your diary
- 24 for the 8th of April '92?
- 10:54:42 25 A. I so believe, yes.
- 26 Q. Later references to meetings between Mr. Reynolds and Mr. O'Callaghan and you
- 27 will have seen those in the diary.
- 28 A. Yes.
- 29 Q. Mr. Dunlop. But do you believe on the 8th of April '92, that you met with
- 10:54:54 30 Mr. Albert Reynolds, then Taoiseach and Mr. Owen O'Callaghan in connection with



- 10:54:57 1 the Stadium?
- 2 A. Yes I do so believe.
- 3 Q. Were you present at that meeting?
- 4 A. Yes, I was.
- 10:55:02 5 Q. Can you tell the Tribunal what was discussed at that meeting?
- 6 A. At a meeting between the then Taoiseach Albert Reynolds, Owen O'Callaghan and
- 7 myself, Mr. O'Callaghan outlined to Mr. Reynolds his proposal for a National
- 8 Stadium, 40,000 seater, seated National Stadium on the original Neilstown site
- 9 and outlined the various technical details. I think Mr. O'Callaghan had some
- 10:55:31 10 documentation with him which by way of technical display and that he was in
- 11 effect, asking Mr. Reynolds for the support of the government to facilitate the
- 12 stadium.
- 13 Q. Is it possible, Mr. Dunlop, that that meeting in fact took place on the 29th of
- 14 April, at 7094 as opposed to the 8th of April '92?
- 10:56:01 15 A. Yes. On this point. It is possible, Ms. Dillon. I do know that an early
- 16 stage, when I say an early stage, during the course of 1992, after Mr. Reynolds
- 17 had become the Taoiseach, yes there was a meeting between the Taoiseach
- 18 Mr. Reynolds, Mr. O'Callaghan and myself specifically related to the Stadium.
- 19 Q. Right. I ask you this because in your diary for the 29th of April 1992 at 7094
- 10:56:26 20 on a day in which you have Mr. O'Callaghan at the top of the page you have an
- 21 entry 4:30 T with OOC?
- 22 A. Correct.
- 23 Q. That T as I understand it refers to the Taoiseach?
- 24 A. Yes.
- 10:56:36 25 Q. And that would suggest a meeting between Mr. O'Callaghan and Mr. Reynolds on
- 26 that date.
- 27 A. Yes. I cannot specifically say what date the meeting with Mr. Reynolds as
- 28 Taoiseach took place vis-a-vis the Stadium other than that there were a number
- 29 of meetings between myself and the then Taoiseach. There was a specific
- 10:56:56 30 meeting organised through my efforts with the Taoiseach for Owen O'Callaghan

- 10:57:06 1 specifically relating to the Stadium.
- 2 Q. And at that meeting were any assurances given about funding of the National  
3 Stadium to Mr. O'Callaghan by Mr. Reynolds?
- 4 A. No, I don't believe there were any absolute assurances given. Mr. Reynolds  
10:57:17 5 with his usual facility for reassuring people, said he would be as supportive  
6 as he possibly could or the government would be as supportive as they possibly  
7 could. I cannot say at what stage Mr. O'Callaghan introduced the notion of  
8 funding from another source or the possibility of funding from another source.  
9 But certainly my abiding impression notwithstanding the number of years that  
10:57:46 10 have passed, is that Mr. Reynolds as Taoiseach was generally supportive of the  
11 notion and wished Mr. O'Callaghan well.
- 12 Q. And when you talk about Mr. O'Callaghan talking about an introduction of funds  
13 from another source, what are you talking about?
- 14 A. I am talking about an American fund, an American banking facility.
- 10:58:08 15 Q. Chilton & O'Connor?
- 16 A. Chilton & O'Connor. Now, I cannot absolutely say to you when that occurred but  
17 I do know how it occurred. But I do know also that another meeting took place  
18 with Mr. Albert Reynolds as Taoiseach in another venue specifically in relation  
19 to that.
- 10:58:24 20 Q. Just to stay for the moment with this meeting that appears to have taken place  
21 on the 29th of April 1992 with Mr. O'Callaghan, Mr. Albert Reynolds then  
22 Taoiseach and yourself. And I show you a document then, Mr. Dunlop, at 7202.  
23 Now, this is a fax of the 6th of May 1992, from Barry Flannery who was involved  
24 in a Swiss company that had an interest in developing Stadium?
- 10:58:52 25 A. That's correct.
- 26 Q. And in the second paragraph they had been involved in advising and in a  
27 peripheral level at this stage in relation to Neilstown?
- 28 A. Yes.
- 29 Q. In the second paragraph "the present status of the project is that we had a  
10:59:06 30 meeting last week with Owen O'Callaghan of O'Callaghan Properties Limited, who

- 10:59:09 1 is the owner of the Stadium site. He and Frank Dunlop had just can come from a  
2 meeting with the Prime Minister, Albert Reynolds, where the support of the  
3 National Lottery for such a project was assured."
- 4 A. Yep.
- 10:59:19 5 Q. Now, in, did you give that information to Mr. Barry Flannery?
- 6 A. I spoke to Mr. Barry Flannery. Sorry excuse me. I spoke to Mr. Barry  
7 Flannery, I had many meetings with Mr. Barry Flannery in relation to this  
8 project. Certainly funding from National Lottery arose at some stage, at an  
9 early stage or the possibility of funding from the National Lottery arose at an  
10:59:41 10 early stage. To state specific categorically that such funding was going to be  
11 available or was assured, that was never the case.
- 12 Q. Yes. Well then if somebody told Mr. Flannery that in fact Mr. Albert Reynolds  
13 had assured the support of the National Lottery for the National Stadium it  
14 wasn't you, is that right, Mr. Dunlop?
- 11:00:04 15 A. I don't believe so but I would not resile from the possibility that I did  
16 discuss the possibility of funding from the National Lottery with Mr. Flannery.
- 17 Q. There is a very great difference, Mr. Dunlop, I suggest between an assurance  
18 that you will get funding from the National Lottery and a proposal that one  
19 will get funding from the National Lottery, isn't that right?
- 11:00:21 20 A. Yes.
- 21 Q. If Mr. Flannery was told that Albert Reynolds had given an assurance that  
22 funding from the national lottery would be made available to the national  
23 Stadium, is it the position that he did not get that information from you?
- 24 A. I believe he did not get that information from me.
- 11:00:36 25 Q. It would follow then that he must have got that information from either Mr.  
26 O'Callaghan or Mr. Reynolds, isn't that's correct?
- 27 A. Correct.
- 28 Q. Now I think --
- 29 A. Or somebody else that we don't know. When you say he got it from Mr.  
11:00:48 30 O'Callaghan or Mr. Reynolds, he could have got it from somebody else that we

- 11:00:53 1 don't know about.
- 2 Q. Yes, was there anybody else at the meeting apart from you the three of you?
- 3 A. Oh, at et meeting. Only Mr. O'Callaghan and myself.
- 4 Q. And Mr. Reynolds?
- 11:01:02 5 A. Correct. With Mr. Reynolds, yes.
- 6 Q. Did Mr. Reynolds have any civil servants present?
- 7 A. No just the three of us present.
- 8 Q. Right. Within the confines of the suggestion that discussion that had in fact
- 9 taken place there are only three people who knew what had been discussed at
- 11:01:16 10 that meeting?
- 11 A. Yes.
- 12 Q. You were one, Mr. O'Callaghan was another and the third was Mr. Reynolds, isn't
- 13 that right?
- 14 A. That's correct.
- 11:01:21 15 Q. So that the source of the information I suggest that is given to Mr. Flannery
- 16 if it isn't you, Mr. Dunlop, is likely to have been either Mr. Reynolds or Mr.
- 17 O'Callaghan, isn't that right?
- 18 A. Well I ... if that is the logic with which you're approaching the matter, yes
- 19 is the answer. But I mean, I cannot account for who told Mr. O'Callaghan who
- 11:01:42 20 told Mr. Flannery about the National Lottery.
- 21 Q. Yes but it's clear from the document on screen that Mr. Flannery had a meeting
- 22 with Mr. O'Callaghan, isn't that right?
- 23 A. Correct.
- 24 Q. And he had had that meeting following your meeting with Mr. O'Callaghan and
- 11:01:54 25 Mr. Reynolds, isn't that right?
- 26 A. That's correct, yes.
- 27 Q. There is no suggestion in this document that you attended the meeting between
- 28 Mr. O'Callaghan and Mr. Flannery?
- 29 A. No it is not.
- 11:02:02 30 Q. So it is likely that the person who gave the information however it was passed

- 11:02:07 1 on, was Mr. O'Callaghan at his meeting with Mr. Flannery, isn't that right?
- 2 A. Again I am being asked to ascent to something that is being put to me in
- 3 relation to what Mr. O'Callaghan might or might not have said to Mr. Flannery.
- 4 I don't know. But if that is the way in which you're approaching it, in that
- 11:02:24 5 apparent logical way, all I can say is I do not believe I ever mentioned any
- 6 assurance of support from the National Lottery given by Albert Reynolds to
- 7 Barry Flannery.
- 8 Q. And it's not your recollection if I understand you erect correctly, Mr. Dunlop,
- 9 that Mr. Albert Reynolds in fact gave an assurance at the meeting?
- 11:02:41 10 A. That is not my recollection. I cannot absolutely attest to any, to the
- 11 possibility that National Lottery funding may have been mentioned because Mr.
- 12 O'Callaghan was looking for government support Government support. But
- 13 certainly I can absolute absolutely say that it is not my recollection that
- 14 Mr. Albert Reynolds gave any assurance in relation to funding from the National
- 11:03:07 15 Lottery.
- 16 Q. I think at 7191 on the 4th of May '92, the Taoiseach's office again contacts
- 17 your office at 11:40.
- 18 A. Yeah.
- 19 Q. The subject matter is not there, isn't that right, Mr. Dunlop?
- 11:03:22 20 A. Correct, yes.
- 21 Q. And I think on the 5th of May on the following day at 7194. Mr. Brendan Ward
- 22 at 12:35 from Bertie Ahern's office who was then the Minister for Finance.
- 23 A. Correct.
- 24 Q. Contacts your office, isn't that right?
- 11:03:40 25 A. Correct.
- 26 Q. Do you know whether those two contacts might in some way have been connected to
- 27 each ordinary in other words the contact from the Taoiseach's office and the
- 28 Minister for Finance's office?
- 29 A. No, I don't have -- I have no information to connect them.
- 11:03:57 30 Q. I see. Did you set up meetings two with Mr. Michael Smith the who was then

11:04:03 1 Minister for the Environment around this time?

2 A. For Mr. O'Callaghan?

3 Q. Yes.

4 A. Michael Smith ... God ... I might have ... I may have done, yes, I don't

11:04:19 5 recollect ever having any discussion -- I may well have set up a meeting, I

6 don't ever recollect being present at a meeting between Mr. O'Callaghan and Mr.

7 Smith in fact I don't believe I ever was.

8 Q. At 7094, Mr. Dunlop, on the 28th of April '92.

9 A. Uh-huh.

11:04:35 10 Q. And the 28th of April is the day before you bring Mr. O'Callaghan to meet

11 Mr. Reynolds.

12 A. Yes.

13 Q. You have a note in your diary ring Gerry Rice re M Smith.

14 A. Yes.

11:04:47 15 Q. I think Mr. Rice was the private secretary to Mr. Smith, isn't that right?

16 A. Gerry Rice had been private secretary to Pdraig Flynn and when Michael Smith

17 was appointed minister he continued on.

18 Q. And at 7910. On the 6th of May '92, you have an entry in your diary beneath

19 Owen O'Callaghan at juries hotel call Gerry Rice, do you see that?

11:05:10 20 A. Yes.

21 Q. And then on the following day which the 7th of May 1992 at 11:00.

22 A. Yes.

23 Q. You have an entry in your diary for a meeting with Michael Smith.

24 A. Correct.

11:05:19 25 Q. Now, do you know it's likely that that contact might have been in connection

26 with making a similar submission to Mr. Smith that you had made to Mr. Albert

27 Reynolds in connection with the Stadium?

28 A. Yes, I don't believe so. As I said to you, I don't believe I ever met Mr.

29 Smith in the company of Mr. O'Callaghan or ever making a submission to Mr.

11:05:44 30 Smith in relation to his Stadium. I have met Mr. Smith not very often I hasten

- 11:05:49 1 to add but I have met Mr. Smith on a number of occasions privately individually  
2 on my own. But I don't ever recollect having a meeting with him in relation to  
3 the National Stadium or with Mr. O'Callaghan.
- 4 Q. Yes. I am not suggesting that the meeting that's set up on the 7th included  
11:06:06 5 Mr. O'Callaghan because that is not recorded in your diary. What I am  
6 suggesting to you, Mr. Dunlop, is that it would have been logical at this time  
7 if you were meeting with Albert Reynolds then Taoiseach, in relation to funding  
8 for the Stadium that another door that you would knock on was the Minister for  
9 the Environment because of the infrastructural problems that related to the  
11:06:32 10 location of the Stadium site?
- 11 A. Yes, that is possible. But I don't believe that that ever took place and I  
12 just from the point of view of presentation, I would just like to remind  
13 everybody in the context of the lobbying exercises that I was doing. I met  
14 ministers, government ministers, junior ministers politicians at Dail and  
11:06:43 15 Senate level on a regular basis. And it could be that I am meeting Michael  
16 Smith about a completely different matter all together.
- 17 Q. Yes but on the day that you have Mr. Smith in your diary, you have Mr.  
18 O'Callaghan at the top of your diary, indicating that he is there for the day,  
19 isn't that right?
- 11:06:56 20 A. Yes but that too would not mean just because Mr. O'Callaghan is present that I  
21 am going to see Michael Smith either on his behalf or with him.
- 22 Q. Yes. Mr. Smith accepts when he gave evidence that the meeting with you took  
23 place and he accepts that it may have involved Mr. O'Callaghan but he has no  
24 recollection about the meeting.
- 11:07:14 25 A. Yes.
- 26 Q. Now, again on the 11th of May at 7222, you receive two telephone calls from  
27 Mr. Reynolds office at 11:10 and at 3 o'clock?
- 28 A. Yes.
- 29 Q. And on the 12th of May the following day at 7227 at 11:35, you have an entry  
11:07:34 30 for another telephone call from the Taoiseach's office and at 7220 on the 14th

11:07:39 1 of May you have an entry for T's office question mark at 2:30?

2 A. Yeah.

3 Q. And you will note that Mr. O'Callaghan again is at the top of your diary

4 recording as I understand your evidence that he is present all day, is that

11:07:53 5 right?

6 A. Correct yes.

7 Q. Is it likely that that meeting took place with the Taoiseach object the 14th of

8 May 1992?

9 A. It is possible if, given the telephone call connection or contact that was made

11:08:06 10 in advance of the 14th, yes I was obviously looking for an appointment with the

11 Taoiseach.

12 Q. And why would you, for what purpose, Mr. Dunlop?

13 A. Well then it could have related to any matter. I mean, I had many, many

14 meetings with the Taoiseach. The Taoiseach -- the Taoiseach of the day and

11:08:25 15 with ministers, but I can't say specifically what it was about other than to

16 say in the context of the Stadium I did meet Mr. Reynolds with Mr. O'Callaghan

17 on one occasion in his office.

18 Q. Did you ever meet Mr. Reynolds on more than one occasion with Mr. O'Callaghan

19 in connection with the Stadium?

11:08:41 20 A. Yes, I did.

21 Q. So that there were a number of meetings?

22 A. Yes.

23 Q. All right. In relation to Mr. Liam Aylward at 7292, Mr. Dunlop, on the

24 following page, at 3:05 your office has a message from Mr. Liam Aylward, isn't

11:08:59 25 that right?

26 A. Yes.

27 Q. And also a message 4:05 Barry Flannery and Tom Cain, isn't that right?

28 A. Yes.

29 Q. They were the Americans who were involved, is that right, in helping with the

11:09:09 30 proposals for the Stadium?



- 11:09:11 1 A. Correct, yes.
- 2 Q. Now, I think that at 7271. On the 21st of May 1992, you have an entry in your  
3 diary for Liam Aylward, isn't that right?
- 4 A. That's right, yes.
- 11:09:21 5 Q. And again Mr. O'Callaghan appears to be present at all day, isn't that right?
- 6 A. Correct, yes.
- 7 Q. Is it likely that the meeting with Mr. Aylward was in connection with the  
8 National Stadium?
- 9 A. There is absolutely no doubt that any meeting that I had with Liam Aylward  
10 either alone, which I don't recollect, or with Mr. O'Callaghan related to the  
11 National Stadium. I don't recollect meeting Mr. Aylward on any other matter  
12 ever.
- 13 Q. And did you at this meeting on the 21st of May 1992, was that a meeting that  
14 was attended by Mr. O'Callaghan?
- 11:09:48 15 A. It is likely yes.
- 16 Q. And what was discussed at that meeting, Mr. Dunlop?
- 17 A. Well as I have said, I have only ever met Mr. Aylward in relation to the  
18 National Stadium. And if Mr. O'Callaghan did attend with me it related to Mr.  
19 O'Callaghan's proposal and an outline of what he was proposing in relation to  
20 the stadium and it may well be that there was some discussion in relation to  
21 the ongoing issue of government support.
- 22 Q. Of funding?
- 23 A. Yes.
- 24 Q. And can you remember any question about confidentiality or secrecy surrounding  
25 the meeting with Mr. Aylward?
- 11:10:24 26 A. Offhand, I can't.
- 27 Q. At 7462, Mr. Dunlop, which is a letter from Ambrose Kelly or sorry it's the  
28 reference to the minutes of a meeting that took place on the 17th of June '92,  
29 and between Frank Bohan Frank Dunlop yourself Mr. Kelly and Mr. Pat Reid  
30 paragraph one the task is being set out.
- 11:10:48

- 11:10:51 1 "The purpose of the meeting was to decide on the approach, the preparation of  
2 the feasibility study in view of the Minister of State for sports request that  
3 there should be no publicity" does that assist you in recollecting that  
4 Mr. Aylward requested or suggested that there should be no publicity?
- 11:11:06 5 A. No, I'm afraid it doesn't.
- 6 Q. No. At paragraph two it was noted. "It was noted that limited approaches  
7 could be made to a number of people to enable information to be accumulated and  
8 that all such communication should be kept as confidential in as confidential  
9 manner as possible". All right?
- 11:11:24 10 A. Yes, yeah.
- 11 Q. All right. And again, if I can show you 7598 dated the 23rd of June. From  
12 Deloitte & Touche, 7598. This is a letter from Deloitte & Touche and in fact  
13 they are reviewing here what their brief is in relation to advising on the  
14 financial aspects of the provision of the National Stadium. And in the first  
11:11:52 15 paragraph the letter says:  
16  
17 "My colleague and I were pleased to meet with you to discuss your proposals for  
18 the development of multi-purpose Stadium in Clondalkin. I understand that your  
19 proposals have advanced to the point where you now wish commission a  
11:12:04 20 preliminary market and feasibility study for the proposed Stadium project. I  
21 further understand that you wish this study to be conducted without publicity  
22 and we are to limit contacts to certain key individuals whose input to the  
23 Stadium could be significant".  
24
- 11:12:18 25 And again, the reference to lack of publicity is what I am drawing to your  
26 attention there.
- 27 A. Yes.
- 28 Q. And that seems to be similar to the reference in Mr. Ambrose Kelly's document  
29 that the Minister for State for Sports had requested that there should be no  
11:12:33 30 publicity, isn't that right?

- 11:12:34 1 A. Correct, yes.
- 2 Q. And in the second page of the letter of the 23rd of June at page 7599, there is
- 3 reference to the meeting with Mr. Aylward. And it states as follows.
- 4
- 11:12:45 5 "This company has had discussions with the Department of Education who have
- 6 indicated that a State guarantee could be forthcoming to secure borrowing for
- 7 the project together with possible designated area tax status similar to the
- 8 tax status granted to Tallaght to encourage investment. It is understood that
- 9 to secure these incentives, any proposal would have to provide for the range of
- 10 sports which it was intended would be catered for in the Department's national
- 11 indoor sports arena proposal, excluding the swimming pool. The Stadium should
- 12 also return to State ownership at some time in the future".
- 13
- 14 In the letter of the 23rd of June '92, Messrs. Deloitte & Touche appear to be
- 11:13:26 15 informed that in the discussion with the Minister for Sport, who was then
- 16 Mr. Liam Aylward, on the question of funding, there was a question discussed
- 17 about tax designation status for the site, isn't that right?
- 18 A. Yes.
- 19 Q. And also a question of State guarantee to secure funding?
- 11:13:40 20 A. Yes.
- 21 Q. Now do you recollect that being discussed, Mr. Dunlop, because you were present
- 22 at the meeting?
- 23 A. Yes my recollection of it is that Mr. O'Callaghan's approach to the matter was
- 24 that a certain amount of funding would be put up and if it could be either
- 11:14:00 25 matched or an element of State guarantee or State funding provided, from
- 26 whatever source, that that would guarantee the success of the project. On tax
- 27 designation status, I'm afraid I don't recollect -- I accept what is there in
- 28 the Deloitte & Touche letter, which is obviously generated by a conversation
- 29 with Mr. O'Callaghan. But I don't specifically recollect the tax designation
- 11:14:25 30 discussion.

- 11:14:26 1 Q. Now, did you ever instruct or advise Deloitte & Touche that tax designation or  
2 possible tax designation for the proposed national sports centre had been  
3 discussed with Mr. Aylward the Minister for Sport at the meeting?  
4 A. No, no.
- 11:14:41 5 Q. Did you keep, Mr. Dunlop, any notes or records of any of these meetings in  
6 connection with the Stadium about these attendances with senior political  
7 figures?  
8 A. No, I don't believe I did.
- 9 Q. At 7333, you have an entry in your diary for Mr. Barry plane in your telephone  
11:15:09 10 records for Mr. Barry Flannery, isn't that correct?  
11 A. Correct.
- 12 Q. And he was the American and he was in Dublin at this point in time, isn't that  
13 right?  
14 A. Yes.
- 11:15:18 15 Q. And did you have meetings with him in connection with the Stadium?  
16 A. Yes I did. Both in my office and elsewhere and in connection with other  
17 people.
- 18 Q. And when you say in connection with other people, who do you mean?  
19 A. Well certainly as matters progressed there was a number of consultants,  
11:15:35 20 professional advisors, together with a gentleman from Deloitte & Touche who  
21 attended quite a number of meetings in my office in relation to the matter.
- 22 Q. These are the meetings. These are the meetings that took place in mid 1992 in  
23 relation to the Stadium?  
24 A. Correct.
- 11:15:58 25 Q. But were you involved in Mr. Flannery in any other project?  
26 A. No, I don't believe I was no.
- 27 Q. At that stage can I just show you at 7328, your diary, Mr. Dunlop, for the 27th  
28 of May '92, and you see an entry there for 3 o'clock Taoiseach that would be  
29 Albert Reynolds?  
11:16:15 30 A. Yes.

- 11:16:15 1 Q. And beneath that you see US Surgical.
- 2 A. Yes.
- 3 Q. Was that a separate project?
- 4 A. Yes, it was yes.
- 11:16:20 5 Q. Is that Citywest?
- 6 A. Yes.
- 7 Q. And did you bring people involved or promoters of Citywest to meet with
- 8 Mr. Albert Reynolds?
- 9 A. I believe I did.
- 11:16:28 10 Q. Right. That was not connected to your contact with Mr. O'Callaghan, is that
- 11 correct?
- 12 A. That's correct.
- 13 Q. So that your meetings with Mr. Reynolds insofar as they related to Citywest did
- 14 not overlap with your meetings with Mr. Reynolds insofar as they related to the
- 11:16:44 15 National Stadium?
- 16 A. No, correct.
- 17 Q. I beg your pardon. The Stadium meeting to which you were referring to, Mr.
- 18 Dunlop, took place on the 28th of May at 7328, 1992. And you will see in your
- 19 diary for the 28th of May you have an entry for Mr. O'Callaghan, isn't that
- 11:17:01 20 right?
- 21 A. Yes correct.
- 22 Q. And I think that following on that at 7349, Mr. O'Callaghan sent Mr. Lawlor a
- 23 fax. Which can be found at 7350. And that fax is in fact a copy of a letter
- 24 sent to you on the 29th of May '92, isn't that right?
- 11:17:21 25 A. Correct, yeah.
- 26 Q. And you will just see that that letter is at 7351 cc'd to AFK?
- 27 A. Yes.
- 28 Q. So that what is happening is that a meeting takes place the notes are made up
- 29 by Mr. O'Callaghan following which he sends a letter to you, a copy of that
- 11:17:37 30 letter to Mr. Lawlor and cc'd to Mr. Kelly, isn't that right?

- 11:17:41 1 A. Yes, correct.
- 2 Q. So that the four of you are in receipt of the same information?
- 3 A. Correct.
- 4 Q. And on the 29th of May at 7350. The document is entitled action to be taken on
- 11:17:53 5 Stadium after meeting of the 28th last.
- 6 A. Uh-huh.
- 7 Q. Did you yourself keep any notes of this meeting, Mr. Dunlop?
- 8 A. I don't believe I did no.
- 9 Q. And what was the purpose of the meeting can you remember?
- 11:18:08 10 A. The meeting among ourselves?
- 11 Q. Yes.
- 12 A. The meeting among ourselves was to, as per Quarryvale, was to strategise as to
- 13 how to progress matters in relation to the idea of a Stadium, who needed to be
- 14 contacted, who needed to be spoken to and who was going to do what.
- 11:18:31 15 Q. If we look then and see what Mr. O'Callaghan recorded as being decided at the
- 16 meeting the first AFK, that's Mr. Ambrose Kelly, "is to proceed with outline
- 17 permission and be in a position to lodge by mid July.
- 18 2: FD to get as much information as possible from Minister."
- 19 A. Uh-huh.
- 11:18:47 20 Q. So you were to get information from a minister, isn't that right, Mr. Dunlop?
- 21 A. That's Mr. O'Callaghan as he writes it yes.
- 22 Q. So who was its minister in the first place?
- 23 A. I presume it's the Minister for Sport but I cannot say specifically who it is
- 24 at this stage. It could be the Minister for Sport, it could be the Minister
- 11:19:05 25 for Finance.
- 26 Q. Yes. I mean for example if there was a serious move to try and get tax
- 27 designation it is to the Minister for Finance one would have gone, isn't that
- 28 right?
- 29 A. Correct yes.
- 11:19:15 30 Q. And if one wanted further information on the National Stadium in terms of a

- 11:19:20 1 sporting policy it would have been to Mr. Aylward one would have gone as the  
2 Minister for Sport, isn't that right?
- 3 A. Correct, yes.
- 4 Q. But there is nothing in that document in the absence of any other assistance to  
11:19:30 5 indicate which minister and what information, isn't that right?
- 6 A. No.
- 7 Q. So who would you who did you contact in the days following that meeting?
- 8 A. I can't account for what's in my diary but certainly it is possible that I made  
9 contact with either of the Ministers that you allude to, the Minister for Sport  
11:19:51 10 or the Minister for Finance. I don't recollect having discussions alone with  
11 anybody other than with Mr. O'Callaghan in relation to the Stadium and it's  
12 possible that I contacted Bertie Ahern or an e-mail but I just can't say.
- 13 Q. The third matter is "We meet Ciaran Mulcahy". Now Mr. Mulcahy was from  
14 Deloitte & Touch, isn't that right?
- 11:20:18 15 A. Yes.
- 16 Q. At 10:30 in Mount Street on Thursday the 4th of June to progress feasibility,  
17 isn't that right?
- 18 A. Yes.
- 19 Q. And in fact, if one looks at your diary for the 4th at 7352, there is recorded  
11:20:30 20 that Deloitte & Touche meeting, isn't that right?
- 21 A. Yes. Correct.
- 22 Q. 4. At 7350 please. Paragraph four "While feasibility has been undertaken we  
23 arrange to meet Flannery/Neil and update them to the view to using their name  
24 when the project officially announced and to get a feel from them as to what  
11:20:48 25 involvement they see themselves having in the project and where we come in.  
26
- 27 5. When feasibility is completed we meet again with Neil etc. and tell them  
28 what involvement with we require in the project.  
29
- 11:20:58 30 6. Our involvement next page please. Our involvement to include the group of

- 11:21:02 1 four who met and discussed this at 6:30 p.m. on Thursday the 28th of May."
- 2 A. Uh-huh.
- 3 Q. Now, can you explain that, Mr. Dunlop, paragraph six?
- 4 A. Paragraph six.
- 11:21:15 5 Q. Uh-huh.
- 6 A. I presume that is Owen O'Callaghan, Liam Lawlor, Ambrose Kelly and myself.
- 7 Q. But there is nothing in your diary for 6:30 for the 28th of May?
- 8 A. Okay.
- 9 Q. Mr. Dunlop, at 7328, you will see there on the 28th of May.
- 11:21:37 10 A. Yes.
- 11 Q. There is nothing for 6:30. The somewhat cryptic message at paragraph six is
- 12 "our involvement to include the group of four who met and discussed this at
- 13 6:30 p.m. on Thursday the 28th of May". You were one of the people who were
- 14 present at that meeting, is that right?
- 11:21:54 15 A. Yes.
- 16 Q. And what do you believe Mr. O'Callaghan is seeking to say in that statement?
- 17 A. It is possible that he is in cryptic fashion saying that we have had a
- 18 discussion in relation to what the ownership of the Stadium will be. I cannot
- 19 say that it took place at this particular time. But certainly at some stage
- 11:22:18 20 a discussion took place between Mr. O'Callaghan, Mr. Ambrose Kelly, Mr. Lawlor
- 21 and myself in relation to the actual beneficial ownership of the particular
- 22 project.
- 23 Q. And when you say the beneficial ownership of the particular project, are you
- 24 talking about the project to develop the Stadium or are you talking about the
- 11:22:36 25 company that owns the option on the lands?
- 26 A. No, no. I'm talking about the actual, the actual Stadium itself. And a
- 27 company with an interest in the Stadium, nothing to do with the particular land
- 28 but certainly in the project vis-a-vis the Stadium.
- 29 Q. Was there an agreement made between the four of you that the development of the
- 11:22:57 30 Stadium would occur as a vehicle that would be owned between Mr. O'Callaghan



- 11:23:02 1 Mr. Lawlor, Mr. Kelly and yourself?
- 2 A. There was.
- 3 Q. Okay. Did that ever actually come to any fruition?
- 4 A. No, some efforts were made to bring it to fruition but it did not.
- 11:23:15 5 Q. Was it your belief that the shareholding that was to be agreed between the four  
6 of you related to the development of the Stadium as opposed to ownership of the  
7 land?
- 8 A. Certainly in relation to the Stadium rather than ownership of the land. I  
9 cannot account for how the matter in relation to the ownership of the land was  
11:23:32 10 being treated in any documentation. But certainly the orientation was that the  
11 project namely the Stadium, a company would own that Stadium in which Mr.  
12 O'Callaghan, Mr. Kelly, Mr. Lawlor and myself would have an interest.
- 13 Q. Yes. I think ultimately Messrs. Cocks' solicitors were instructed in '93 in  
14 relation to this matter and when we come to '93 we will see that, Mr. Dunlop --
- 11:23:57 15 A. Correct.
- 16 Q. -- but their instructions appear to have been that in fact the Merrygrove were  
17 to transfer the interest that they held in the contracts on the options to a  
18 company called Leisure West, isn't that right?
- 19 A. Yes Leisure West, is correct yes.
- 11:24:10 20 Q. So that in fact if that were to have happened what would have been transferred  
21 to Leisure West would have been the interest held by Merrygrove in the land at  
22 Neilstown Clondalkin, isn't that right?
- 23 A. Correct.
- 24 Q. So that in fact which was your understanding, Mr. Dunlop, that you were to get  
11:24:25 25 an interest in the development company that was to develop the Stadium or you  
26 were to get an interest in the lands?
- 27 A. In the development company that was to get an interested in the Stadium that  
28 was always my understanding.
- 29 Q. At 7351 then in paragraph seven to Mr. O'Callaghan states "to ensure the  
11:24:42 30 opposition does not get an opportunity to play down the project we must do the

11:24:46 1 following.  
2  
3 A. FAI Frank Dunlop, Ambrose Kelly and Owen O'Callaghan to meet Connolly on  
4 the 10th of June. Ambrose Kelly to ensure that this meeting takes place. In  
11:24:55 5 fact I think the meeting takes place on the 11th of June.  
6  
7 2. Or B. FD at the appropriate time to brief minister and government press  
8 office.  
9  
11:25:04 10 C. FD to suitable press release with Houston Sports and Leisure Management to  
11 the fore and OCP somewhere in the background" why was that?  
12 A. I don't know what he means by that. No, I can't account for what he means by  
13 that because I mean as events progress as and OCP presumably being O'Callaghan  
14 Properties Mr. O'Callaghan was very much to the fore as matters developed but  
11:25:45 15 if he is suggesting that O'Callaghan Properties per se as an entity was to be  
16 somewhere in the background, I cannot at this remove recall what he meant by  
17 that.  
18 Q. And then D, inform in advance selected councillors?  
19 A. Yes.  
11:26:02 20 Q. Right. And then paragraph 8 "AFK, that's Mr. Ambrose Kelly, and yourself to  
21 meet DS regarding additional land".  
22 A. Yes.  
23 Q. Now I suggest to you to help you, Mr. Dunlop, that DS is Des Sharkey?  
24 A. Yes.  
11:26:16 25 Q. And that a meeting was in fact arranged with Mr. Sharkey but that you didn't  
26 attend it. Mr. Kelly took care of the meeting on his own, isn't that right?  
27 A. Yes. That's correct.  
28 Q. There is an attendance at 7354 where Mr. Kelly rings your office and says that  
29 he will take the meeting with Des Sharkey on his own at 2:25. And the meeting  
11:26:34 30 at 7352 for the 2nd of June '92 in your diary is scrubbed out, isn't that

- 11:26:39 1 right?
- 2 A. Yes.
- 3 Q. So that would appear that Mr. Kelly met Mr. Sharkey about whatever land
- 4 acquisition was being discussed. In relation to the additional lands that was
- 11:26:48 5 being discussed at that stage, Mr. Dunlop, can you help the Tribunal as to what
- 6 additional land was being sought.
- 7 A. Yes as I recollect matters, Mr. Sharkey owned land nearby, I cannot put it any
- 8 accurate than, that it probably can be pointed to on a map. But certainly
- 9 Mr. Sharkey owned land nearby and if my recollection is correct, I think it was
- 11:27:13 10 in the name of a company called the Match Box Company or.
- 11 Q. Matchless Property?
- 12 A. Something like that, yes. And the view was that this extra land would be
- 13 beneficial or helpful in relation to the development of the Stadium, I'm
- 14 assuming not having a great recollection of the matter, that it related to
- 11:27:40 15 additional land that would be necessary for parking and for all other ancillary
- 16 activities.
- 17
- 18 Now, Mr. Sharkey had land and you will recall, Ms. Dillon, at some stage during
- 19 the course of another module, a motion was put forward by a number of
- 11:27:56 20 councillors in relation to a proposal that Mr. Sharkey had for his own lands
- 21 which was to prevent development taking place on those lands. So to tie up the
- 22 loose not, that is the same Mr. Des Sharkey, that is the same land, as I
- 23 recollect matters, and what occurred -- what eventuated out of that I just
- 24 can't recollect. I don't think any agreement was arrived at.
- 11:28:24 25 Q. But ultimately extra land was acquired, isn't that right?
- 26 A. Yes, correct.
- 27 Q. And it was acquired from the corporation?
- 28 A. Yes.
- 29 Q. And I think at 40,000 pounds an acre, some 28 additional acres were purchased
- 11:28:34 30 by Merrygrove on foot of an option, isn't that right?

- 11:28:37 1 A. Correct, yes.
- 2 Q. And the reason for that was for extra car parking space for the Stadium, isn't
- 3 that right?
- 4 A. That's correct.
- 11:28:44 5 Q. Now on the last part of this document under the heading Quarryvale there is a
- 6 note "we must ensure at all costs that our zoning decision does not come up
- 7 until September".
- 8 A. Uh-huh.
- 9 Q. And I had asked you about this before, Mr. Dunlop, you remember and you
- 11:28:59 10 couldn't really assist as to why it was that the parties were anxious that the
- 11 zoning decision in Quarryvale wouldn't come up until September. Having looked
- 12 at that document does that assist you at all as to why there was a desire to
- 13 defer the zoning decision in Quarryvale until after September?
- 14 A. It may well be, I can't say that I have any vivid recollection of this but it
- 11:29:23 15 may well be that there was a desire to ensure that anything that in relation to
- 16 do with the Stadium was put in place prior to the zoning issue coming up in
- 17 September.
- 18 Q. Yes.
- 19 A. As we know it didn't come up in September but as I explained to you, we weren't
- 11:29:43 20 in a position to generate the time scale in relation to when matters did come
- 21 up, that was matter for he the officials in Dublin County Council and the
- 22 progress or otherwise that was made at the Development Plan meetings.
- 23 Q. Yes. Item one on the list that was to happen at 7350 was that Mr. Kelly was to
- 24 proceed with an outline permission and have it lodged by mid July.
- 11:30:03 25 A. Correct.
- 26 Q. Is it possible that one of the concerns of the parties here was that the not to
- 27 bring on the application for the Quarryvale rezoning until the planning
- 28 application for the Stadium was lodged the way you could show good faith with
- 29 the councillors as having set about achieving the alternative use for the
- 11:30:20 30 Lucan/Clondalkin lands?

11:30:28 1 A. Yes. I would say that the probability is that running matters in parallel  
2 there was a desire to ensure that good faith was being indicated by an  
3 application for the Stadium. There was no point in talking about a National  
4 Stadium if you are not going to apply for planning permission for it and  
11:30:38 5 proceed. So I think running both of them in parallel, there was obviously a  
6 desire to make sure that any people who were going to be made aware of Mr.  
7 O'Callaghan's desire to build a National Stadium that that was going to  
8 actually take place because he was going to apply for planning permission.  
9 Q. And I think the meeting at 7352 --  
11:30:58 10  
11 JUDGE FAHERTY: Sorry. Just before we go on, can I just ask you, Mr. Dunlop,  
12 at paragraph four.  
13 A. Uh-huh.  
14  
11:31:07 15 JUDGE FAHERTY: I think there is a reference arrangement to meet Flannery,  
16 that's Mr. Flannery, Barry Flannery already referred to, is that correct?  
17 A. Yes correct, yeah.  
18  
19 JUDGE FAHERTY: And do you know what the other reference is there, is that a  
11:31:21 20 different person?  
21 A. Yes Neil. There was a Neil.  
22  
23 JUDGE FAHERTY: Yes  
24 A. His name escapes me but I think you will find, maybe I'm wrong.  
11:31:32 25  
26 JUDGE FAHERTY: Somebody connected with Mr. Flannery to your knowledge?  
27 A. Yes, I think he was part of the team.  
28  
29 JUDGE FAHERTY: I see.  
11:31:39 30 A. He may not have been connected directly with Mr. Flannery but certainly I think

11:31:43 1 he was part of the team of 10 or 20 people who were involved in the project. I  
2 can't actually remember his surname.  
3  
4 MR. REDMOND: If I can be of assistance, Judge. I don't have the page  
11:31:52 5 reference but Ms. Dillon referred to a memo of a meeting that Mr. Flannery took  
6 and Mr. Neill I believe is referred to as one of the parties to be circulated  
7 with that memo.  
8  
9 JUDGE FAHERTY: Thanks very much. That's helpful, Mr. Redmond.  
11:32:05 10  
11 Q. MS. DILLON: Sorry. 7264 I think might help. There is a memo to Barry  
12 Flannery from Neill Gunne, Neill of the Houston Sports Association.  
13 A. Yes. Houston Sports.  
14 Q. And Mr. Neal Gunne is described as the executive vice president.  
11:32:23 15  
16 JUDGE FAHERTY: Thanks very much.  
17  
18 Q. MS. DILLON: I think at 7352, Mr. Dunlop, there is a meeting with Deloitte &  
19 Touche that takes place on the 4th of June 1992 and that's the meeting that had  
11:32:36 20 been referred to in the earlier document in connection with the National  
21 Stadium, isn't that right?  
22 A. That's correct, yes.  
23 Q. At 7400 in your diary on the 11th of June 1992, there is an entry in your diary  
24 for the FAI which again I suggest is the reference in the earlier document to  
11:32:52 25 the meeting that was to be set up with the FAI, isn't that right?  
26 A. Yes.  
27 Q. Did you keep any notes or records of either of those meetings?  
28 A. No I don't believe I did.  
29 Q. Why not, Mr. Dunlop? I mean, these were all -- this was a project in which you  
11:33:08 30 were involved, isn't is that right?

- 11:33:09 1 A. Yes but Mr. O'Callaghan was the one who kept or wrote memos and kept notes and  
2 briefed various officials, various professionals and experts. I don't  
3 recollect keeping any notes either at the meetings or subsequently.
- 4 Q. And on the 15th of June, Mr. Dunlop, at 7440. You have an entry in your diary  
11:33:37 5 for in the afternoon, Bill O'Connor et al. re Stadium.
- 6 A. Yes.
- 7 Q. So, first of all, who is Bill O'Connor?
- 8 A. Bill O'Connor was the principal of a company in, I believe, Los Angeles called  
9 Chilton & O'Connor. Which they were, I don't know what the exact, they were  
11:33:55 10 funds managers or they were providers of finance or they were I think the  
11 Americans have a rather fanciloquent names for these things but essentially he  
12 was running a finance facilitation company.
- 13 Q. Who introduced Chilton O'Connor to the project?
- 14 A. Liam Lawlor.
- 11:34:15 15 Q. And how did Mr. Lawlor bring in Chilton O'Connor?
- 16 A. I believe Mr. Lawlor knew Mr. O'Connor previously and in fact I recall  
17 Mr. Lawlor introducing me to Mr. O'Connor prior to any of this in some other  
18 capacity which I cannot now recall but certainly wasn't of any import as far as  
19 I was concerned. And I believe that at some stage and I cannot say when, but I  
11:34:44 20 do believe at some stage that Mr. Liam Lawlor's son worked for Chilton &  
21 O'Connor, or if he didn't work for them at that time he certainly worked for  
22 them subsequently.
- 23 Q. Do you keep any notes or records of the meeting with Mr. O'Connor that took  
24 place know on the 15th of June '92?
- 11:35:04 25 A. I don't believe I did no.
- 26 Q. Who was at that meeting?
- 27 A. I believe Mr. Lawlor, Mr. O'Callaghan, possibly Mr. Kelly, and my self. I  
28 can't say any more than that.
- 29 Q. Subsequently on the 17th of June, Mr. Dunlop, there was a meeting held in your  
11:35:36 30 office at 7462.

- 11:35:42 1 A. Uh-huh.
- 2 Q. Or it was held either in your office or Mr. Ambrose Kelly's office, isn't that
- 3 right?
- 4 A. Yes.
- 11:35:47 5 Q. And paragraph one we've seen already the purpose of the meeting was to decide
- 6 on the approach to preparation of a feasibility study in view of the Minister
- 7 for State for Sport's request that there should be no publicity, isn't that
- 8 right?
- 9 A. Yeah.
- 11:35:57 10 Q. And then it talks about limited approaches. No. 3 Mr. Dunlop. "It was
- 11 confirmed that the financing package for the proposed development on the
- 12 National Stadium was by means of municipal bonds raised by Chilton O'Connor
- 13 incorporated. Under the terms of this agreement Heuston Sports Association
- 14 incorporated would be engaged to manage the facility and that the Government
- 11:36:16 15 would underwrite the shortfall in the day-to-day running of the facility on a
- 16 per annum basis and this funding would come from lottery sources".
- 17 A. Uh-huh.
- 18 Q. Now who confirmed that at the meeting, Mr. Dunlop?
- 19 A. Well the only answer I can give to that is that Mr. O'Callaghan confirmed that
- 11:36:33 20 because I certainly was in no position to make any such confirmation, neither
- 21 was Mr. Lawlor and neither was Mr. Kelly.
- 22 Q. Is that something that's likely --
- 23 A. And neither was Mr. Frank Bohan who I see is listed at the meeting.
- 24 Q. Is that something that it's likely that Mr. O'Connor at his meeting in your
- 11:36:51 25 office on the 15th of June 1992 might have discussed?
- 26 A. Yes it is possible, yes.
- 27 Q. And Mr. O'Connor I suggest to you, being an American would not have known what
- 28 commitment the Irish Government would or would not give, isn't that right?
- 29 A. Correct, yes.
- 11:37:07 30 Q. It would follow from that, if there was a belief and/or confirmation of this



- 11:37:11 1 agreement as set out in paragraph three here, it must have come from somebody  
2 who had got such confirmation, isn't that right?
- 3 A. Correct.
- 4 Q. And you say you never got such confirmation, isn't that right?
- 11:37:21 5 A. There was never, as far as I am concerned there was never a confirmation given  
6 to me in relation to any sport by the government either directly or through  
7 National Lottery funds or through funding on a day-to-day basis of shortfall.  
8 Certainly I can confirm that request was made on a number of occasions to the  
9 government via the Taoiseach, Albert Reynolds, for some form of funding or  
10 State involvement with the Stadium.
- 11 Q. But insofar as a confirmation appears to have been given as recorded here that  
12 wasn't a confirmation you could have given Mr. O'Callaghan --
- 13 A. Correct.
- 14 Q. Given to the meeting, isn't that correct?
- 11:38:00 15 A. Correct.
- 16 Q. And at paragraph five of the document notes "the State will become the owners  
17 of the facility after the 30 year pay back period" and No. 6 we've already  
18 discussed is in relation to the presentation for the Minister for Sport and  
19 talks about maintaining confidentiality, isn't that right?
- 11:38:19 20 A. Yes.
- 21 Q. No reference there to tax designation, isn't that right?
- 22 A. No.
- 23 Q. But there had earlier been reference to tax designation being discussed with  
24 the Minister for Sport Mr. Aylward, isn't that right?
- 11:38:28 25 A. Correct.
- 26 Q. Because that was recorded in the Deloitte & Touche document that we saw, isn't  
27 that the position?
- 28 A. Correct.
- 29 Q. Now I think on the 18th of June, which is the Thursday, the day after you have  
11:38:37 30 this meeting Mr. O'Connor is still apparently in Dublin at 7464. And he is in

- 11:38:44 1 contact with your office, isn't that right?
- 2 A. Yes.
- 3 Q. And I think on the 23rd of June at 7598, Deloitte & Touche effectively draw up
- 4 a document where they set out as they see it, the job that they are being asked
- 11:39:00 5 to do in relation to the financing package for the National Stadium, isn't that
- 6 right?
- 7 A. Correct.
- 8 Q. And ultimately having set out what they see the as the job they are being asked
- 9 to do, they put in a fee proposal the at the very end which is at 7603 for the
- 11:39:17 10 assignment?
- 11 A. Yes.
- 12 Q. And that's done by Mr. Bohan. But in the body of the document on the 23rd of
- 13 June at 7598. The first is the reference to secrecy or no publicity that
- 14 referred to already, isn't that right?
- 11:39:32 15 A. Yes.
- 16 Q. And then under the heading background Deloitte & Touche record as follows:
- 17
- 18 "O'Callaghan Properties have been examining the feasibility of developing a
- 19 major sports Stadium in Clondalkin for some time. During the course of the
- 11:39:43 20 evaluation discussions have taken place with LMI Incorporated have been
- 21 identified as potential managers of the proposed Stadium with Chilton O'Connor
- 22 Incorporated Investment bankers who are considering the viability of a US bond
- 23 issue to fund the proposed Stadium". Isn't that right?
- 24 A. Correct.
- 11:40:03 25 Q. And on the following page 77599. This is the discussion about the Department
- 26 of Education providing a State guarantee and a discussion about designated area
- 27 tax status, isn't that right?
- 28 A. Correct.
- 29 Q. Is it your position, Mr. Dunlop, that wherever Deloitte & Touche got the
- 11:40:16 30 information in relation to this, this did he they did not get it from you?

11:40:20 1 A. No, they did not.

2 Q. They then set out over the following number of pages their brief as they see

3 it. And ultimately they did provide a feasibility study, isn't that right?

4 A. Correct.

11:40:31 5 Q. In the course of that feasibility study which we will come to look at, they

6 incorporate what will happen if tax designated status is given to the project,

7 if lottery funding is provided or if State guarantees are provided, isn't that

8 right?

9 A. That's correct.

11:40:43 10 Q. But it would be fair to say that the fundamental principle under pinning the

11 feasibility report prepared by Deloitte & Touche was that some sort of

12 government funding would be essential if this project was to get off the

13 ground?

14 A. That's correct.

11:40:56 15 Q. And was that your understanding at all times?

16 A. Yes, from the very beginning in consult with what I have said to you in

17 relation to the meetings with Albert Reynolds and with Liam Aylward. That some

18 sort of government support or funding was being required.

19 Q. And I think that in fact Mr. O'Callaghan at 7651 accepted the proposals made by

11:41:19 20 Deloitte & Touche and instructed them to prepare the feasibility study, isn't

21 that right?

22 A. Correct, yes.

23

24 CHAIRMAN: Ms. Dillon, we just have to stop for about ten minutes.

11:41:29 25

26 MS. DILLON: Yes, Sir.

27

28 CHAIRMAN: It might be a good time to stop.

29

11:41:33 30 MS. DILLON: Yes, Sir.

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

**AND RESUMED AS FOLLOWS:**

- 11:41:33 1
- 2
- 3
- 4 Q. MS. DILLON: Now I think, Mr. Dunlop, according to the documentation at 20660,
- 11:56:44 5 Mr. O'Callaghan in correspondence with Mr. Barry Flannery of the 24th of June
- 6 '92, said that the project had now become quite urgent and that it was
- 7 important that Mr. Neal Gunne and possibly Karl Arvers come to Dublin as soon
- 8 as possible.
- 9 A. Uh-huh.
- 11:57:05 10 Q. And you were going to be on holidays and to set up the meeting then around that
- 11 time, isn't it?
- 12 A. Yes.
- 13 Q. Why had the project become urgent in June of '92?
- 14 A. I don't know. I can't account for what Mr. O'Callaghan means other than in the
- 11:57:20 15 circumstances that are outlined earlier.
- 16 Q. Yes. And Mr. Flannery I think, on the 26th of June '92 at 7649 identified what
- 17 he felt were a number of key issues, isn't that right?
- 18 A. Yes.
- 19 Q. And one of the most important he described as the role of the various entities
- 11:57:38 20 and he said that certain roles needed further definition, isn't that right?
- 21 And O'Callaghan Properties as the owners of the site was one role that he felt
- 22 required definition and --
- 23 A. Yes.
- 24 Q. -- items he described as unknown at 7650. Was who was going to be the legal
- 11:57:57 25 owner of the Stadium at the end of the day, isn't that right?
- 26 A. Yes, correct.
- 27 Q. And this is I think the handwritten notes on this document are made by Mr.
- 28 O'Callaghan, isn't that right?
- 29 A. Yes.
- 11:58:07 30 Q. Appears to be Mr. O'Callaghan's handwriting.

- 11:58:09 1 A. Not my writing, yes.
- 2 Q. And there appears to be some suggestion and on a hand written note at the  
3 bottom about a stake to the State or to the local authority, isn't that right?
- 4 A. Yes.
- 11:58:20 5 Q. At the very bottom if you follow the arrow from who is going to be the legal  
6 owner of the Stadium down to the bottom, Mr. Dunlop.
- 7 A. Yes.
- 8 Q. And you will see there --
- 9 A. Yes.
- 11:58:29 10 Q. -- at the very -- in the second line with something stake to the State or local  
11 authority with an equitable stake.
- 12 A. To the State or local authority.
- 13 Q. Yes.
- 14 A. Yes.
- 11:58:43 15 Q. Isn't that right?
- 16 A. Correct.
- 17 Q. There is no suggestion there about an agreement or a company where yourself and  
18 Mr. Lawlor and Mr. O'Callaghan and Mr. Kelly are going to own 25 per cent each,  
19 isn't that right?
- 11:58:54 20 A. Correct.
- 21 Q. And I think around this time then all of the parties were seeking to set up a  
22 meeting that would bring everybody together that is the people from America,  
23 the people from Ireland and then the people from Switzerland who were involved  
24 in the design of Stadium, isn't that right?
- 11:59:12 25 A. Correct.
- 26 Q. And again Mr. O'Callaghan writes on the 3rd of July to Mr. Barry Flannery at  
27 7664. And Mr. Barry Flannery was involved with a Swiss company, isn't that  
28 right?
- 29 A. Yes.
- 11:59:27 30 Q. We see there. And he says "Dear Barry. Your fax of the 2nd of July to Liam

11:59:31 1 Lawlor has been handed to me. I refer to my own fax to you of the 24th of June  
2 and comment again is that this project has become quite urgent" isn't that  
3 right?  
4 A. Correct.

11:59:40 5 Q. "The Minister for Sport, Mr. Aylward and the Taoiseach, that's Mr. Reynolds,  
6 himself are both anxious that we proceed with haste and indeed find ourselves  
7 under some pressure to perform."  
8 A. Uh-huh.

9 Q. Now were you aware of contact between Mr. Albert Reynolds and Mr. O'Callaghan?  
11:59:54 10 A. Other than contact between Mr. Reynolds, Mr. O'Callaghan and myself, no.  
11 Q. Or contact other than contact with Mr. Aylward other than that which had been  
12 organised by you?  
13 A. And/or contact directly between Mr. Aylward and Mr. Ambrose Kelly who were  
14 friends.

12:00:12 15 Q. Right. Mr. Aylward was friends with Mr. Kelly.  
16 A. Yes.  
17 Q. And therefore Mr. Aylward could have let Mr. O'Callaghan know via Mr. Kelly  
18 that there was urgency now about this project.  
19 A. Correct.

12:00:25 20 Q. And that there was pressure to proceed with it.  
21 A. Correct.  
22 Q. But other than what's contained here, were you aware in July and June of '92,  
23 of any pressure being put on the Stadium either by Mr. Aylward or Mr. Reynolds  
24 then Taoiseach of your own knowledge, Mr. Dunlop?  
12:00:40 25 A. No not of my own knowledge.  
26 Q. And did you have any discussion with Mr. O'Callaghan about the contents of this  
27 letter or the urgency that had arisen apparently in June and July of 1992?  
28 A. No, I don't believe I did.  
29 Q. Now, I think in fact a meeting was set up and prior to the meeting at 7709.  
12:01:05 30 Mr. Lawlor circulated a list of people who would attend the meeting and various

- 12:01:12 1 functions that these people had, isn't that right?
- 2 A. Yes.
- 3 Q. And himself was to Mr. Lawlor he was to provide an overview and then you were
- 4 the media officer and information controller?
- 12:01:22 5 A. Yes.
- 6 Q. Deloitte & Touche were represented by three people. Ambrose Kelly was
- 7 represented by three people. Leisure West which was the company that was to
- 8 operate the Stadium was to be represented by Mr. O'Callaghan and you were to
- 9 chair the meeting, isn't that right?
- 12:01:35 10 A. Correct.
- 11 Q. Mr. Barry Flannery, Mr. Neal Gunne, Mr. John Blaisdell of Houston Leisure and
- 12 Gerard Stuart of Philip Holsman was to attend and Kane O'Connor the
- 13 underwriters of the bond issuer, Mr. Maguire a bond issuer from MBIA were also
- 14 to attend, isn't that right?
- 12:01:53 15 A. Correct.
- 16 Q. So in fact what was going to happen at this stage was that everybody was being
- 17 brought together and there was going to be a discussion about everybody's role
- 18 and function, isn't that right?
- 19 A. Correct, yes.
- 12:02:02 20 Q. And I think at 7710. The items for discussion were owners of the site, the
- 21 Stadium management agreements, design technology, the board of management and
- 22 the legal Stadium owners, isn't that right?
- 23 A. Yes.
- 24 Q. So that in fact there are two issues there. One is owner of the site and the
- 12:02:18 25 other is the legal stadium owners?
- 26 A. Uh-huh.
- 27 Q. Now I think that on the 20th of July, Mr. Dunlop, you issued the invoice 7723.
- 28 A. Yes.
- 29 Q. Now, you describe in that to professional services including media relations,
- 12:02:37 30 presentation, interview, preparation, consultations with design team and US

- 12:02:41 1 advisors and investors. Now, apart from the one meeting with Chilton &  
2 O'Connor in your offices to which I have referred and about which you have kept  
3 no note. You do not appear to have any contact or communication with the  
4 American investors on a face-to-face basis, is that right?
- 12:02:58 5 A. No.
- 6 Q. So that up to the 20th of July 1992, there had been no media relations in  
7 relation to the Stadium because you have not yet gone public, isn't that right?
- 8 A. Correct.
- 9 Q. There has been no presentation or interview preparation, isn't that right,  
10 Mr. Dunlop?
- 11 A. Correct.
- 12 Q. Okay. There has been no consultations with the design team because you have  
13 already told the Tribunal today you didn't have any involvement in relation to  
14 that, isn't that right?
- 12:03:10 15 A. Correct.
- 16 Q. And you have met the US advisors and investors on possibly one occasion?
- 17 A. Correct.
- 18 Q. Okay. So that what had you had you done, Mr. Dunlop, in fact? What had you  
19 done? Physically what had you done about the Stadium between the 1st of  
12:03:36 20 January 1992 and the 20th of July 1992, that entitled you to issue an invoice  
21 for 70,000 pounds?
- 22 A. Two things. One, I had discussed the matter with Owen O'Callaghan and various  
23 people that we have outlined, Liam Lawlor, Ambrose Kelly and others. I had  
24 arranged meetings or consultations with Albert Reynolds and possibly ... what's  
12:04:04 25 his name, Liam Aylward and an agreement had, there was an agreement between Mr.  
26 O'Callaghan and myself that I would be paid 100,000 pounds for in relation to  
27 the Stadium.
- 28 Q. When did you make the agreement with Mr. O'Callaghan that you would be paid  
29 100,000 pounds in relation to the Stadium?
- 12:04:24 30 A. Well I can't specifically say when but certainly it was prior to July of 1992.



- 12:04:30 1 Q. You haven't recorded anywhere in your diaries, Mr. Dunlop, that the Tribunal  
2 can see any record of an agreement to be paid 100,000 pounds in connection with  
3 the Stadium, isn't that right?
- 4 A. No I don't believe there is such.
- 12:04:42 5 Q. And to this stage are you saying that you agreed a fee of 100,000 pounds with  
6 Mr. O'Callaghan in circumstances where the only actual function you appear to  
7 have performed was to arrange meetings with Mr. Albert Reynolds, Mr. Bertie  
8 Ahern and Mr. Liam Aylward?
- 9 A. Yes, I cannot say to you when that agreement was arrived at but certainly it  
10 was arrived at during the course of 1992 at some stage.
- 11 Q. And at this time Mr. Ambrose Kelly had also been retained, isn't that right?
- 12 A. Oh, yes.
- 13 Q. Yes. And at 7517. Mr. Kelly provides an invoice in relation to his  
14 professional fees for the Stadium, isn't that right?
- 12:05:04 15 A. Correct, yes.
- 16 Q. And you will see there a fee for professional services and then an itemised  
17 out-of-pocket expenses, isn't that right?
- 18 A. Yeah.
- 19 Q. Totalling 2,256 with subtotal of 15,756 and then VAT at 21 per cent, isn't that  
12:05:39 20 right?
- 21 A. Yes.
- 22 Q. With a total invoice of 19,064.76, isn't that right?
- 23 A. Correct.
- 24 Q. So Mr. Kelly who is also retained and is involved in a professional basis puts  
12:05:52 25 in his invoice to Mr. O'Callaghan with an element of VAT in it. He breaks down  
26 his out-of-pocket expenses and he includes his professional fee, isn't that  
27 right?
- 28 A. Correct.
- 29 Q. So it would appear from that, that certainly Mr. O'Callaghan had no difficulty  
12:06:07 30 whatsoever in paying Mr. Kelly his fees in the manner set out at the invoice of

- 12:06:11 1 the 18th of June '92 at page 7517, isn't that right?
- 2 A. Correct.
- 3 Q. But your invoice, Mr. Dunlop, at 7723 doesn't contain any breakdown at all,  
4 isn't that right? There is no VAT element?
- 12:06:26 5 A. No, it's a payment on account.
- 6 Q. It's a payment on account. It doesn't contain any VAT element. And when you  
7 receive it as we have seen it's paid by a direct cash same day value transfer  
8 to your Rathfarnham account, isn't that right?
- 9 A. In November.
- 12:06:40 10 Q. In November of 1992.
- 11 A. Yes, correct.
- 12 Q. But you say that this invoice is issued in July of '92.
- 13 A. Yes.
- 14 Q. And at the time that you issue this invoice the only actual service you have  
12:06:51 15 provided to Mr. O'Callaghan in relation to the Stadium is organising three  
16 meetings or a number of meetings with government ministers is that fair?
- 17 A. Correct, yes.
- 18 Q. But you say that the invoice was issued at that date, is that right?
- 19 A. Yes.
- 12:07:05 20 Q. Now on the 21st of July, which is the day after you issue this invoice, Mr.  
21 Dunlop, at 7711. In your diary there is an entry "sports Stadium meeting  
22 here".
- 23 A. Yes.
- 24 Q. And there is an earlier entry for "N Gunne in the Berkley Court" isn't that  
12:07:25 25 right?
- 26 A. Correct, yes.
- 27 Q. And then the minutes of those meetings at 7744.
- 28 A. Yes.
- 29 Q. And these are minutes taken by you as chairman of the meeting, isn't that  
12:07:39 30 right?

- 12:07:39 1 A. Of chairman of the meeting, yes.
- 2 Q. And you record the attendance who was present at the meeting.
- 3 A. Correct.
- 4 Q. And these are the people from America have come to the meeting, the people from
- 12:07:49 5 Switzerland have come to the meeting Mr. Ambrose Kelly is there, there is
- 6 representatives from Deloitte & Touche, Mr. Liam Lawlor is there, Mr.
- 7 O'Callaghan is there, and you are the chairman, isn't that right?
- 8 A. Correct, yeah.
- 9 Q. And then various people address the meeting and you record those comments at
- 12:08:05 10 7745. Now in relation to Mr. O'Callaghan. What you say is the following in
- 11 the second paragraph "he outlined the history of his involvement with the
- 12 proposed stadium site. Meetings had already taken place on the matter at the
- 13 highest levels of government and there is now an urgent requirement for
- 14 progress. Top level secret discussions have also taken place with the national
- 12:08:30 15 soccer authority, FAI and potential end users such as entertainment organisers.
- 16 Discrete contacts have been established with the planning authorities. To
- 17 underline his commitment to the project Mr. O'Callaghan told the meeting that
- 18 it was his intention to lodge for planning permission for Stadium on the north
- 19 Clondalkin site in early September '92." Is that right?
- 12:08:49 20 A. That's correct.
- 21 Q. That's your record of what Mr.
- 22 A. Yes.
- 23 Q. And there Mr. O'Callaghan is outlining the meetings that had taken place at the
- 24 highest of level of the Government and they are the meetings that you had
- 12:09:03 25 arranged, is that right?
- 26 A. Yes.
- 27 Q. There is no reference there to any agreement of tax designation or about
- 28 government funding or financial support, isn't that right?
- 29 A. Correct.
- 12:09:10 30 Q. Now, Mr. Lawlor is recorded at 7746 as having addressed the meeting and in the

12:09:16 1 first paragraph it appears he was asked to give an overview of west Dublin area  
2 for a socio-economic and planning viewpoint.  
3  
4 He outlined the history of the planning authorities decisions to provide three  
12:09:26 5 new satellite towns. And it's also recorded that "Mr. Lawlor gave a  
6 presentation on the infrastructural developments in west Dublin over the past  
7 four to five years with specific reference to the road network and proposed  
8 rail link for north Clondalkin. He also indicated that the present government  
9 was enthusiastic about the provision of a Stadium and this was indicated by the  
12:09:44 10 feasibility study taken two years ago for location at the Custom House Docks.  
11 He stated that the north Clondalkin site was ideal and would receive the  
12 approval of both government and local authority."  
13  
14 So Mr. Lawlor is projecting a very positive viewpoint from the point of view of  
12:09:59 15 the government and the local authority, isn't that right?  
16 A. Correct.  
17 Q. Right. Deloitte & Touche say that they had been commissioned to carry out by  
18 Mr. O'Callaghan to carry out a feasibility study and to report by the end of  
19 July. And they were asked to bring forward their findings. The documents were  
12:10:16 20 handed out and they were taken back, isn't that right?  
21 A. Yes.  
22 Q. At that meeting. And they are the notes that you made in relation to that  
23 meeting, isn't that the position, Mr. Dunlop?  
24 A. Correct.  
12:10:27 25 Q. And you didn't keep a copy of those notes?  
26 A. I don't believe I did.  
27 Q. Why was that?  
28 A. I don't know why. I can't say. I can't give you a reason but I don't believe  
29 I did.  
12:10:37 30 Q. Because these notes appear to have been furnished to Mr. Lawlor who did keep a

- 12:10:41 1 copy of them?
- 2 A. Yes.
- 3 Q. And if was Mr. Lawlor who provided a copy of those documents to the Tribunal?
- 4 A. Yeah.
- 12:10:47 5 Q. Now on the 22nd of July, Mr. Dunlop, the day after that meeting took place at  
6 7749. You will note there at 6:10 Mr. Bertie Ahern's office contacts you  
7 again, isn't that right?
- 8 A. Um, yes.
- 9 Q. Did that have anything to do with the meeting that had taken place the previous  
12:11:05 10 day?
- 11 A. I can't say specifically that it does, no.
- 12 Q. Do you have any recollection of contacting Mr. Bertie Ahern's office around  
13 this time?
- 14 A. Well again as I have said previously, I have made many contacts with Bertie  
12:11:25 15 Ahern's office but I can't say specifically in relation to this one, what that  
16 was about.
- 17 Q. Did you keep any notes of any of these contacts that passed between the then  
18 Minister for Finance and your office?
- 19 A. No.
- 12:11:38 20 Q. Did you keep any notes of any contacts that passed between the then Taoiseach  
21 and your office?
- 22 A. No, other than in the only qualification I make to that is that I have written  
23 letters to various Taoiseagh and ministers subsequent to meetings for  
24 confirmatory purposes.
- 12:11:57 25 Q. Yes but there is none such in relation to --
- 26 A. No.
- 27 Q. -- the meetings that you set up in connection with the Stadium, isn't that  
28 right?
- 29 A. Correct.
- 12:12:05 30 Q. In August of 1992 at 7800, Deloitte & Touche issued their initial preliminary

- 12:12:12 1 feasibility study. And I just want to draw one section of this, it's quite a  
2 lengthy document, to your attention 7823. And this page is headed "taxation  
3 incentives and National Lottery funding" and at the third paragraph:  
4
- 12:12:32 5 "The developer would need a contribution from the State of 4.612 million per  
6 annum over the term of the mortgage to undertake the development of the  
7 Stadium. This contribution could be made as a direct payment of this amount  
8 from the National Lottery."
- 9 A. Uh-huh.
- 12:12:46 10 Q. Next paragraph. "An alternative approach would be for the government to grant  
11 designated area tax status to the proposed stadium site on a similar basis to  
12 the Temple Bar area. This would allow the developer to seek an investor to  
13 utilise the taxation allowance and reduce the amount of the cost to be funded  
14 on a long-term mortgage. The developer would still require a contribution from  
12:13:06 15 the National Lottery to meet the annual mortgage payment".  
16
- 17 It seems clear, Mr. Dunlop, from that, that funding, State funding of some sort  
18 was necessary, isn't that right?
- 19 A. Yes.
- 12:13:17 20 Q. And what was being put forward there was alternatives.  
21
- 22 A. Correct.  
23
- 24 Q. Tax designation but it would also require a direct subvention from the National  
25 Lottery funds.  
12:13:28 26
- 27 A. Yes, correct.
- 28 Q. Now I think that at 7829. Mr. O'Callaghan told you he was contacting Mr. John  
29 Fitzgerald about the stadium and that meeting took place at 7856 but you  
30 weren't present, isn't that right?
- 31 A. Correct, yes.
- 32 Q. And I think Mr. Fitzgerald agrees though he can't recollect it that it was  
33 likely that the Stadium was discussed, although he Mr. Fitzgerald did not have

- 12:13:53 1 a great deal of faith that the Stadium would ever come to fruition.
- 2 A. I have seen that statement, yes.
- 3 Q. Yes. But insofar as there is contact here that is referred to in your diary
- 4 and in your telephone records, it's not direct contact you had with
- 12:14:07 5 Mr. Fitzgerald yourself, isn't that right?
- 6 A. No.
- 7 Q. And did Mr. O'Callaghan ever come back to you and tell you what he had
- 8 discussed with Mr. Fitzgerald?
- 9 A. Not that I recollect, no.
- 12:14:17 10 Q. Now I think in August of 1992, arrangements were put in place for a public
- 11 launch, isn't that right?
- 12 A. Correct.
- 13 Q. I think ultimately by September of 1992, the story I think was originally I
- 14 think Mr. Ted Harding had an exclusive in a Sunday newspaper, I think in
- 12:14:37 15 relation to the matter and thereafter it became a matter of public. 7962. You
- 16 see here on the 6th of September, in what is described as an exclusive by
- 17 Mr. Ted Harding there is a story about a Stadium to be built-in South Dublin,
- 18 isn't that right?
- 19 A. Correct, yes.
- 12:14:58 20 Q. And that refers to the Stadium proposed, isn't that right?
- 21 A. Yes.
- 22 Q. But prior to that you would have been involved I suggest, Mr. Dunlop, in that
- 23 element of the job, isn't that right? This would fall into your job
- 24 description?
- 12:15:13 25 A. Yes it is likely that I was involved with this yes.
- 26 Q. And in fact in August of '92 at 7872, in a note to you which is also sent to
- 27 Mr. Lawlor, and again this document comes to the Tribunal, Mr. Dunlop, not from
- 28 you but from Mr. Lawlor. Mr. O'Callaghan sends a memorandum to you about the
- 29 programme for announcing the Stadium as agreed on the 13th of the 8th. 13th of
- 12:15:44 30 August '92?

- 12:15:45 1 A. Yes.
- 2 Q. Item one is described as "dress up feasibility study for presentation".
- 3 A. Uh-huh.
- 4 Q. That seems to suggest, Mr. Dunlop, that the feasibility study prepared by
- 12:15:56 5 Deloitte & Touche was to be repositioned or rewritten to some degree for the
- 6 purpose of a public relations exercise?
- 7 A. Yes.
- 8 Q. I see. So in other words Mr. O'Callaghan says adscript on location
- 9 infrastructure catchment design multi uses and the people who have to do that
- 12:16:13 10 are yourself Mr. Kelly and Mr. Lawlor.
- 11 A. Correct.
- 12 Q. Right. And then there are plans draw plans outlining other compatible uses.
- 13 "3. Ambrose Kelly to meet Liam Aylward and hopefully arrange a meeting with
- 14 Liam Aylward."
- 12:16:26 15 A. Uh-huh.
- 16 Q. What was the connection with between Mr. Lawlor and Mr. Aylward?
- 17 A. As I said to you some moments ago, I believe, I can't give you the exact
- 18 connection blue I do know that they were friendly, that Mr. Kelly knew
- 19 Mr. Aylward. Either before he became a politician or knew his family one or
- 12:16:44 20 the other, I can't really say.
- 21 Q. Item No. 4. You, Mr. Dunlop, and Mr. O'Callaghan were to meet AR, Albert
- 22 Reynolds.
- 23 A. Yes.
- 24 Q. And again that would be to update Mr. Reynolds on the proposal to launch the
- 12:16:57 25 Stadium publicly, is that correct?
- 26 A. Correct.
- 27 Q. And then various number of other people have to be told the FAI National
- 28 Lottery opposition parties and Eithne Fitzgerald, isn't that right?
- 29 A. Yes.
- 12:17:09 30 Q. And Eithne Fitzgerald would be because she was then the chairperson?



- 12:17:13 1 A. Yes.
- 2 Q. Of Dublin County Council, is that right?
- 3 A. Correct.
- 4 Q. And then at No. 10 date of launch. The following page. Is described as being
- 12:17:21 5 subject to discussion with and approval of AR and L Aylward?
- 6 A. Yes.
- 7 Q. That would suggest that if Mr. Reynolds and Mr. Aylward weren't supporting and
- 8 positive about this launch it wasn't going to take place, is that right?
- 9 A. Yes.
- 12:17:37 10 Q. Now, I think in fact I think that on the 28th of August '92, Mr. Harding
- 11 contacts your office at 7937, you will see there after 12:15 that Ted Harding
- 12 rings your office?
- 13 A. Uh-huh.
- 14 Q. And on the 28th of August at 7939, I think around this time what was happening
- 12:18:07 15 with the bank, Mr. Dunlop, was that Mr. Michael O'Farrell was taking over at
- 16 the bank and these are briefing meetings between Mr. O'Callaghan, Mr. Deane,
- 17 Mr. Kay with Mr. O'Farrell?
- 18 A. I see.
- 19 Q. Yes. And in the second paragraph it's recorded that "They have progressed
- 12:18:23 20 proposals in relation to the old Clondalkin site. These involved development
- 21 of a sports complex. They showed us an outline of proposed drawing and
- 22 indicated that they would be going for planning within two to three weeks.
- 23 They have had a detailed feasibility prepared by Deloitte & Touche".
- 24 A. Yes.
- 12:18:43 25 Q. And I think then on the 3rd of September '92 at 7952. At the very end of the
- 26 paragraph it's recorded "I queried the expenses regarding the original
- 27 Clondalkin site in relation to the sports centre. These total 58,000 pounds.
- 28 He indicated that the option of this site is a company called Merrygrove
- 29 Limited which is a subsidiary of Barkhill Limited. He indicated that there had
- 12:19:06 30 been a dispute with AIB regarding entitlement of payment of 300,000 pounds from

12:19:10 1 Dublin County Council which may become due. Their view is that it was due to  
2 them while the legal agreements apparently indicated it was due to Barkhill.  
3 He indicated that they recognised that this is due to Barkhill and that as a  
4 consequence, any work done in relation to the proposed sports centre was very  
12:19:24 5 much part and parcel of the overall Barkhill situation also".  
6

7 Now, I know that you are not privy to those discussions, Mr. Dunlop. But the  
8 thing I want to draw to your attention, is the figure

9 A. Yes.

12:19:36 10 Q. The figure that's been queried by Mr. O'Farrell here in relation to the  
11 expenses incurred in connection with the Clondalkin sports centre is 58,000  
12 pounds?

13 A. Yes.

14 Q. But you had issued an invoice for 70,000 pounds, isn't that right?

12:19:50 15 A. Correct.

16 Q. So there is no reference being made here. This 58,000 pounds can't refer to  
17 your 70,000, isn't that right?

18 A. No absolutely.

19 Q. So whatever figures are being given to the bank as having been expenses  
12:20:02 20 incurred with the National Stadium, the figure of 70,000 pounds is not being  
21 given, isn't that right?

22 A. That would appear to be the case, yes.

23 Q. And the reason for that is either Mr. O'Callaghan has elected not to tell the  
24 bank about the invoice, isn't that right?

12:20:14 25 A. Yes.

26 Q. Or alternatively no I shall invoice is issued at all by September of '92, isn't  
27 that right?

28

29 MR. REDMOND: Mr. Chairman, before Mr. Dunlop proceed to answer that question,  
12:20:22 30 the third and equally logical proposition is that because the expense had not

12:20:27 1 been discharged at that time it was another reason why it didn't qualify as  
2 another expense.

3  
4 MS. DILLON: I am going to move on to show that the expenses of 58,000 pounds  
12:20:37 5 have not been paid either at this stage. Mr. O'Callaghan is in the bank in  
6 this and subsequent documents looking for the money for 58,000 pounds to pay  
7 the expenses. They haven't in fact been discharged.

8  
9 CHAIRMAN: Uh-huh.

12:20:52 10  
11 Q. MS. DILLON: If I take you to the 16th of September, Mr. Dunlop, at 8040 on  
12 this issue. And in this Mr. O'Farrell asked Mr. O'Callaghan to take him  
13 through the background to the zoning situation and then when it comes to deal  
14 with the sports centre it's at 8042. And in the fourth paragraph dealing with  
12:21:30 15 the sports centre "following their failure to link up with Green, they set  
16 about seeking alternative use for the Neilstown site. Opposition to Quarryvale  
17 had always argued that they had no objection to shopping centre in Clondalkin  
18 but it should take place on the original site which had been designated the  
19 town centre. From this comment came the concept of the sports Stadium.

12:21:48 20  
21 Fees: I gave Owen O'Callaghan a copy of attached pages outlining the breakdown  
22 of the loans and fees paid and the fees outstanding. We went through the  
23 various fees that he had paid and provided explanations where he could for the  
24 various items see attached" on the following page 8043.

12:22:08 25  
26 In the fourth paragraph "on the latter point I indicated we had never been  
27 consulted about the sports Stadium plans either as bankers or as directors  
28 shareholders, neither had Tom Gilmartin as far as we were aware in these  
29 circumstances I indicated we would have difficulty in paying relation to same.  
12:22:24 30 He argued strongly that the sports centre plans were an integral part of

- 12:22:27 1 obtaining the zoning, he is strongly of the view that if they don't have  
2 alternative use set up for the Neilstown site, they will not get the required  
3 support of the zoning meeting."  
4
- 12:22:36 5 Now that's as you had outlined it earlier today, isn't that right, Mr. Dunlop?  
6 A. Correct.  
7 Q. That the genesis of the whole thinking behind the Stadium was to put up a  
8 viable alternative and that would encourage people to support the Quarryvale  
9 zoning?  
10 A. That's correct.  
11 Q. Accordingly he is arguing that "the fees related to the Stadium, which total  
12 58,000 with a further 30,000 to go, will have to be paid by Barkhill Limited,  
13 isn't that right?  
14 A. Correct.  
15 12:22:58 Q. And then in the document that was attached at 8047. Entitled fees outstanding  
16 16th of the 9th '92. So this document is listing fees that have not been paid,  
17 isn't that right?  
18 A. Yes.  
19 Q. And the first part of the document deals effectively with Quarryvale but if you  
12:23:21 20 come down towards the end of the page you will see a heading "sports centre"  
21 Mr. Dunlop, do you see that?  
22 A. Yes.  
23 Q. Yes. And you will see set out there Ambrose Kelly 19,064 I think we saw that  
24 invoice. Planning permission application 10,000 pounds.  
12:23:33 25 A. Correct.  
26 Q. Deloitte & Touche 29,000 pounds.  
27 A. Yes.  
28 Q. And the total of that is 58,064 and that's the 58,064 that we had seen referred  
29 to in the bank document in the earlier discussion between Mr. O'Callaghan and  
12:23:48 30 the bank, isn't that correct?

- 12:23:49 1 A. Correct.
- 2 Q. And that means that as of the 16th of September 1992, what the bank have been  
3 told in relation to outstanding Stadium fees is that figure of 58,000 pounds  
4 and that doesn't include your invoice for 70,000 pounds, isn't that right?
- 12:24:03 5 A. That's correct yes.
- 6 Q. And one would have expected, Mr. Dunlop, to have found that invoice or  
7 reference to it in this schedule of Stadium invoices that Mr. O'Callaghan is  
8 seeking the bank to pay, isn't that right?
- 9 A. Well I don't know. It's up to Mr. O'Callaghan to say why he did or did not  
12:24:22 10 include it. He obviously didn't include it.
- 11 Q. Yes. And then if you look beneath that estimate of fees still to come and  
12 under the heading "sports centre" 30,000 more due to A Kelly?
- 13 A. Yes.
- 14 Q. 10,000 for Quarryvale to bring to zoning and 50,000 further to bring to  
12:24:39 15 planning.
- 16 A. Correct.
- 17 Q. But there is no reference there to a figure of 70,000 pounds or 100,000 pounds  
18 due to Frank Dunlop in connection with the Stadium, isn't that right?
- 19 A. That's correct.
- 12:24:47 20 Q. And yet Mr. O'Callaghan is arguing to the bank, Mr. Dunlop, that the Stadium  
21 fees should be paid by the bank because of his argument which is that the whole  
22 purpose behind the Stadium is to copper fasten the Quarryvale zoning, isn't  
23 that right?
- 24 A. Yes.
- 12:25:03 25 Q. Do you know any reason why if Mr. O'Callaghan would have elected to leave out  
26 the Stadium invoice as being an outstanding invoice when he came to talk to the  
27 bank about these it matters in August and September of 1992?
- 28 A. No I'm afraid I don't.
- 29 Q. Yes. You say you had issued the invoice for 70,000 pounds in July of 1992.
- 12:25:21 30 A. Correct.

- 12:25:22 1 Q. And we have seen the invoice that was issued by Mr. Kelly, isn't that right?
- 2 A. Yes correct.
- 3 Q. I showed you that invoice.
- 4 A. Yes.
- 12:25:28 5 Q. And that invoice is referred to here, isn't that right?
- 6 A. Yes.
- 7 Q. But your invoice isn't referred to.
- 8 A. No.
- 9 Q. And can you assist at all as to why it is that when Mr. O'Callaghan was
- 12:25:38 10 outlining the outstanding Stadium fees to Allied Irish Bank his bankers in
- 11 September 1992, he makes no reference to your invoice for 70,000 pounds?
- 12 A. I'm afraid I can't.
- 13 Q. Uh-huh. And again at page 8067, which is September 1992. Mr. Michael
- 14 O'Farrell's note you will see there under the second heading issues in the
- 12:26:03 15 second paragraph sports centre fees 58,000 incurred to date with a further
- 16 30,000 due. O'Callaghan advices that the strategy is to help ensure favourable
- 17 Manager's Report on decision day. Option on site is in the name of Merrygrove
- 18 Estates Limited, a subsidiary of Barkhill Limited, Riga strongly regard these
- 19 fees as an integral part of the overall proposal, isn't that right?
- 12:26:23 20 A. That's correct.
- 21 Q. But can you think of any reason why Riga would have had a different view in
- 22 relation to your 70,000 pounds fees in relation to the Stadium, Mr. Dunlop. I
- 23 don't.
- 24 A. Mr. O'Callaghan will have to answer that.
- 12:26:34 25 Q. Yes. Is it possible, Mr. Dunlop, this you are mistaken and that in fact you
- 26 did not issue any invoice for 70,000 pounds in July of 1992 and that in fact is
- 27 the reason why there is no reference to fees due to Frank Dunlop of 70,000
- 28 pounds in any of the bank documentation?
- 29 A. No I don't believe so.
- 12:26:51 30 Q. You yourself did not keep a record of the invoice, isn't that right?

- 12:26:54 1 A. Correct.
- 2 Q. You obtained the copy of the invoice from Mr. O'Callaghan?
- 3 A. Correct.
- 4 Q. And I think indeed as late as the 28th of September 1992 at 8106, when
- 12:27:11 5 Mr. O'Farrell telephones Mr. O'Callaghan in relation to the issue of
- 6 outstanding fees and in, there is reference there to fees due to you, Mr.
- 7 Dunlop, 6314. 13,530 and 10,253?
- 8 A. Yes.
- 9 Q. They are the ongoing expenses re Quarryvale fees that we've looked at, isn't
- 12:27:30 10 that right?
- 11 A. That's correct.
- 12 Q. Nothing to do with the Stadium?
- 13 A. No.
- 14 Q. And then in relation to Mr. Kelly. It's A Kelly sports centre 19,064, isn't
- 12:27:48 15 that right?
- 16 A. Yes.
- 17 Q. And then Mr. O'Farrell records what he told Mr. O'Callaghan. He says in
- 18 relation to the latter fee that's Mr. Kelly's fee.
- 19 A. Could you enlarge it slightly, Ms. Dillon, I can't read it? Yeah.
- 12:27:53 20 Q. "In relation to the latter fee, I indicated that we had some difficulty in
- 21 agreeing to pay the sports centre fees particularly as this payment is only the
- 22 first of identified total of approximately 90,000 pounds."
- 23
- 24 Now, the 58,000 was what had what was already outstanding and you will
- 12:28:12 25 recollect that Mr. O'Callaghan had indicated that there would be a further
- 26 30,000, isn't that right?
- 27 A. That's correct.
- 28 Q. Brings it up to the 90,000 but those figures don't include any figure for
- 29 70,000 payable to you, isn't that right?
- 12:28:23 30 A. Correct.

- 12:28:23 1 Q. Apart from your ourselves I indicated that Tom Gilmartin would not be aware of  
2 these fees and would have to agree to same. I indicated that my agreement was  
3 on the basis that there were to be no further fees between now and zoning. He  
4 indicated that this would not be the case and there would be further fees due  
12:28:38 5 particularly he mentioned there would be 29,000 pounds payable in relation to  
6 the sports centre to Deloitte & Touche?  
7 A. Uh-huh.  
8 Q. "He indicated that he accepted that they may have to go some way themselves  
9 towards splitting the fees. I indicated that this was my thinking also and  
12:28:53 10 that in this context my agreement to pay 19,064 pounds to A Kelly was done  
11 without prejudice to any discussion we might have about splitting the fees i.e.  
12 any discussion on splitting the fees would include the said amount of 19,064."  
13 A. Yes.  
14 Q. "We agreed he would send me the invoices and would authorise same for payment."  
12:29:12 15 A. Yes.  
16 Q. "We should hold the cheques for him. He will collect them on Friday".  
17  
18 Now, there is no reference there, good, bad or indifferent to the existence of  
19 an invoice of any amount in respect of the National Stadium for Frank Dunlop or  
12:29:26 20 Frank Dunlop & Associates and Shefran, isn't that right?  
21 A. Correct.  
22 Q. Can you think of any reason why Mr. O'Callaghan would have deliberately left  
23 out of his requests for payment from the bank your particular fee?  
24 A. I'm afraid I can't.  
12:29:39 25 Q. Is it possible, Mr. Dunlop, that in fact you had never issued an invoice in  
26 July of 1992 as you have told the Tribunal?  
27 A. No, I don't believe so.  
28 Q. Right. And that in fact you only issued the invoice for the 70,000 pounds  
29 after the money had in fact been paid?  
12:29:54 30 A. No I don't believe so.



- 12:29:55 1 Q. Right. Can you think of at all of any reason as to why Mr. O'Callaghan would  
2 have excluded your particular invoice from being recouped from Allied Irish  
3 Bank?
- 4 A. No I can't.
- 12:30:06 5 Q. I mean clearly, Mr. Dunlop, you would accept that your invoice would fall into  
6 the same category as Mr. Ambrose Kelly's, isn't that right?
- 7 A. Yes, I was a consultant project.
- 8 Q. Yes. And if Mr. Ambrose Kelly was entitled to be paid by Barkhill it followed  
9 that you would have been entitled to have been paid by Barkhill also, isn't  
10 that right?
- 11 A. If that is the way Mr. O'Callaghan was presenting the matter.
- 12 Q. Can you think of any reason or was there any particular in your arrangement  
13 with Mr. O'Callaghan whereby you agreed with him for example that your fees  
14 would be paid in a different way or at a different time?
- 12:30:37 15 A. No.
- 16 Q. Can you think of any reason as to why if Mr. O'Callaghan was in possession of  
17 your invoice in July '92, that he would have withheld that invoice from the  
18 bank?
- 19 A. No, I'm afraid I can't.
- 12:30:51 20 Q. In any event, it is the position, is it not, Mr. Dunlop, that in September of  
21 1992 there was a public launch effectively of the issue in relation to the  
22 Stadium?
- 23 A. Correct.
- 24 Q. We have seen that Mr. Harding had a story in the newspapers in relation to it  
12:31:09 25 but there was then a more formal launch also, isn't that right?
- 26 A. That's right.
- 27 Q. Now, I think that at 7972, I think this is your document if it can be increased  
28 please. Entitled "schedule for communications Stadium".
- 29 A. Uh-huh.
- 12:31:28 30 Q. And the first is Minister for Sport, 8th of the 9th '92. Second is Taoiseach

- 12:31:34 1 9th 9th '92. And the third is Minister for Finance, isn't that right?
- 2 A. Yes.
- 3 Q. Now I think prior to that on the 2nd of September at 7949, you will see there
- 4 at 4 o'clock that the Taoiseach's office was on to you, isn't that right?
- 12:31:54 5 A. Yes.
- 6 Q. And it would seem that on the 3rd of September 1992 at 7957, Mr. Bertie Ahern
- 7 had an entry in his diary Frank Dunlop 4 o'clock followed by John Fitzgerald,
- 8 do you see that?
- 9 A. Yes.
- 12:32:12 10 Q. And at 7958.
- 11 A. Sorry which date was that?
- 12 Q. The 3rd of September --
- 13 A. Yes.
- 14 Q. -- 1992.
- 12:32:24 15 A. Just on the point of. My name seems to be deleted.
- 16 Q. Yes I am about to show you the second diary of Mr. Ahern at 7958 and you will
- 17 see there your name and it doesn't appear to be deleted?
- 18 A. Correct, yeah.
- 19 Q. And again, what that records is a meeting between Mr. Ahern and yourself on the
- 12:32:38 20 3rd of September 1992. Do you remember that meeting?
- 21 A. I'm afraid I don't.
- 22 Q. Right. Do you know whether in fact it took place?
- 23 A. Again, I would have to be guided by, by ... by the name in Mr. Ahern's diary if
- 24 it is not deleted the likelihood is that it did take place, yes.
- 12:33:00 25 Q. You prepared together with the schedule of communications at 7972. At 7973 and
- 26 a list of likely questions that would arise at the press briefing, isn't that
- 27 right?
- 28 A. Yes.
- 29 Q. And they total some three or four pages?
- 12:33:18 30 A. Yep.

- 12:33:18 1 Q. And you identified the issues that would arise presumably for the purpose of  
2 preparing people to answer those questions?
- 3 A. Correct.
- 4 Q. Now, I think that you record in your schedule of communications a meeting with  
12:33:30 5 the Minister for Sport on the 8th of the 9th '92 and at 7963. There is an  
6 entry in your diary for the 8th of September '92, for a meeting in Ambrose  
7 Kelly's office re the Stadium with the Minister for Sport?
- 8 A. Correct.
- 9 Q. Now, in the first diary that you provided to the Tribunal at 7964, you had  
12:33:53 10 removed the reference to the Minister for Sport, isn't that right?
- 11 A. Yes.
- 12 Q. Can you tell the Tribunal what transpired at this meeting?
- 13 A. I believe that that was a presentation to the Minister for Sport of the Stadium  
14 proposal, including a viewing of the model of the proposed Stadium.
- 12:34:17 15 Q. Yes.
- 16 A. A private presentation to the Minister for Sport in relation to what was being  
17 proposed and a viewing of the model that had been commissioned by Ambrose  
18 Kelly.
- 19 Q. Can you remember whether there was any discussion about funding?
- 12:34:32 20 A. I don't so recollect.
- 21 Q. At 7963. At 2:30 on the following day which the 9th of September 1992, there  
22 is an entry for 2:30 Taoiseach Government Buildings?
- 23 A. Yes.
- 24 Q. And that I think was a meeting according to Mr. Albert Reynolds' diary at 7983.  
12:34:53 25 That's attended by yourself and Mr. O'Callaghan.
- 26 A. Yes.
- 27 Q. What was discussed at that meeting?
- 28 A. Well the only meeting that I attended with Mr. O'Callaghan with Mr. Albert  
29 Reynolds related to the Stadium. There was as I have said to you previously,  
12:35:09 30 there was one in his office and there was one at another location at another

12:35:14 1 time and I believe that this is again Mr. O'Callaghan outlining the proposal  
2 for the Stadium to Mr. Reynolds.

3 Q. And were there any discussions about financing at that meeting?

4 A. I think that is likely, yes.

12:35:35 5 Q. At 8093. In the in a letter from Deloitte & Touche of the 25th of September  
6 1993, which takes place after this meeting.

7 A. 1992.

8 Q. 1992. Which takes place after this meeting, isn't that right, with  
9 Mr. Reynolds?

12:35:54 10 A. Yes.

11 Q. The under the heading "present position" in the third subparagraph.

12 A. Yeah.

13 Q. The following is stated "during previous discussions with the government it was  
14 indicated that designated area status would be granted to the proposed Stadium  
12:36:07 15 site. Whilst this was not discussed specifically at your recent meeting, you  
16 believe this is still the position".  
17 Now that's addressed to Mr. O'Callaghan.

18 A. Yes.

19 Q. But does that accord with your recollection, Mr. Dunlop?

12:36:18 20 A. Yeah.

21 Q. About when you left the meeting.

22 A. No, I don't believe as far as I'm concerned I don't believe that the issue of  
23 tax designation. I believe that the issue of funding by the government arose.  
24 I do not believe that the issue of tax designation was discussed. If it was I  
12:36:37 25 have no recollection of it but certainly I do believe that government funding  
26 was discussed.

27 Q. If you look under the heading "present position" according to Deloitte & Touche  
28 they say to Mr. O'Callaghan "from our discussion I understand that the present  
29 position regarding government support for the project may be summarised as  
12:36:54 30 follows.

- 12:36:54 1  
2 1. A grant of 3 to 4 million per annum for ten years from the National Lottery  
3 towards the cost of developing the stadium." Was that discussed and agreed  
4 with the meeting with Mr. Reynolds?
- 12:37:04 5 A. No, I don't believe so. I believe that there was a general discussion in  
6 relation to funding by the government, the particulars of which I do not  
7 believe were discussed at a meeting between Mr. O'Callaghan, Mr. Reynolds and  
8 myself.
- 12:37:20 9 Q. If there was an arrangement or an agreement or Mr. O'Callaghan had an  
10 understanding that a grant of 3 to 4 million per annum for ten years from the  
11 National Lottery would be forthcoming towards the upkeep of the Stadium, that  
12 was not something that was discussed while you were present?
- 13 A. I do not believe so.
- 14 Q. "A State guarantee will not be forthcoming to secure the balance of the funding  
15 required to develop the Stadium."  
16  
17 Now do you remember Mr. Reynolds or indeed Mr. Aylward telling at either of the  
18 meetings that you were at, telling anybody that in fact State guarantee would  
19 not be forthcoming?
- 12:37:49 20 A. No, I don't recollect. The only discussions I recollect are general  
21 discussions in relation to the possibility of funding by the government in  
22 whatever format.
- 23 Q. And the next paragraph and I have already dealt with and you say you don't  
24 recollect that being discussed either?
- 12:38:06 25 A. No.
- 26 Q. And then the next "the level of National Lottery and government support  
27 indicates that the Stadium is not to be transferred to State ownership at some  
28 time in the future" do you remember that being discussed?
- 29 A. No, I don't.
- 12:38:22 30 Q. If these -- if this information was provided by Mr. O'Callaghan to Deloitte &

12:38:28 1 Touche for the purpose of their preparing the feasibility report this is  
2 information that Mr. O'Callaghan himself gave directly to Deloitte & Touche, is  
3 that right?

4 A. Yes I never spoke to Deloitte & Touche in relation to these matters at all  
12:38:40 5 ever.

6 Q. And you were not asked to provide any information to Deloitte & Touche in  
7 relation to what you say transpired at the meetings with Mr. O'Callaghan is  
8 that right?

9 A. Correct.

12:38:49 10 Q. Now, I think that in your diary for September of 1992 at 7945. On the 3rd of  
11 September you had an entry in your diary for BA and then an entry for the  
12 following day for BA?

13 A. Yes correct.

14 Q. Who is that?

12:39:08 15 A. Bertie Ahern.

16 Q. And did you have meeting with Mr. Ahern on the 4th of September 1992?

17 A. Yes the likelihood is that I did. That it was transferred from the 3rd to the  
18 4th.

19 Q. And what was that about?

12:39:19 20 A. Again, I cannot say.

21 Q. That's the meeting that I think we saw in Mr. Ahern's diary is that right a few  
22 moments ago?

23 A. Correct.

24 Q. Isn't that the position?

12:39:27 25 A. Yes. It was in one diary and it was crossed out and then it was in the new  
26 diary for the 4th and this is in my diary for the 4th.

27 Q. That indicates it's likely that a meeting did take place.

28 A. Correct.

29 Q. Do you think that it's likely, Mr. Dunlop, that because of the fact that you  
12:39:40 30 were going public with the Stadium that you were going to meet Mr. Aylward that

- 12:39:43 1 you were going to meet Mr. Reynolds that you also met with Mr. Ahern at this  
2 time in relation to the Stadium?
- 3 A. Yes it is, yes it is highly possible.
- 4 Q. But you have no notes or records of any such meeting, is that right?
- 12:39:55 5 A. No, other than to say to you that Mr. Ahern was never a supporter of the  
6 Stadium in Clondalkin.
- 7 Q. He was never a supporter? And when did you become aware of that, Mr. Dunlop?
- 8 A. Well certainly Mr. O'Callaghan and myself had a discussion with Mr. Ahern at  
9 his office in St. Luke's but this is much later.
- 12:40:17 10 Q. Much later.
- 11 A. Yeah. And Mr. Ahern made it quite clear that he wasn't a supporter.
- 12 Q. It would appear, Mr. Dunlop, at 8021, which is an extract from the Irish Times  
13 of the 11th of September '92. That details of the new 50 million national all  
14 purpose sports Stadium were disclosed at a press conference in Dublin  
15 yesterday?
- 12:40:42 16 A. Yes.
- 17 Q. That meant that you had your press conference on the 10th of September 1992,  
18 isn't that right?
- 19 A. Yes.
- 12:40:49 20 Q. You had met with Mr. Aylward on the I think on the 8th and Mr. Reynolds on the  
21 9th, isn't that right?
- 22 A. Correct.
- 23 Q. Of September?
- 24 A. Yes.
- 12:40:57 25 Q. And you may have met with Mr. Ahern about the Stadium on the 4th of September?
- 26 A. Yes.
- 27 Q. Is it likely that if you had not received positive notice or encouragement from  
28 senior government ministers that you wouldn't have proceeded with the launch?
- 29 A. Yes.
- 12:41:12 30 Q. Because that's what had been recorded the purpose of having the meetings with

12:41:16 1 senior political figures was to ensure that there was support, is that right?

2 A. Correct.

3 Q. And in fact I think in that article at 8021 at the bottom of the first column

4 it records "the Taoiseach Albert Reynolds was first briefed about the project

12:41:34 5 four months ago and again last Wednesday he was reportedly "very positive"

6 about the project which will provide an estimated 1,000 jobs during

7 construction".

8 A. Yes.

9 Q. And on the 10th of September '92, the date that the -- of the public launch at

12:41:53 10 8010, two people contact you your office one is Eithne Fitzgerald, isn't that

11 right, at 10: 25?

12 A. Yes.

13 Q. And the second was Mr. Bert Cronan Taoiseach's office head of information?

14 A. Bart Cronan, yes correct.

12:42:08 15 Q. Yes.

16 A. It's Bart it should be Bart.

17 Q. Isn't that right?

18 A. That's correct yes.

19 Q. And then at 8011. There is a record of a long list of people involved in the

12:42:19 20 media seeking information, isn't that right?

21 A. Yes.

22 Q. Mr. Ted Harding rings why was he not told. RTE ring Mr. Liam Kelly Andrew

23 McEntee, Mr. Sean Connolly, Mr. Sean Maloney from the star, Paddy Clancy, Jimmy

24 Nagin, John Kenny for interviews, isn't that right?

12:42:37 25 A. Yes.

26 Q. So your office is now fielding a lot of calls arising from the public launch,

27 isn't that right?

28 A. Correct, yes.

29 Q. And on the 11th of September at 8017. Mr. Pdraig O Higin from the Department

12:42:53 30 of the Taoiseach calls at 9:50 and you send a letter to him on the same date



- 12:42:58 1 11th of September '92, 8027. You might like to read that letter, Mr. Dunlop.
- 2 Are you familiar with the letter that you sent?
- 3 A. Do you want me to read it out.
- 4 Q. No not necessarily. I want you to read it so that you are familiar with the
- 12:43:21 5 contents of it, Mr. Dunlop, and then I want you to explain why you sent it?
- 6 A. Yeah okay. Yep. Uh-huh. Move it on.
- 7 Q. The next page, please.
- 8 A. Uh-huh.
- 9 Q. Now, what concern did Mr. O Higin express to you, Mr. Dunlop, that led to you
- 12:44:14 10 to write this letter to him?
- 11 A. I can't, I can't recollect. I think he just wanted to know what the proposal
- 12 was, what the financial implications were in relation to it. I can't recollect
- 13 having the discussion with Mr. O Higin on the telephone in relation to the
- 14 matter. But obviously looking at the letter obviously had raised some issues
- 12:44:43 15 in relation to finances.
- 16 Q. And is it possible that it relates to the preliminary financial report from
- 17 Deloitte & Touche that's referred to in the second last paragraph?
- 18 A. Yes.
- 19 Q. Where you describe it as being inadvertently provided to the Taoiseach and that
- 12:44:55 20 it represented an initial feasibility of the sporting uses only?
- 21 A. Yes.
- 22 Q. And you state there "the preliminary financial report is not a basis for final
- 23 judgement as to the overall financing of the project".
- 24 A. Yes.
- 12:45:06 25 Q. Because the initial preliminary report from Deloitte & Touche, Mr. Dunlop, had
- 26 required substantial State funding?
- 27 A. Yes.
- 28 Q. And if there wasn't State funding forthcoming either by way of direct
- 29 subvention from the National Lottery or by way of tax designation it wasn't
- 12:45:23 30 going to happen, isn't that correct?

- 12:45:25 1 A. Right.
- 2 Q. Isn't it likely that Mr. O Higin became concerned when he saw this that there  
3 were significant fiscal implications arising out of the information contained  
4 in the Deloitte & Touche report and he got on to you for clarification?
- 12:45:37 5 A. I would say that's quite likely, yes.
- 6 Q. And what you are doing here is distancing the financial report, isn't that  
7 right?
- 8 A. Well I am telling him what the scenario happens to be at the particular time.
- 9 Q. Well in the second paragraph on this page you state "as we outlined to An  
10 Taoiseach it is possible that there will be a deficit on a reducing scale of a  
11 maximum of eight years only which may require lottery funding consideration".
- 12 A. Yes.
- 13 Q. It was a fact, according to Deloitte & Touche, that without lottery funding  
14 there was going to be no Stadium?
- 12:46:09 15 A. Yes, it wouldn't succeed.
- 16 Q. Yes but that's not what you are stating there, isn't that right?
- 17 A. Well what I'm stating there over a maximum of eight years there would be a  
18 deficit on a reducing scale, yes.
- 19 Q. You said it's possible.
- 12:46:20 20 A. It's possible.
- 21 Q. "The preliminary financial report represents an initial feasibility on the  
22 sporting using only" isn't that right?
- 23 A. Yes.
- 24 Q. So what you are distancing there what you are telling Mr. O Higin is that one  
12:46:32 25 should look only at the Deloitte & Touche report in terms of feasibility of  
26 sporting uses and not in relation to what it is saying about the necessity for  
27 government funding?
- 28 A. And two, that it was an initial feasibility of the sporting uses only as  
29 distinct from any other uses that there may well be like entertainment uses or  
12:46:52 30 because it is an all purpose National Stadium, in other words it can be used

- 12:46:56 1 for other things other than sport.
- 2 Q. Yes but it is clear that Mr. O Higin had concerns arising from a consideration  
3 of whatever documentation had been left or given to the Taoiseach, isn't that  
4 right?
- 12:47:05 5 A. Yes, I think if you if we are approaching this is in a reversion and looking at  
6 the letter and trying to compose as to what the questions were by Mr. O Higin,  
7 I think that's logical.
- 8 Q. Yes. And you are here trying to reassure Mr. O Higin, isn't that right?
- 9 A. Yes.
- 12:47:24 10 Q. To some degree. You are trying to allay concerns?
- 11 A. Yes I am trying to allay concerns, yes.
- 12 Q. Now I think on the 16th of September at 8037, Mr. Aylward, at 12:15 contacts  
13 your office and may the Tribunal take it that any contact Mr. Aylward had with  
14 your office related only to the Stadium?
- 12:47:45 15 A. I believe so. I don't believe Mr. Aylward and are I are from the same county  
16 but Mr. Aylward and I had very few meetings or contacts together. The only  
17 ones that I can recollect relate to the Stadium.
- 18 Q. Now I think that on the 25th of September '92, in the letter that we've already  
19 seen at 8093. This is the letter provided by Deloitte & Touche to Mr.  
12:48:13 20 O'Callaghan and I just want to draw to your attention on the second page at  
21 8094.  
22
- 23 In the second paragraph it states "I understand you now wish us to deal with  
24 the two phases as a single step and to report by the end of October. Following  
12:48:28 25 the presentation of our report, you will expect finalise negotiations with the  
26 government regarding the level of National Lottery and State support which will  
27 be available to the Stadium. It is clear from developments to date that the  
28 level of State support will be insufficient to fund the project entirely.  
29
- 12:48:43 30 Ultimately the project will have to secure funding as a viable commercial

- 12:48:45 1 project rather than on the basis of the level of State funding and gauntrees.  
2 During our discussion it was agreed that where possible, the project should  
3 seek to secure lump sum payments in preference to future streams of revenue  
4 from the Stadium" isn't that right?
- 12:49:00 5 A. Yes.
- 6 Q. Now again, is that information that would have been provided to Deloitte &  
7 Touche by Mr. O'Callaghan and not by you?
- 8 A. Correct.
- 9 Q. And at 8098 of the same document. In relation to the funding options to be  
12:49:14 10 considered. In relation to the Stadium. In this Deloitte & Touche state that  
11 "The areas of funding which will be considered include:  
12 1. The legal status of the entity which will develop, manage and own the  
13 Stadium.  
14 2. The taxation Stadium of the entity that would own the stadium. Next the  
12:49:31 15 capital allowance that would be available on the proposed Stadium and whether  
16 National Lottery or exchequer grants would be treated as taxable receipts and  
17 next the benefits of designated area status being granted to the site for the  
18 proposed Stadium development".  
19
- 12:49:45 20 And again is that information that would have come to Deloitte & Touche as to  
21 what their brief consisted of that came to them to the not from you, Mr.  
22 Dunlop, but from somebody else?
- 23 A. Yes.
- 24 Q. Is it likely that the person who gave the brief or outlined the brief to  
12:49:58 25 Deloitte & Touche was Mr. O'Callaghan or Mr. Deane?
- 26 A. Certainly in my view Mr. O'Callaghan.
- 27 Q. But it would appear that Deloitte & Touche did ring your office at 8235, Mr.  
28 Dunlop, in October '92?
- 29 A. Uh-huh.
- 12:50:17 30 Q. You will see there at the end at 4:25 that Mr. Mulcahy from Deloitte & Touche

- 12:50:23 1 rings, isn't that right?
- 2 A. Yes.
- 3 Q. And on the 20th of October at 8297, and while this document is dated the 20th
- 4 of October, it's acknowledging receipt of the planning application in relation
- 12:50:36 5 to the Stadium which was lodged on the 19th of October 1992?
- 6 A. Correct.
- 7 Q. And you would have known, Mr. Dunlop, that the decision was coming up for
- 8 review in December 1992.
- 9 A. Yes.
- 12:50:47 10 Q. Isn't that right? And I think that we had seen recorded in the documentation
- 11 to this point in time, the importance of having the planning application in
- 12 place?
- 13 A. Correct.
- 14 Q. Isn't that right? And you I think have said to the Tribunal that the reason
- 12:51:00 15 for that is that it was giving credence to the whole viability of the project.
- 16 In other words if you had gone to the trouble of preparing a planning
- 17 application and lodging it you must be recorded as being serious about it,
- 18 isn't that correct?
- 19 A. Correct.
- 12:51:13 20 Q. Now I think that in November of 1992, there was an election, isn't that right?
- 21 A. Yes.
- 22 Q. And I think on the 10th as we've seen, Mr. Dunlop, Mr. O'Callaghan paid the
- 23 invoice for 70,000 pounds?
- 24 A. Correct.
- 12:51:26 25 Q. Isn't that right and then you withdrew the 55,000 pounds and you have given
- 26 your evidence in relation to that?
- 27 A. Correct.
- 28 Q. Do you want to revise any of your evidence in relation to that, Mr. Dunlop?
- 29 A. No I don't.
- 12:51:38 30 Q. Now on the 20th of November, Mr. Dunlop, at 8550 --

- 12:51:44 1 A. 20th of November.
- 2 Q. -- of November '92.
- 3 A. Yes.
- 4 Q. Mr. Albert Reynolds, the Taoiseach's office is on to you at that stage, isn't
- 12:51:51 5 that right?
- 6 A. Yes.
- 7 Q. May the Tribunal take it that contact at this stage related to the election
- 8 because you had moved in to Fianna Fail headquarters at a late stage during
- 9 this election, isn't that right?
- 12:52:03 10 A. Yes I had moved in, in or around this time yes. Yes, any contact with the
- 11 Taoiseach at this time is relating the election, yes.
- 12 Q. That polling date I think was the 25th of November '92.
- 13 A. Yes.
- 14 Q. And that therefore on the 24th of November, when the Taoiseach's office is
- 12:52:16 15 again looking for you at 8570, that is likely to be in relation to the
- 16 election?
- 17 A. Yes.
- 18 Q. Now, in December '92, Mr. Dunlop, at 8767, there is a second invoice from
- 19 Mr. Ambrose Kelly in connection with the Stadium.
- 12:52:38 20 A. Uh-huh.
- 21 Q. And you will see it's headed new National Stadium. And it's a professional fee
- 22 on account, isn't that right?
- 23 A. Yes.
- 24 Q. You see that.
- 12:52:48 25 A. Yes, yes.
- 26 Q. It's the same as your invoice of July for 70,000 pounds, isn't that right?
- 27 A. Correct.
- 28 Q. Insofar as it's looking for a payment on account?
- 29 A. Yes.
- 12:52:56 30 Q. And again it includes an element for VAT for 21 per cent, isn't that right?

- 12:53:01 1 A. Correct.
- 2 Q. And it gives a reference number and the normal VAT details and matters such as
- 3 that sort, isn't that right?
- 4 A. Yes.
- 12:53:09 5 Q. Is there any reason you can think of as to why the arrangements in relation to
- 6 Mr. Ambrose Kelly's fees in connection with the Stadium appear to be different
- 7 to the arrangements in relation to your fees in connection with the Stadium?
- 8 A. No other than I issue the invoice and was paid in the manner that we have seen.
- 9 Q. Yes. You were providing professional services to the Stadium Mr. Kelly was
- 12:53:47 10 providing professional services to the Stadium?
- 11 A. Yes.
- 12 Q. Your fees are not recorded in any of the bank documentation that we've looked
- 13 at, isn't that right?
- 14 A. Correct.
- 12:53:58 15 Q. Mr. Kelly's fees are.
- 16 A. Yes.
- 17 Q. Your fees don't include VAT, isn't that right?
- 18 A. Correct.
- 19 Q. Mr. Kelly's fees do?
- 12:54:04 20 A. Correct.
- 21 Q. Can you think of any reason why there would be any necessity for a separate or
- 22 different or unusual arrangement in relation to your fees in comparison say to
- 23 Mr. Kelly's fees as they appear at page 8767?
- 24 A. No other than I issue the invoice as per the agreement with Mr. O'Callaghan and
- 12:54:20 25 was paid in the manner that we have seen.
- 26 Q. Yes. And why was it, Mr. Dunlop, having reflected on it now do you think that
- 27 you had a requirement that you would get paid on the 10th of November 1992,
- 28 that you needed to have that money in that day?
- 29 A. Well as I said to you previously, that on foot of the invoice that I had issued
- 12:54:41 30 to Mr. O'Callaghan in the amount of 70,000, I called it in or as it were I

- 12:54:48 1 think I've used that phrase and you've reprised it for me from the private  
2 sessions, in the knowledge that I would need some money to have money available  
3 to me in the context of an election.
- 4 Q. In December of 1992, Mr. Dunlop, you issue the second Stadium invoice, isn't  
12:55:08 5 that right?
- 6 A. Yes.
- 7 Q. And that's 8900. Now on the 18th of December 1992, that is the day after the  
8 vote in Dublin County Council in relation to Quarryvale, isn't that right?
- 9 A. Yes.
- 12:55:24 10 Q. But this invoice is not a Quarryvale invoice, isn't that right?
- 11 A. No.
- 12 Q. On its face it appears to be an invoice in relation to the development in north  
13 Clondalkin.
- 14 A. Correct.
- 12:55:32 15 Q. You told the Tribunal that this in fact was in fact an invoice in relation to  
16 Quarryvale and not an invoice in relation to the Stadium, is that right?
- 17 A. Yes.
- 18 Q. Is that the position?
- 19 A. I believe that is the position.
- 12:55:43 20 Q. And that this was not any part of your fees in relation to the Stadium?
- 21 A. Correct.
- 22 Q. Is that the position?
- 23 A. Yes.
- 24 Q. Is that the position?
- 12:55:49 25 A. Yes that's the way, that's how I believe it, yes.
- 26 Q. All right. This particular invoice of the 25,000 pounds was not an invoice  
27 from which Mr. O'Callaghan ever sought repayment from Barkhill, isn't that  
28 right?
- 29 A. So I believe, yes.
- 12:56:03 30 Q. You were in fact I believe in relation to this invoice paid on the 17th of



12:56:07 1 February '93, 8942 by Riga, isn't that right?

2 A. Correct.

3 Q. And we looked at that on the last occasion?

4 A. Yes.

12:56:13 5 Q. Can you give any explanation or indication as to why that was?

6 A. No I can't.

7 Q. Yes.

8 A. Other than the evidence that I have given in relation to invoicing to Mr.

9 O'Callaghan who would identify the source who paid the invoice.

12:56:27 10 Q. And would Mr. O'Callaghan also identify the content of the invoice, Mr. Dunlop?

11 A. Yes. I believe so that I would have told Mr. O'Callaghan in general terms what

12 the content would be, yes.

13 Q. Well therefore at 7723 for the invoice of the 20th of July 1992.

14 A. Yes.

12:56:46 15 Q. Would Mr. O'Callaghan have directed you that that invoice should be in

16 connection with the Stadium?

17 A. I issued the invoice after agreement with Mr. O'Callaghan in relation to the

18 Stadium. In relation to the content of the wording of the invoice, I cannot

19 absolutely say that that was what I agreed with Mr. O'Callaghan but certainly

12:57:04 20 it was for the Stadium.

21 Q. And insofar as you recollect having an agreement with Mr. O'Callaghan about

22 your fees in connection with the Stadium, that was for the payment of 100,000

23 pounds, isn't that right?

24 A. Yes.

12:57:13 25 Q. And ultimately you were paid 95,000 Pounds you say?

26 A. Yes.

27 Q. Were you ever paid the shortfall Mr. Dunlop?

28 A. I don't believe I was no.

29 Q. Now, I think that the idea of a Stadium had taken root in the election isn't

12:57:25 30 that right?

- 12:57:26 1 A. Yes, it did.
- 2 Q. Insofar as it became part of the Programme For Government in the Government  
3 that took place in November 1992?
- 4 A. Correct.
- 12:57:35 5 Q. And that I think and correct me if I'm wrong was a Labour/Fianna Fail  
6 Government is that right?
- 7 A. After the election then.
- 8 Q. In November 92?
- 9 A. Yes they got into bed together yes.
- 12:57:44 10 Q. And I think that in the programme for -- the Programme For Government that took  
11 place at page 9054 in terms of capital projects a new National Development Plan  
12 was to be drawn up. At and page 9055 included in that was the matter that's  
13 circled there "to support the building of an indoor National Sports Stadium"  
14 isn't that correct?
- 12:58:16 15 A. Correct.
- 16 Q. Now, this was also referred to at 9057. In the second matter that is circled.  
17 It says "The projects to be supported by this means the introduction of light  
18 rail in Dublin, the modernisation of the National Rail Network, the  
19 modernisation of our ports and access route to Dublin Port, the cleaning up of  
12:58:38 20 Dublin Bay, the construction of the Lee Tunnel in Cork, the building of a  
21 national convention centre and sports stadium and other major infrastructural  
22 projects in the region isn't that right?
- 23 A. Yes.
- 24 Q. So that by the end of 1992 and therefore going into the life of the next  
12:58:51 25 Government the idea of a Sports Stadium had taken root and it had become part  
26 of Government policy isn't that right?
- 27 A. Correct, yes.
- 28 Q. It doesn't say the building of a Sports Stadium at any particular location  
29 isn't that right?
- 12:59:04 30 A. That's correct yes.

- 12:59:05 1 Q. But within the -- one of the matters that was addressed in the Programme For  
2 Government that's outlined there was areas of deprivation such as Clondalkin  
3 and North Clondalkin and in particular implementing the findings of the  
4 instrument group on urban grime crime?
- 12:59:23 5 A. That's correct.
- 6 Q. And the Inter Departmental Group on Urban Crime had identified unemployment as  
7 being one of the key problems in relation to crime and had promoted the  
8 development of industry and other developments in areas of high deprivation?
- 9 A. Yes.
- 12:59:38 10 Q. Of which North Clondalkin was one isn't that right?
- 11 A. Yes.
- 12 Q. And I think that Mr. Lawlor when he reviewed the Programme For Government came  
13 to the view, at 9051. And he sets out here in the second paragraph "there is  
14 particular commitment for the implementation of the Task Force's recommendation  
15 on the building of a town centre at Quarryvale". He deals with the national  
16 sports centre. And he makes reference to the fact about the urban report on  
17 crime isn't that right?
- 18 A. Yes.
- 19 Q. So he had again alerted himself to the arguments that could be made to support  
20 a case that one would have the National Stadium in Neilstown isn't that right?
- 13:00:13 21 A. Correct.
- 22 Q. Now, at 9133 Mr. Dunlop, on the 27th of January 1993. There is the first entry  
23 in your diary for 'big one' isn't that right?
- 24 A. Yes.
- 13:00:34 25 Q. And you have told the Tribunal that this relates to the success fee, isn't that  
26 right?
- 27 A. Yes.
- 28 Q. And do you say that it does not relate then to any question of a profit share  
29 or an agreement in relation to the Stadium?
- 13:00:46 30 A. No, that was separate issue.

- 13:00:48 1 Q. Now, up to this point in time in the documentation Mr. Dunlop, that has been  
2 furnished and that has been examined by the Tribunal, there is no reference to  
3 any agreement between yourself, Mr. O'Callaghan, Mr. Kelly and Mr. Lawlor for a  
4 shareholding in the company that might run or might operate the Stadium isn't  
13:01:06 5 that right?  
6 A. Yes.  
7 Q. It would appear, therefore, that whatever discussions, if any, that might have  
8 taken place prior to January of 1993 were not recorded?  
9 A. Yes.  
13:01:17 10 Q. But do you say that such an agreement had in fact been made?  
11 A. Yes.  
12 Q. By January of 1993?  
13 A. Well I can't say to you the exact date in relation to the shareholding in the  
14 Stadium but certainly there was. And I think -- as I have outlined, I think it  
13:01:38 15 was 25, 25, 25, 25 with the possibility of one of either Mr. Ambrose Kelly or  
16 myself holding Mr. Lawlor's share.  
17 Q. You misunderstand me, Mr. Dunlop. What I am trying to query with you is why if  
18 there was an agreement between the four of you for a sharing of either a  
19 company or the development of the Stadium or the land or any part of it, if  
13:02:04 20 that was in existence prior to the 1st of January '93, why is it not recorded  
21 anywhere?  
22 A. That I can't tell you. Other than to say to you that yes there was an  
23 agreement among us and the opportunity was taken to form a company to take  
24 account of it but I can't say to you why there is no recording of it.  
13:02:29 25 Q. Is it possible, Mr. Dunlop, that what happened is that this in fact did not  
26 occur until the middle of 1998?  
27 A. No.  
28 Q. No?  
29 A. That is not the case.  
13:02:38 30 Q. Okay. Are you saying that then from the beginning of the origin of the Stadium

- 13:02:42 1 as a concept this was this informal unofficial agreement between the four of  
2 you?
- 3 A. There was an agreement between Ambrose Kelly, Liam Lawlor, Owen O'Callaghan and  
4 myself for 25 per cent shareholding on each -- for each person in relation to  
13:02:57 5 the Stadium project, with one or other myself or Ambrose Kelly holding Liam  
6 Lawlor's share, and that I cannot give you a specific date but that was agreed  
7 among us during the course of any -- some of the strategy discussions in  
8 relation to the Stadium project.
- 9 Q. Certainly your first contact with any solicitor in connection with this matter  
10 is in mid 1993, isn't that right?
- 11 A. Yes.
- 12 Q. Right. And I think in fact it's in or around following a meeting with Mr.  
13 O'Callaghan in or around August and September of 1993 that you have a  
14 discussion with Cox's Solicitors about putting matters on a more formal basis?
- 13:03:46 15 A. Correct.
- 16 Q. Right. There is nothing prior to that, Mr. Dunlop, in any of the documentation  
17 isn't that right in relation to any such agreement?
- 18 A. No, there is nothing in the documentation.
- 19 Q. Now, can I ask you, what were you bringing to the table in terms of getting 25  
13:04:00 20 per cent of the Stadium company, okay, what were you bringing, what were you  
21 giving in order to get 25 per cent of the Stadium?
- 22 A. Well I wasn't giving anything in the context. I was a participant with the  
23 other three in the generation of the idea, notwithstanding the fact that I have  
24 already told you that the genesis of the idea, as far as I recollect it from  
13:04:20 25 the outset, came from Mr. Liam Lawlor. And that this was regarded, if it  
26 succeeded, would have been regarded as a very, very successful, desirable  
27 project and that it would could possibly be extremely profitable.
- 28 Q. That in fact didn't happen?
- 29 A. No.
- 13:04:42 30 Q. There never was any formalised arrangement, there never was any formalised

13:04:47 1 agreement. The lands in fact were owned by Merrygrove Estates Limited isn't  
2 that right?

3 A. Yes.

4 Q. But what is curious Mr. Dunlop about this is that if there was such an  
13:04:56 5 agreement between the four of you, why and it happened as you say prior to  
6 1993, why there is nothing documented anywhere by anybody prior to 1993 in  
7 relation to it?

8 A. Well I can't account for that. Other than to tell you quite straight forwardly  
9 what I've said was that while I cannot put a specific date on it, the agreement  
13:05:18 10 emanated from a discussion between the four of us in relation to the ownership  
11 of the Stadium and Mr. O'Callaghan agreed and efforts were made by me in  
12 relation to trying to put the matter on a formal footing.

13 Q. And that doesn't happen until the middle of 1993, isn't that right?

14 A. Correct.

13:05:43 15 Q. So is it possible, Mr. Dunlop, that in fact when you record Mr. O'Callaghan as  
16 talking to you about 'big one', what in fact you are discussing with Mr.  
17 O'Callaghan is this proposed 25 per cent share that you are going to get in the  
18 Stadium company?

19 A. No I don't believe so.

13:05:57 20 Q. Right.

21

22 CHAIRMAN: It's one o'clock.

23

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

13:06:00 25

26 CHAIRMAN: So we are sitting again at two o'clock for other witnesses.

27

28 MS. DILLON: Yes, Sir.

29

13:06:06 30 CHAIRMAN: And we are sitting tomorrow for Mr. Dunlop.

13:06:08 1  
2 MS. DILLON: Two o'clock but there are other witnesses at half ten tomorrow.  
3  
4 MR. BURKE: Mr. Chairman, David Burke for the estate of Tom Hand. The Tribunal  
13:06:17 5 has written to the legal teams which have been granted legal representation,  
6 asking us if we intend to examine Mr. Dunlop and if so long how long.  
7  
8 I would like to address that if I may.  
9  
13:06:31 10 Mr. Chairman, I suppose bearing in mind that the brief has now grown to over  
11 25,000 pages and there are thousands of pages of transcripts, realistically I  
12 feel I would be lucky to be finished within three hours.  
13  
14 CHAIRMAN: All right.  
13:06:43 15  
16 MR. BURKE: Thank you, Chairman.  
17  
18 CHAIRMAN: Well that probably won't arise tomorrow.  
19  
13:06:48 20 MS. DILLON: It won't arise tomorrow but it will arise, I suspect, on  
21 Thursday.  
22  
23 CHAIRMAN: All right.  
24  
13:06:52 25 MS. DILLON: Really it's only because of Mr. Dunlop's limited availability  
26 that the steps have been taken because Mr. Dunlop will only be here for half  
27 days and therefore there isn't any point listing a lot of people to  
28 cross-examine Mr. Dunlop. It means specific slots will have to be given.  
29  
13:07:11 30 MR. REDMOND: Mr. Chairman, may I point out one thing before this turns into a

13:07:15 1 PR battle. Three hours a day on medical advice does not constitute half days.

2

3

MS. DILLON: Agreed.

4

13:07:19 5 CHAIRMAN: All right.

6

7

MR. HUMPHREYS: Just very briefly on behalf of Don Lydon. We were also asked

8

to indicate how long we would take in cross-examination. On the basis of

9

evidence to date, we would say approximately an hour.

13:07:30 10

11

CHAIRMAN: All right.

12

13

MS SMITH: Chairman, on behalf of Councillor Fox. We will take approximately

14

two hours but that is an approximation, Chairman, I should stress.

13:07:44 15

16

MR. KEATING: Chairman, my understanding is that we have been in

17

correspondence with the Tribunal in relation to this. As it stands, we just

18

want to reserve our position. Some evidence has to be given yet by Mr. Dunlop.

19

As I said, we will be in correspondence with the Tribunal in relation to it.

13:08:01 20

21

CHAIRMAN: All right. Thank you. Two o'clock.

22

23

**THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

24

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13:08:27 1  
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14:10:38 30

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

MR. QUINN: Good afternoon, Sir.

Ms. Olivia Mitchell, please.

**MS. OLIVIA MITCHELL HAVING BEEN SWORN, WAS QUESTIONED BY**

**MR. QUINN AS FOLLOWS:**

CHAIRMAN: Good afternoon.

MR. QUINN: Good afternoon, Ms. Mitchell.

A. Good afternoon.

Q. MR. QUINN: I think, Ms. Mitchell, you were a member of the Fine Gael party and you were a member of Dublin County Council from 1985 up to until December 1993 and thereafter I think you continued to be a member of Dun Laoghaire Rathdown County Council and I think that you were Cathaoirleach of Dun Laoghaire/Rathdown in July '95 to July '96?

A. That's correct and I am still a member of the Fine Gael party.

Q. And you are still a member of Dun Laoghaire Rathdown --

A. No, I'm still a member of Fine Gael.

Q. Sorry. At 3049. I think on the 20th of December 1999, the Tribunal wrote to you seeking an a narrative statement in relation to the Quarryvale lands, isn't that correct? And it posed a series of questions to you in the course of that letter which you replied to on the 6th January 2000 and that reply is at 3050.

And I will just deal with your. Sorry, 30351. The first query on the letter was whether or not you had attended any public meetings in connection with the rezoning of Quarryvale. And I think you responded that you had never attend a public meeting in connection with the zoning of Quarryvale. The second

14:10:41 1 question was whether you attended any private meetings with any party or  
2 parties in connection with the rezoning of Quarryvale. And I think you said  
3 that at the request of Mr. Frank Dunlop you met with him and with Mr. Owen  
4 O'Callaghan in the lobby of the Gresham Hotel. At this meeting Mr. O'Callaghan  
14:10:53 5 outlined the nature of his proposal. I cannot recall the date of that meeting.  
6 There was at least one subsequent meeting some months or possibly years later  
7 to update me on the changes of the proposed development.

8  
9 The third question posed was whether you were requested by any party or parties  
14:11:10 10 to provide any assistance in connection with the proposed rezoning at  
11 Quarryvale, and if so whether you provided any such assistance.

12  
13 And I think you said that you "were not requested to provide any assistance in  
14 connection with the proposal and never provided any such assistance".

14:11:27 15  
16 The fourth question was whether you were lobbied in connection with the  
17 rezoning of Quarryvale and if so what manner when and by whom and you say that  
18 "you were lobbied by the proposer of will development and by local residents  
19 and by local organisations. The lobbying was by letter and possibly by phone  
14:11:44 20 calls. I do not recall the dates of these representations".

21 The fifth question was whether you were requested to or did solicit the support  
22 of any other member or members of Dublin County Council for the rezoning of  
23 Quarryvale and you said that you never asked, "you were never asked to solicit  
24 the support of other members of the Council nor did you".

14:12:01 25  
26 Paragraph six. I think you were asked whether you were at any time and for any  
27 purpose in receipt of any payments, donations, benefits including any form of  
28 gifts assistance, service facilities, entertainment or other benefit of a  
29 non-monetary nature from any parties who were involved in the development of  
14:12:17 30 the Quarryvale Shopping Centre or from any persons or companies acting on

14:12:21 1 behalf of the developers. And the developers were identified as being Barkhill  
2 Limited, Riga Limited, O'Callaghan Properties Limited, Owen O'Callaghan and Tom  
3 Gilmartin. And parties acting on their behalf were identified as Mr. Frank  
4 Dunlop, Frank Dunlop & Associates and Shefran Limited.

14:12:38 5  
6 "And you say I received an election donation from Mr. Frank Dunlop during the  
7 1992 and 1997 General Election campaigns. To the best of my recollection the  
8 1992 donation was for 500 pounds and the 1997 one was for 300 or 500 pounds. I  
9 simply cannot remember with any degree of certainty."

14:12:59 10  
11 And I think subsequently on the 5th of February 2003, if I could have 3052,  
12 please. You were again written to by the Tribunal and asked if you had at any  
13 time since the 4th of November 1997, any communications or meetings with  
14 Mr. Frank Dunlop concerning the Tribunal. There were a series of other  
14:13:21 15 questions asked in the course of that correspondence. And at 3054 on the 7th  
16 of February 2003, I think you answered yes to the question posed in No. 1.  
17

18 You say "In relation to the questions at two and three, which were required to  
19 be answered in the event of the first question being answered in the  
14:13:38 20 affirmative. You say that at some point probably in the first three years of  
21 the Tribunal I received a phone call from Mr. Dunlop concerning his own  
22 evidence to the Tribunal. He said that he were he was preparing to give  
23 evidence to the Tribunal and he wanted me to confirm that he was correct in  
24 recalling that the contribution that he made towards my election campaign in  
14:13:54 25 1992 was 200 pounds. I confirmed that to the best of my recollection the  
26 amount was of that order."  
27

28 And item No. 4 in that was did you ever communicate with or have any discussion  
29 with Frank Dunlop concerning the Tribunal and/or its likely duration and/or the  
14:14:10 30 likely extent of the work of the Tribunal. And your response to that was "the

14:14:14 1 above is the only conversation that I had with Mr. Dunlop at which the  
2 proceedings of the Tribunal were discussed".

3  
4 And in July I think of 2004, the 21st 6 July 2004, at 3055 you were written to  
14:14:27 5 and advised that in the course of his evidence in public, Mr. Dunlop would give  
6 evidence regarding the late Tom Hand and an alleged demand for money made of  
7 Mr. Dunlop by Mr. Hand.

8  
9 "Mr. Dunlop will give evidence that he informed you of demands made by Mr. Hand  
14:14:45 10 of monies arising out of his support for the Quarryvale project." And I think  
11 you responded to that query on the 12th of August 2004 at 3056. And you say "I  
12 enclosed as requested a narrative statement based on my best recollections of  
13 my conversations with Mr. Dunlop about alleged demands for money made by Tom  
14 Hand. It may be that my narrative is in fact an amalgam of two occasions when  
14:15:09 15 I heard or overheard these allegations. I have a sense though I cannot, at  
16 this remove, be certain that the allegation or the existence of a bank account  
17 number was something I heard on another occasion."

18  
19 And the enclosed narrative which is at 3057/3058 of the brief is at follows.  
14:15:26 20 And I propose to read this if that's agreeable to you and ask you if you want  
21 to correct it in any way.

22  
23 "I cannot date this conversation precisely, other than to say that it was  
24 definitely after the vote of Quarryvale and before the time when Tom Hand  
14:15:39 25 became very seriously ill. I do recall however, that Tom Hand had had several  
26 attacks in or around this time, which resulted in a lengthy absences from  
27 council meetings.

28  
29 In the course of a social occasion attended by myself, Therese Ridge, Mr.  
14:15:51 30 Frank Dunlop and others whose identities I cannot now recall, my attention was

14:15:56 1 drawn by my colleague Councillor Therese Ridge to a story being recounted by  
2 Frank Dunlop. The substance of the story was that Councillor Hand had come to  
3 him looking for a sum of money which he apparently thought was due to him on  
4 foot of his support for the Quarryvale rezoning. Mr. Dunlop also said that if  
14:16:11 5 he were ever asked he would say that Tom Hand was the only politician who had  
6 ever asked him for money.

7  
8 In telling the story, Frank Dunlop also said that Councillor Tom Hand had just  
9 recently come to his office seeking payment. From this I understood that he  
14:16:28 10 was saying that the request had been made at least twice. Mr. Dunlop also said  
11 that Tom Hand had given him a bank account number based in Australia. I know  
12 Mr. Dunlop and others were aware that Tom Hand had a son living in Australia.  
13 I asked Mr. Dunlop if Tom Hand had ever been promised money by him and he  
14 replied that he had never been promised money. I further asked if Mr. Dunlop  
14:16:49 15 had ever paid him any money and again the answer was no. I said to Mr. Dunlop  
16 that he must never pay him any money.

17  
18 To this Mr. Dunlop replied that he had no intention of doing so and that he had  
19 already told Mr. Hand that if he, Mr. Hand persisted in annoying him that he  
14:17:03 20 would report him to John Bruton, who was then Party Leader. I believe I said  
21 to Mr. Dunlop that that was precisely what he should do and that if anything  
22 like that was likely to be happening, a stop had to be put to it. Although  
23 portraying himself as being irritated by Councillor Hand turning up unannounced  
24 in his office, I did not get the impression that Mr. Dunlop was taking the  
14:17:23 25 matter he alleged very seriously. He indeed he seemed to be relating the story  
26 to entertain rather than to complain or express concern.

27  
28 I cannot remember the sum of money alleged to have been requested by Tom Hand  
29 but I do remember that it was what appeared to me at any rate to be a totally  
14:17:40 30 outlandish sum. In fact the whole story seemed scarcely credible. What was

14:17:43 1 particularly incomprehensible about the claim that Tom Hand apparently asked  
2 for this money, after he had already cast his vote in favour of the Quarryvale  
3 rezoning proposal. Moreover, my memory was that this vote was not a tight vote  
4 and the rezoning was passed by a sizeable majority.

14:17:59 5  
6 I heard nothing further from Mr. Dunlop about the matter. Thereafter  
7 Councillor Tom Hand was increasingly absent from Council meetings due to  
8 serious illness and subsequently he became terminally ill and died in early  
9 1996.

14:18:11 10  
11 I met with Mr. Dunlop on several occasions subsequently right up to the early  
12 days of this Tribunal and on no occasion did he ever claim to have had any  
13 further approaches by Councillor Tom Hand or to his having had a meeting with  
14 John Bruton, TD" and that's dated I think the 11th of August 2004.

14:18:28 15  
16 Now, I have to tell you that Mr. Dunlop takes issue with some of the matters  
17 set out in that statement. He says for example that he has no recollection of  
18 you asking him if he had ever paid any money to Mr. Hand. Could your  
19 recollection in that regard be correct do you think?

14:18:53 20 A. I am absolutely certain that my memory is correct on this matter because at the  
21 time I was absolutely stunned that such an allegation was being made. Now, I  
22 didn't know whether to believe it or whether it was an entertaining story but  
23 at the same time, I was so stunned by it that I said you know why, why did you  
24 promise him money why is he asking for money, I really couldn't understand why.

14:19:16 25 Q. Yes. And on day 772 at page 11 question 65?

26 A. In fact I was quite reassured by the fact that he said you hadn't promised  
27 money and I said did you give him money. When he said no I was reassured by  
28 that. Sorry.

29 Q. Yes. I was just going to show you what Mr. Dunlop had said in evidence in  
14:19:35 30 relation to this matter in relation particularly to the what I have just

14:19:39 1 referred to there concerning your question of him. At question 65 Ms. Dillon  
2 asks Mr. Dunlop:  
3 "Right. She says she also asked if you have you ever paid Mr. Hand any money  
4 and you denied you had paid him any money and his answer was I don't recollect  
14:19:54 5 Ms. Mitchell ever asking me that" you take issue with that. You say that  
6 whilst he may not recollect it, that you did in fact ask him and he denied that  
7 he had ever paid money. That's question 65.  
8 A. Yeah.  
9 Q. Yes.  
14:20:10 10 A. I see that yeah.  
11 Q. Yes.  
12 A. But it's the obvious question that anyone would ask if you were told a story  
13 like that.  
14 Q. Yes. And in your statement I think you also say that he told you that he would  
14:20:26 15 say if asked that Tom Hand was the only politician who had ever asked him for  
16 money. And again at page 12 question 67 that's put to Mr. Dunlop as follows  
17 and she that's referring to you whether you were ever asked you would say that  
18 Tom Hand was the only politician who ever asked for you for money".  
19  
14:20:45 20 And you see that in the end of her second paragraph? Now did you say that and  
21 he says no I don't believe I did. Again, Mr. Dunlop takes issue with you on  
22 that. That's question 67 which is highlighted. It's at the top.  
23 A. Well Mr. Dunlop subsequently did say that he was the only politician who asked  
24 him for money.  
14:21:09 25 Q. Yes. And you say that that corroborates what your recollection was.  
26 A. I am absolutely certain of it because although my memory, the actual sequence  
27 of events I don't really remember but I do remember that because I heard it a  
28 number of times.  
29 Q. Now, we do know that Mr. Frank Dunlop did complain to your colleague Therese  
14:21:23 30 Ridge in relation to the same matter, isn't that right, and he brought it to

- 14:21:25 1 the attention of Mr. Bruton? Mr. Bruton whilst initially had no recollection  
2 of it in recent times has had a recollection of a conversation with Mr. Dunlop  
3 at the Red Cow Inn concerning the same allegation, isn't that correct?
- 4 A. Yes I read that but I have to say I heard Mr. Dunlop speak about it and I heard  
14:21:43 5 him several times speak about it, it wasn't by way of a complaint.
- 6 Q. Yes.
- 7 A. It was ...
- 8 Q. Well certainly when he was speaking to Mr. Bruton it was.
- 9 A. Clearly, yes.
- 14:21:55 10 Q. And I think in fact your advice to him at the time was that he should report  
11 the matter if Mr. Hand persisted in asking him for money?
- 12 A. It wasn't quite like that. What actually happened was he said that he was  
13 going to tell Mr. Bruton and I said yes, you should do that. I agreed with him  
14 rather than advised him.
- 14:22:13 15 Q. He would tell him if Mr. Hand persisted, is that correct?
- 16 A. That's correct, yeah.
- 17 Q. Now, in fact I think the story broke more or less before in public in or around  
18 the 14th of April 2000, isn't that correct, if we could have 23654? There is a  
19 story I think that Dunlop was to tell the Tribunal of a quarter of a million  
14:22:35 20 Fine Gael bribe bid. This is an extract from the Irish Independent of that  
21 day. You probably recall --
- 22 A. I remember it yeah, yeah.
- 23 Q. -- this matter breaking and what transpired subsequently?
- 24 A. I do.
- 14:22:52 25 Q. Now, you would have also seen in the brief a letter to the Tribunal from Frank  
26 Ward Co. solicitors at 23648 dated the 18th of April 2000, which would have  
27 been four days after that story broke. And effectively Mr. Ward is forwarding  
28 to the Tribunal, documentation which had been found in the carpark of Leinster  
29 House. You will have seen this in the brief I'm sure and he says "he then  
14:23:23 30 emerged from the car, when he did he noticed some papers on the ground towards



- 14:23:26 1 the rear of his car. There he saw two pages and his recollection is that these  
2 pages were one and four of the enclosed documentation. Immediately afterwards  
3 he observed pages two and three of the enclosed documentation. One partly  
4 under the rear of his car to the right of the car and the other was closer  
14:23:43 5 towards the steps of Leinster House. The cover page marked questionnaire, he  
6 found at the rear of his car to the right.
- 7 A. Yes I actually did see that in the brief, yeah.
- 8 Q. Now I think the questionnaire that you had received had asked you if you had  
9 any knowledge of any allegations of corruption, isn't that right, and I think  
14:23:59 10 you had --
- 11 A. I can't remember exactly what document it was but I was a bit horrified that it  
12 had been found on the ground.
- 13 Q. Yes. But the document found on the ground I think is at 23649. And it appears  
14 to be a questionnaire which was received by the Tribunal on the 25th of March  
14:24:16 15 '98, and it appears to have been faxed on the 17th of April 2000 to O'Rafferty  
16 Pougley Co. solicitors. And I think Mr. Rafferty is the solicitor for Therese  
17 Ridge, isn't that right?
- 18 A. I don't know.
- 19 Q. And if we go to 23650. I think we see the actual copy of the document which  
14:24:38 20 appears to have been found and it's in a manuscript document at 23650 to 23651  
21 and 23652 and 53 and it's a document which appears to have been faxed on the  
22 ... I think it is the 16th of April 2000. Now, do you recognise the  
23 handwriting on the document other than the handwriting at the bottom of what's  
24 on screen?
- 14:25:09 25 A. It looks like Therese Ridge's writing to me.
- 26 Q. If I go at 23650 it says: "On a social occasion in the courses of a  
27 conversation ..."
- 28 A. Oh, sorry that's my writing that's your writing. Yes.
- 29 Q. And was that a document that you prepared for somebody in or around April 2000?
- 14:25:26 30 A. For the Tribunal.

- 14:25:27 1 Q. For the Tribunal. And can you tell the Tribunal how you came to provide that  
2 document. If we look at 23653 to Ms. Ridge in April 2000.
- 3 A. Actually I assumed that the Tribunal provided it to her.
- 4 Q. Yes. It didn't.
- 14:25:48 5 A. Are you sure?
- 6 Q. This is the document which was found in the carpark in April 2000, and which  
7 was forwarded in April 2000 to the Tribunal.
- 8 A. I don't think I provided it to be honest. I assumed it was the Tribunal.
- 9 Q. You can't say how Ms. Ridge in April 2000, could have been telling the Tribunal  
14:26:17 10 or could have been recording on this document that she agreed with what you had  
11 written as being your recollection of the events with Mr. Frank Dunlop  
12 concerning the alleged payments to Mr. Hand?
- 13 A. No, to be honest, I can't.
- 14 Q. The request made of you by the Tribunal in relation to the Tom Hand incident --  
14:26:39 15 matter was in 2004, isn't that right?
- 16 A. Yes.
- 17 Q. And it was on foot of that request in 2004, that you provided the document  
18 which I read a moment ago at 3057, which is dated I think April -- sorry dated  
19 August 2004.
- 14:26:59 20
- 21 You see the statement in relation to Tom Hand or the allegation concerning Tom  
22 Hand was sought of you on the 21st of July 2004, by the Tribunal and we see  
23 that at 3055. And it was on foot of that request of the 21st of July 2004,  
24 that you provided the statement of the 11th of August 2004. And what I am  
14:27:20 25 going to suggest to you is that back in 2000 you were providing a statement  
26 which was or providing information which was being seen by Ms. Ridge?
- 27 A. Sorry, I don't follow. Is that a question? I don't understand the question.
- 28 Q. Well it's very difficult to understand quite frankly. In 2000 the story breaks  
29 concerning the allegation concerning Tom Hand.
- 14:27:47 30 A. Yeah.

- 14:27:47 1 Q. And in 2000, April 2000 a document is forwarded to the Tribunal which contains  
2 a manuscript narrative of what your recollection was concerning that possible  
3 complaint to you by Mr. Dunlop at that time.
- 4 A. Yeah.
- 14:28:03 5 Q. And that narrative which was found in the carpark of Leinster House also  
6 contains a manuscript narrative or account of Ms. Ridge?
- 7 A. Yeah. Was that around the same time sorry.
- 8 Q. On the same document. And both documents had to have been in existence by the  
9 18th of April 2000. And the only issue in April 2000 concerning this matter  
10 was what was being publicised in the newspapers at that time and I put on  
11 screen on the 14th of April 2000, at 23654 what was actually in the newspapers  
12 at the time four days earlier, do you see that?
- 13 A. Yeah.
- 14 Q. So since the Tribunal were not to ask you for another four years for your  
15 recollection of events concerning the allegation to you by Mr. Dunlop about  
16 Mr. Hand can you tell the Tribunal how you came to prepare that statement in  
17 April 2000?
- 18 A. Oh, sorry, are you telling me that that document wasn't for the Tribunal?
- 19 Q. Well I don't know. All I can tell you is that it came into the possession of  
14:29:13 20 the Tribunal in April 2000 because it was found in the carpark of Leinster  
21 House?
- 22 A. Oh, sorry. I assumed ...
- 23 Q. And it was another four years before the Tribunal were to ask you for a  
24 statement, a statement which is more or less along the lines of what's  
14:29:26 25 contained in that document?
- 26 A. Okay. The only other possibility that I can think of is was that I prepared it  
27 for Fine Gael.
- 28 Q. And Ms. Ridge had an opportunity I go suggest to you, to read it at that time  
29 and to prepare her statement and to comment on your statement at that time  
14:29:41 30 isn't that right? Because that's obvious if we look at 23653.

14:29:46 1 A. Yeah. Well ... it seems so.

2 Q. Yes.

3 A. But to be honest I, that comes as a bit of a surprise to me now because I

4 assumed that was a Tribunal thing.

14:29:56 5 Q. It comes to a surprise to you that the Tribunal have it or that Ms. Ridge would

6 have had it?

7 A. I assumed that it was a document that was leaked from the Tribunal.

8 Q. No it wasn't a document leaked by the Tribunal?

9 A. No sorry not leaked by the Tribunal but sent by the Tribunal to somebody and

14:30:13 10 circulated with documents and was lost. That was my assumption. But the only

11 other -- I assumed that it was something that I had sent to the Tribunal but

12 obviously not if the timing is wrong. So it must have been for Fine Gael is

13 the only other explanation.

14 Q. And the significance I suggest to you is that Ms. Ridge had an opportunity to

14:30:29 15 see what you were going so say on that issue and she agreed with it subject to

16 some clarification as we see there, isn't that right?

17 A. Well I think the only way she'd have seen it is if it was shown to her by Fine

18 Gael.

19 Q. Yes. Could it have been faxed to her by you rather than by Fine Gael?

14:30:49 20 A. It's possible but I have no memory of doing that. But I am sure that Fine Gael

21 would want to have known if we both were saying the same thing or would have

22 compared them. But to be honest, I am guessing, I don't know.

23 Q. Now, Ms. Ridge has had -- could I have could I have 3543 on the 24th of June

24 2004, she has advised the Tribunal of her recollection of those events and she

14:31:20 25 says it was with respect to your specific queries "my client instructs me as

26 follows. Frank Dunlop did tell my client that Tom Hand had demanded 250,000

27 pounds. To the best of my client's recollection Frank Dunlop told the story

28 and my client thought he was joking. He told it on at least one or possibly

29 two other occasions in the presence of my client. Having heard the story on

14:31:42 30 possibly two further occasions, my client then told Frank Dunlop to speak to

14:31:45 1 the Gardai and/or the then party leader of Fine Gael in respect of the matter.  
2 To the best of my client's recollection, Councillor Olivia Mitchell was with my  
3 client on at least one occasion when Frank Dunlop raised the matter. After the  
4 matters with raised with the Tribunal by Frank Dunlop, John Bruton contacted my  
14:32:06 5 client and asked to meet with her and Olivia Mitchell."  
6  
7 Did you meet with John Bruton and Ms. Therese Ridge in relation to the matter  
8 after it became public?  
9 A. Yeah, that's right.  
14:32:17 10 Q. And --  
11 A. There was a meeting at which counsel was present actually I think.  
12 Q. And was that document that I showed you a moment ago prepared in advance of  
13 that meeting?  
14 A. I think maybe after it.  
14:32:29 15 Q. Yes. Set out your recollection of what had transpired between Mr. Dunlop and  
16 yourself concerning the Tom Hand affair as I will refer to it.  
17 A. To be honest with you now, I'm guessing because I just don't remember if I  
18 actually wrote down or just told him what happened but it may be that I wrote  
19 it down.  
14:32:51 20 Q. In any event, I think Mr. Bruton now has a recollection of having heard a  
21 complaint from Mr. Dunlop, isn't that correct?  
22 A. So I hear, yes.  
23 Q. He doesn't allege that you were at that meeting in the Red Cow Hotel but such a  
24 meeting now appears to have taken place, isn't that correct?  
14:33:08 25 A. It appears so, yeah.  
26 Q. And you knew that Mr. Dunlop was making an allegation way back in 1992 or '93  
27 that Mr. Hand was demanding what you describe as an incredible amount of money  
28 for his support for Quarryvale, isn't that correct?  
29 A. Well yeah, in retrospect it was an allegation I suppose but at the time it just  
14:33:31 30 seemed like a story.

- 14:33:32 1 Q. I think you described it as an outlandish sum you don't refer to it as 250,000  
2 pounds but you say that it was an outlandish sum, isn't that right?
- 3 A. It was so big that it was almost incredible.
- 4 Q. And there was a Garda inquiry I think so in 1993. You didn't and you would  
14:33:48 5 have been asked I presume to co-operate with that inquiry as a Councillor at  
6 that time, you didn't advise that inquiry that Mr. Dunlop had perhaps evidence  
7 that could be of assistance to that inquiry?
- 8 A. I don't recall the timing but no, certainly not, I never did but then I never  
9 took it seriously really.
- 14:34:13 10 Q. You never discussed it with the leader of the party in '92 or '93 when you  
11 heard Mr. Dunlop make the complaint to you initially?
- 12 A. I didn't even know the leader of the party. I'd never met him at that stage.
- 13 Q. You never discussed it with it with it anyone within the party other than  
14 Councillor Ridge?
- 14:34:32 15 A. Oh, I think that wouldn't be true. I think most people had heard that story  
16 certainly a lot of people had heard the story but I mean people didn't take it  
17 seriously. They thought you know that it was old, he was on medication, he  
18 wasn't well. It was just an incredible story.
- 19 Q. Did you ever raise with Councillor Hand that this story was circulating about  
14:34:53 20 him?
- 21 A. No, I wasn't close to Councillor Hand.
- 22 Q. You were in the same ward were you or?
- 23 A. No, adjoining wards, same constituency though.
- 24 Q. Now I think if be we just look at your voting record in relation to the  
14:35:05 25 Quarryvale position. At 16747, I think there is a document prepared by the  
26 Tribunal but approved by you I think which sets out a summary of your  
27 involvement with the Quarryvale lands, isn't that right?
- 28 A. Yeah.
- 29 Q. And would it be fair to say that it was supportive of the development and  
14:35:25 30 transfer of the site to Quarryvale, isn't that right?

- 14:35:27 1 A. Definitely yes.
- 2 Q. Both in 1991 and again in 1992?
- 3 A. Definitely.
- 4 Q. And I think you have told the Tribunal that you were lobbied by Mr. Dunlop and
- 14:35:36 5 by Mr. O'Callaghan in relation to the matter, isn't that right?
- 6 A. That's correct, yeah.
- 7 Q. And if we look at 6989, this is a document discovered to the Tribunal which
- 8 appears to suggest that there had been a meeting scheduled for the Gresham
- 9 Hotel with you at 12 noon on the 25th of March 1992. But I think there is a
- 14:35:58 10 further meeting record in Mr. Dunlop's diary at 7352 for the 4th of June 1992.
- 11 Could you have met with Mr. Dunlop and/or Mr. O'Callaghan on both the 25th of
- 12 March and/or the 4th of June '92?
- 13 A. I don't know about the second one but the first one definitely. I remember the
- 14 first time I met them was in the Gresham Hotel. That one I can confirm.
- 14:36:25 15 Q. That second meeting appears to also have been scheduled for the Gresham if we
- 16 see to the right of your name on the 4th the word "Gresham" appears.
- 17 A. It could have happened but I just don't know.
- 18 Q. The vote the first vote I think had taken place on the 16th of May 1991, isn't
- 19 that correct? That was what was for the draft development plan and you voted
- 14:36:51 20 in support of that?
- 21 A. Probably, yeah.
- 22 Q. And there is a contact report prepared by Mr. Dunlop which shows councillors
- 23 who had been contacted by the 17th of June '92, at 7457. And at 7459, it
- 24 appears that it has been recorded that you had been contacted by Mr.
- 14:37:10 25 O'Callaghan and Mr. Dunlop. So would it be fair to say that there was at least
- 26 one and possibly two contacts between Mr. Dunlop and Mr. O'Callaghan by you on
- 27 the 17th of June 92?
- 28 A. I'm sure that's the case because I certainly --
- 29 Q. Would it be fair to say that by the 17th of June '92, you had a decision or
- 14:37:29 30 view taken on how you might vote in relation to the Quarryvale rezoning?

- 14:37:35 1 A. Well I can't be sure of the dates but I know fairly early on I decided that I  
2 was supportive of it, that it was the right thing to do. I went out to visit  
3 the site and I think anyone that visited decided that it was the right thing to  
4 do. But to be honest, the dates I just don't know.
- 14:37:53 5 Q. Yes. Now I think if we look at 8383. On the 5th of November 1992. I think  
6 there was a General Election called, isn't that right? And I think you were a  
7 candidate in that election?
- 8 A. I was.
- 9 Q. Now on the 6th there appears to have been a meeting or arranged or which was to  
14:38:11 10 take place at 5 p.m. "with TR/me" which I think was Mr. Dunlop "OM" which I  
11 suggest was you and Owen O'Callaghan do you see that?
- 12 A. No.
- 13 Q. It's actually quite difficult. Perhaps it could be highlighted.
- 14 A. Sorry, this is in the middle of the election campaign is it.
- 14:38:33 15 Q. This would have been on the 6th. Now, it would appear that that meeting had  
16 been scheduled to take place but appears to have been cancelled and may in fact  
17 have been cancelled because of the fact that the election had been called the  
18 previous day the on the 5th, the fact that it's taken out?
- 19 A. I have no memory of it but ...
- 14:38:50 20 Q. I think on the 10th of November 1992, at 8431 there was a meeting between  
21 yourself and Mr. Dunlop in Ashtons in Clonskeagh at 5:30, you see that entry in  
22 Mr. Dunlop's diary?
- 23 A. That's right. That happened.
- 24 Q. Can you tell the Tribunal the circumstances under which that meeting came  
14:39:07 25 about?
- 26 A. Uh-huh. Well I have read Mr. Dunlop's evidence and it's not that different  
27 from what I have to say but it is I think different in emphasis. I, during the  
28 course of the election campaign I had a phone call one morning from Therese  
29 Ridge, who was also a candidate. We discussed the election and she mentioned  
14:39:28 30 that Frank Dunlop had said to her that he would like to make a contribution



14:39:31 1 towards my election campaign and I said great. And she said that she had told  
2 him to ring me directly, which he did. Now, I don't know if it was the same  
3 day or later but he said that he would like to make a contribution towards my  
4 election expenses and I said that's great thanks very much I'll see you after  
14:39:50 5 the election and he said that I'd like to give it to me now. And it didn't  
6 really suit me because I was canvassing but I said that I could meet him  
7 between the afternoon and evening canvass for a few minutes and we made an  
8 arrangement for whatever, I don't know if it was that date or the next day or  
9 several days later but I did meet him for about very short meeting, 20 minutes.  
14:40:10 10 I see that Mr. Dunlop in his evidence mentioned that he may have mentioned  
11 Quarryvale but I can absolutely assure you Quarryvale was not mentioned. It  
12 was the furthest thing from my mind at the time.

13 Q. We know that Mr. Dunlop in evidence has said that he was asked by Ms. Ridge to  
14 make the donation to you?

14:40:29 15 A. Yes, I saw that.

16 Q. Yes. You said that Ms. Ridge when she spoke with you advised you that Mr.  
17 Dunlop had told her, in other words, the initiative had come from Mr. Dunlop?

18 A. Yeah.

19 Q. To her rather than from her to him?

14:40:42 20 A. Absolutely. Absolutely.

21 Q. And can I ask you, did you ask Ms. Ridge if she was receiving a donation from  
22 Mr. Dunlop?

23 A. I think she told me she had.

24 Q. Did she tell you how much?

14:41:05 25 A. I think she may have but I have forgotten.

26 Q. Can I ask you when you met Mr. With Mr. Dunlop, I think his evidence was that  
27 he gave a you a sum of 500 pounds in cash, is that correct?

28 A. That's his evidence. Now I think I've said before I can't remember how much  
29 he -- the first time he telephoned me as I mentioned he said 200. He said that  
14:41:14 30 he had given me 200 and I wanted to confirm it was 200. I had thought that it

- 14:41:19 1 was 300. But he had said I'm quite happy it's 200.
- 2 Q. In any event?
- 3 A. I can't remember.
- 4 Q. Whatever he gave you he gave it to you in cash?
- 14:41:27 5 A. He did absolutely, yes.
- 6 Q. He could have sent you a cheque presumably?
- 7 A. He could have but for some reason he wanted to me meet me or maybe that's why.
- 8 Q. And your meeting I think you said lasted a half hour?
- 9 A. Not even that. It was -- he seemed in a hurry I thought maybe he had another
- 14:41:42 10 appointment or something and I was in a hurry anyway.
- 11 Q. By the 10th of November 1992, Mr. Dunlop would have been clearly associated
- 12 with the Fianna Fail party, isn't that right?
- 13 A. I'm not sure that -- I know that he worked for a Fine Gael Minister and he
- 14 worked for Fianna Fail but he was now a businessman as far as I was concerned.
- 14:42:10 15 Q. He had he has given evidence that I think was by the 17th of November he had
- 16 been called to party headquarters to run the election campaign on behalf of
- 17 Fianna Fail?
- 18 A. Yeah.
- 19 Q. Did you ask him if he was giving money to any other councillors?
- 14:42:24 20 A. Oh, I certainly did not.
- 21 Q. Or any other politicians?
- 22 A. No.
- 23 Q. Why do you think he had selected you for?
- 24 A. I assumed he was -- I assumed that he was giving contributions to people who he
- 14:42:34 25 thought might be elected I suppose.
- 26 Q. The one thing yourself and Therese Ridge had in common was that you were both
- 27 councillors, isn't that right?
- 28 A. Yes.
- 29 Q. Did you understand him to be supporting other councillors?
- 14:42:47 30 A. To be honest, now I know he did but I'm not sure what I thought at the time, if

- 14:42:53 1 I thought about it at all.
- 2 Q. Would you have issued him with a receipt for the monies that he gave you?
- 3 A. No.
- 4 Q. Now, I think there was -- on the 7th of -- sorry on the 8th of December 1992.
- 14:43:09 5 At 8709 please. There was a dinner at 7:30 attended by Therese, Olivia, Mary
- 6 Ann, Owen O C in the Cox, Ardee, do you see that reference?
- 7 A. I do 7:30.
- 8 Q. There is in Mr. Dunlop's diaries reference from time to time to an institution
- 9 known as the four by two club. Were you a member of that club?
- 14:43:34 10 A. Well I've read about it but at the time I certainly was not aware of it, let me
- 11 put it that way.
- 12 Q. Would it be fair to say that yourself, Mr. O'Callaghan, another female Fine
- 13 Gael councillors and sometimes Mr. Liam Cosgrave Fine Gael Councillor met and
- 14 had dinner?
- 14:43:51 15 A. A couple, I suppose it would be true to say that we met Frank Dunlop over quite
- 16 a number of years maybe twice a year. Mr. O'Callaghan maybe twice or three
- 17 times over the course of the Development Plan that he was present when he was
- 18 in Dublin. He didn't live in Dublin I think.
- 19 Q. I think how did you, Mr. O'Callaghan, Mr. Dunlop and the other councillors come
- 14:44:16 20 to have dinner with Mr. O'Callaghan on the 8th of December 1992?
- 21 A. Well I have absolutely no memory of it I have to say. But Therese was friendly
- 22 with, was a good friend of Frank Dunlop's at the time and I mean prior to the
- 23 Development Plan was a good friend.
- 24 Q. Yes.
- 14:44:33 25 A. And I was a friend of Therese's, that's how I was ...
- 26 Q. Just to put this in context. I think that Mr. O'Callaghan had on the, was on
- 27 the very next day at 1125 about to lodge a motion which would be very important
- 28 from the point of view of the development of the Quarryvale site, isn't that
- 29 right? The very next day?
- 14:44:56 30 A. Yeah.

- 14:44:57 1 Q. A motion which I think was being supported by your colleague Therese Ridge,  
2 isn't that correct?
- 3 A. Yes, Therese was it was in Therese's area she was very supportive of it.
- 4 Q. She was the Fine Gael signatory to that motion, isn't that right?
- 14:45:09 5 A. That's right.
- 6 Q. And we know from evidence given to the Tribunal that Mr. John Fitzgerald who  
7 was the county manager had met with Mr. O'Callaghan on the 1st of December 1992  
8 and again on the 7th or 8th of December 1992. You may or may not be aware of  
9 that?
- 14:45:26 10 A. No.
- 11 Q. And I would suggest to you that at that meeting on the 8th of December 1992  
12 that the thing more uppermost in Mr. O'Callaghan Mr. Dunlop's mind was the  
13 upcoming vote on their site in Quarryvale?
- 14 A. Probably, possibly.
- 14:45:52 15 Q. Uh-huh.
- 16 A. It wasn't in mine, however.
- 17 Q. And it's highly unlikely that that meeting or dinner would have taken place  
18 without there having been some discussion concerning the rezoning of  
19 Quarryvale?
- 14:46:00 20 A. Probably.
- 21 Q. And it's probable also I suggest that the discussion also dealt with Mr.  
22 O'Callaghan's visits to the County Manager on the 1st and 8th and the manager's  
23 approach to the rezoning of Quarryvale, isn't that right?
- 24 A. Sorry?
- 14:46:18 25 Q. That the meeting would have discussed Mr. O'Callaghan's meeting with  
26 Mr. Fitzgerald, county manager and the manager and officials approach to the  
27 rezoning of Quarryvale?
- 28 A. I am really sorry but you are asking me questions about a dinner I have no  
29 memory of. So I certainly don't remember the discussion. It is probable but  
14:46:39 30 on the other hand I just don't know is the answer.

- 14:46:43 1 Q. Yes.
- 2 A. I just don't remember this occasion at all.
- 3 Q. This would have been a fairly intimate affair at 7:30 in the evening in the Cox
- 4 Ardee between yourself, Mr. Dunlop, Mr. O'Callaghan and the other two or three
- 14:46:56 5 Fine Gael councillors?
- 6 A. Yeah, my worry is I don't ever remember being in the Cox Ardee ever with
- 7 anybody.
- 8 Q. But you do accept that you would have attended dinners and --
- 9 A. Absolutely. Yes.
- 14:47:07 10 Q. For example on the 8th of December if we could have 8709 please. That's the
- 11 meeting in question, isn't that right? And we had seen earlier on the 6th of
- 12 November, a cancelled meeting or cancelled proposed meeting with Mr.
- 13 O'Callaghan, yourself and others, isn't that correct? On the 24th of March '93
- 14 at 9357.
- 14:47:32 15 A. Yeah is this the same?
- 16 Q. That's the one I was dealing with.
- 17 A. Oh, sorry yeah.
- 18 Q. Now this is one for the 24th of March. Do you see there dinner at 8 o'clock
- 19 for TR, OM, me, AD and OOC, do you see that top right hand corner, last entry
- 14:47:52 20 or second last entry? If it could be highlighted please?
- 21 A. Oh, I do, I do, I see it, yeah.
- 22 Q. It says yet another meeting between yourself and Mr. Dunlop, Mr. O'Callaghan
- 23 and Ms. Ridge and I presume Ms. Devitt, who was also I think a Fine Gael
- 24 Councillor, is that correct?
- 14:48:11 25 A. Yep.
- 26 Q. On the 24th that's the 24th of March. On the 28th of July '93 at 9916. Do you
- 27 see dinner TR, AD, me, OM and OOC?
- 28 A. In July ... yes I actually.
- 29 Q. The ME could very well have been Mary Elliott rather than ...?
- 14:48:44 30 A. Yes I remember that because I remember Owen O'Callaghan wasn't at it, it was

- 14:48:48 1 myself and Mary Elliott and --
- 2 Q. But presumably it was intended that he might with be at it, isn't that right,
- 3 because he is recorded in Mr. Dunlop's diary as being in attendance?
- 4 A. Oh, yes, yeah.
- 14:49:04 5 Q. On the 2nd of December '93, there is at 10442, there is a reference to a dinner
- 6 or a meeting or a dinner lunch of the Two by Four Club, do you see that?
- 7 Mr. Dunlop when asked about the Two by Four Club responded through his
- 8 solicitors as follows on the 6th of November 2002 at 22047. He says "to the
- 9 best of Mr. Dunlop's recollection and belief the phrase four by two club refers
- 10 to a grouping of individuals including Ms. Olivia Mitchell, Ms. Therese Ridge,
- 11 Liam Cosgrave esquire and Ms. Anne Devitt. I believe you will recall that this
- 12 particular club was the subject matter of an amount of discussion during the
- 13 private meetings held in mid 2000."
- 14 A. Uh-huh.
- 14:49:53 15 Q. Did you know that you were a member of that club?
- 16 A. No I didn't but I see that there are a number of groupings of individuals. No
- 17 certainly I never heard the expression until the Tribunal.
- 18 Q. Yes. For example on the 21st of January '94, at 10669 there is lunch with
- 19 Therese Ridge, OM and TH, would that TH be Mr. Hand that we referred to a
- 14:50:22 20 moment ago?
- 21 A. I certainly don't recall that.
- 22 Q. Do you ever recall having lunch with Ms. Ridge and Mr. Hand and Mr. Dunlop?
- 23 A. No.
- 24 Q. If you did, it would have post dated Mr. Dunlop's complaints to you concerning
- 14:50:41 25 Mr. Hand, isn't that right?
- 26 A. Yeah, I don't think I ever had lunch with Mr. Hand.
- 27 Q. Yes.
- 28 A. But ...
- 29 Q. On the 26th of April '95. 11724. You see reference there "four by two club on
- 14:50:59 30 the 26th, The Commons".

14:51:08 1 A. Where's that?

2 Q. It should be highlighted on your screen for the 26th?

3 A. I am just wondering where The Common's is. Oh, yes I don't know about that. I

4 have no memory of it. It could have happened. I could have been there.

14:51:30 5 Somebody else may have been there I just don't know.

6 Q. 13025, 24th of October '97.

7 A. 97?

8 Q. Yes.

9 A. Yes.

14:51:40 10 Q. Therese/Olivia at Patrick Guilbaud's 12:30. Do you recall meeting Mr. Dunlop

11 in October '97 for lunch or dinner in the company of Therese Ridge?

12 A. I remember several dinners one of them was in The Kingston or Kingswood House I

13 remember meeting them in I think maybe in La Stampa but I just don't remember

14 these at all.

14:52:12 15 Q. The 8th of May '98. 13150.

16 A. 98?

17 Q. Yes. You see 1:30 TR/LC/OM plus others. Maybe the Mornington restaurant?

18 A. Sorry?

19 Q. Perhaps again if it could be highlighted?

14:52:41 20 A. May '98. I just have no memory of that but I'm just not sure why, why he would

21 have been meeting me in '98, I mean the Tribunal had started at that stage.

22 Q. Yes. What about the 5th of January '99? 13395. That's the 15th. Perhaps it

23 could be highlighted. You see 1 o'clock, is it Trumans, Olivia, Liam and

24 Therese?

14:53:29 25 A. What month is that?

26 Q. That's 15th of January 1999.

27 A. Yeah, I actually do recall that. It was a sort of a post Christmas lunch. We

28 were supposed to meet for Christmas and we didn't and I think I was only there

29 for about ten minutes because I was on duty in the Dail after or there was

14:53:52 30 something that I had to rush away for, I can't remember what it was but I do

- 14:53:56 1 remember actually that, yeah.
- 2 Q. 13670 the 8th of October '99. Do you see 12:45 lunch TR/OM/LC?
- 3 A. When was that sorry?
- 4 Q. Sorry that's the 8th of October 1999?
- 14:54:20 5 A. Uh-huh yeah well we did meet certainly twice a year for dinner for lunch for a  
6 long time.
- 7 Q. Now, it is the case I think that Mr. Dunlop when he came to give evidence  
8 advised the Tribunal initially that amongst the people he had given political  
9 contributions to in the period 1st of September '91 to 1st of September '93 at  
10 1694 included yourself, isn't that right?
- 11 A. Yeah.
- 12 Q. When he, in the course of evidence to the Tribunal I think he says that you  
13 were one of the people he lobbied in relation to the Quarryvale project and he  
14 said that on the 11th of April 2000, and we see that at 13761 and you agreed  
15 that you were so lobbied, isn't that right?
- 14:55:06 16 A. I did indeed.
- 17 Q. And you were lobbied by Mr. O'Callaghan, isn't that right?
- 18 A. Yeah.
- 19 Q. He also said that you were one of the people that he told about Mr. Hand's  
20 demands for money and again you agree with that, isn't that correct?
- 14:55:17 21 A. I was certainly there when he was telling that story, yeah.
- 22 Q. And at 13777 I think he had identified a list of people whom he said requested  
23 legitimate political donations from him. You will see that, this is evidence  
24 that he gave on the 18th of April 2000?
- 14:55:37 25 A. All right.
- 26 Q. And if we look at 13778. 13779. And at 13780 No. 12 on that list is you. Did  
27 you ever request legitimate political donations from Mr. Dunlop?
- 28 A. Never!
- 29 Q. He also said?
- 14:55:58 30 A. Never.



- 14:55:58 1 Q. On the 9th of May 2000, at 13844 that you were one of the people that he paid  
2 out of the withdrawals from the Rathfarnham account in 1992. And he identifies  
3 you at 13845 as having received 500 pounds in cash. You were No. 21 on that  
4 list.
- 14:56:30 5 A. Sorry?
- 6 Q. You are No. 21.
- 7 A. Yeah.
- 8 Q. On the list of people that he paid out of the Rathfarnham account. It would  
9 appear you may or may not have been following the evidence of Mr. Dunlop but it  
10 would appear that he paid 70,000 pounds from Mr. O'Callaghan which was  
11 transferred to his account. He withdrew 55,000 pounds in cash and he made a  
12 number of disbursements out of that --
- 13 A. Uh-huh.
- 14 Q. -- including the 500 pounds which I think you both agree you received from him  
14:56:57 15 in Ashtons, isn't that right?
- 16 A. Well I don't agree that it was 500 because I can't remember but I thought it  
17 was more 200 or 300.
- 18 Q. All right.
- 19 A. And Mr. Dunlop told me himself it was 200, much more recently.
- 14:57:12 20 Q. When do you say he told you it was 200, was that since the Tribunal, since he  
21 began to give evidence to the Tribunal or more recently?
- 22 A. When he -- the time he phoned me.
- 23 Q. That was in advance of --
- 24 A. He was making a written submission.
- 14:57:29 25 Q. That would have been back prior to April 2000?
- 26 A. That's right, yeah. But I just don't remember it but I think I would remember  
27 500 because that would have been a huge sum that the time and it would have  
28 been certainly infinitely more than any other contribution I would have got at  
29 the time.
- 14:57:48 30 Q. If I could have 1125 please. This is the text of a motion --

- 14:57:51 1 A. However, I just don't know so I can't say it's wrong.
- 2 Q. This is the text of a motion which was lodged on the day following that dinner
- 3 that you had with Mr. O'Callaghan and Mr. Dunlop and others on the 8th of
- 4 December 1992. And I think it was a motion subject to amendment that you
- 14:58:05 5 supported, isn't that right?
- 6 A. If it was in for Quarryvale I did, yes.
- 7 Q. Yes. And I think that the motion was subsequently amended to limit or cap the
- 8 development in Quarryvale to 250,000 square feet, isn't that right?
- 9 A. Yeah.
- 14:58:21 10 Q. Do you recall lobbying or suggesting to Mr. Dunlop and/or Mr. O'Callaghan or
- 11 indeed any of the signatories to that motion that the development should be
- 12 capped at 250,000 square feet?
- 13 A. Well I can absolutely categorically say I never gave any advice on that because
- 14 I knew nothing about it. All I knew was I felt something should go on that
- 14:58:41 15 site and after that, I just listened to the debate and whatever my colleagues
- 16 in the area were in favour of, I supported. I certainly wasn't involved in any
- 17 negotiations or anything like that. I just didn't know enough about it to be
- 18 involved.
- 19 Q. Yes. For example on the 9th of May 2000, at 13856 again in evidence Mr. Dunlop
- 14:59:01 20 provided a list of people that he identified as having advised him that the cap
- 21 on Quarryvale should be reduced to 250,000 square feet and at 13857 you are
- 22 include in the that list.
- 23 A. Yeah I read that but I mean it's absolutely ludicrous that I would have had any
- 24 expertise on the matter of how many square feet or anything else that there
- 14:59:24 25 should be in that kind of a development at that stage. It wasn't in my area,
- 26 you know, it was not on my radar. It wasn't in my constituency.
- 27 Q. Did you ever discuss the matter with Therese Ridge?
- 28 A. Often, uh-huh.
- 29 Q. Now, I think that you had occasion I think to instruct your solicitors to
- 14:59:48 30 threaten proceedings against Councillor Burton, isn't that right?

- 14:59:53 1 A. Me?
- 2 Q. On the 24th of February 1993 at 22450. Did your solicitors write on your  
3 behalf seeking an apology in terms to be agreed in relation to what Councillor  
4 Burton had to say concerning the rezonings which had followed the General  
15:00:15 5 Election in 1992?
- 6 A. As --
- 7 Q. This is a letter from Gallagher Shatter solicitors on 24th February '93 to Joan  
8 Burton, TD. "We have been instructed by Councillor Mitchell who is a Fine Gael  
9 member of Dublin County Council. She has instructed us to write to you with  
15:00:37 10 regard to a report contained in the edition of the Irish Independent dated 22nd  
11 of February 1993, entitled "rezone bribes bid no surprise". The first second  
12 fourth 7th and 8th paragraph of the article contains the following words,  
13 Junior Minister Joan Burton has claimed that Dublin County Councillors are  
14 constantly pressurised by property developers to vote in favour of land  
15:00:58 15 rezoning". Do you recall instructing your solicitors?
- 16 A. No.
- 17 Q. In relation to that?
- 18 A. This is a complete surprise to me. No, I have no memory of this whatsoever and  
19 I certainly never instigated it.
- 15:01:13 20 Q. On the 9th of March for example at 22472. Gallagher Shatters wrote to  
21 solicitors who were representing Ms. Burton on behalf of a number of clients  
22 including --
- 23 A. Oh, there was a whole lot of clients.
- 24 Q. Yes. I think you took umbrage at what Ms. Burton had to say concerning?
- 15:01:38 25 A. Me personally or everybody or Fine Gael you mean?
- 26 Q. Well it would appear from that, that certainly you personally took umbrage, as  
27 did others.
- 28 A. I think Fine Gael were annoyed because certain good people had lost their seats  
29 in that election and they certainly weren't what they would call corrupt  
15:01:57 30 people, they were good people.

- 15:01:59 1 Q. Yes.
- 2 A. I think Fine Gael was annoyed by sweeping remarks made by Councillor Burton at
- 3 the time but I personally had no particular. I certainly didn't instigate
- 4 anything personally. It may be that as a party they did, obviously we did as a
- 15:02:15 5 party but I just don't remember it.
- 6 Q. Thank you very much?
- 7 A. I mean, the letter may have been written but I don't ... I don't recall it.
- 8
- 9 CHAIRMAN: Thank you very much
- 15:02:28 10 A. Is that it?
- 11
- 12 CHAIRMAN: Thank you very much
- 13 A. Thank you. Thank you.
- 14
- 15:02:32 15 **THE WITNESS THEN WITHDREW.**
- 16
- 17 MR. QUINN: Mr. Michael McLoone, please.
- 18
- 19 **MR. MICHAEL McLOONE, PREVIOUSLY SWORN, WAS QUESTIONED**
- 15:02:37 20 **BY MR. QUINN AS FOLLOWS:**
- 21
- 22 Q. MR. QUINN: Thank you, Mr. McLoone, you are already sworn in. Good afternoon.
- 23 A. Good afternoon.
- 24
- 15:02:57 25 CHAIRMAN: Good afternoon, Mr. McLoone
- 26 Q. MR. QUINN: Mr. McLoone, you have already given evidence on a number of
- 27 occasions to the Tribunal, isn't that correct? And I think that you gave
- 28 evidence on day 485 which is the 12th of May 2004. 486, the 13th of May and
- 29 487 the 14th of May and again day 502 and 503 the 1st and 2nd of July 2004?
- 15:03:18 30 A. Yes, that's correct.

- 15:03:18 1 Q. And I think at that time your statement which is to be found at pages 25531 to  
2 25545 had been circulated and was contained in the Quarryvale I brief at 923 to  
3 937, isn't that correct?
- 4 A. Yes.
- 15:03:36 5 Q. And I think just to recap very briefly, I think that you had been the chief  
6 valuer with Dublin Corporation and Dublin County Council in the relevant period  
7 1988 forward to at least '93 or '94?
- 8 A. Well I was chief valuer from 1974 until 2002.
- 9 Q. You retired in 2002?
- 15:03:56 10 A. Yes.
- 11 Q. And I think in that capacity you came to meet with and got to know Mr.  
12 Gilmartin, isn't that right?
- 13 A. That's right.
- 14 Q. And I think you gave evidence of complaints made to you from time to time by  
15 Mr. Gilmartin and you have given evidence on that and you have been  
16 cross-examined on that, isn't that correct?
- 17 A. Yes.
- 18 Q. And I think you were written to on the 8th of March 2007, by the Tribunal and  
19 asked for a narrative statement in relation to the sale of additional lands at  
15:04:21 20 Neilstown to Merrygrove Limited. And at 20394, I think you responded on the  
21 26th of April 2007 as follows you said:  
22  
23 "That I have no involvement in initiating the sale of subject lands. I  
24 received instructions from Mr. McToomey, principal officer in the development  
15:04:37 25 department to open negotiations for the proposed sale of the property which was  
26 to be used for car parking for the proposed Stadium on adjoining lands. I had  
27 one meeting with Owen O'Callaghan and at which meeting he accepted the terms I  
28 put to him. I cannot say for certain but I believe that Mr. Frank Dunlop  
29 attended that meeting for a little while."  
15:04:56 30

15:04:56 1 And I think you were further asked for a narrative statement in relation to an  
2 allegation concerning the involvement of the IDA in the acquisition of lands  
3 which Mr. Gilmartin had earmarked at Ballyowen close to Quarryvale, isn't that  
4 right?

15:05:14 5 A. Yes, that's correct.

6 Q. And I think if we look at 20398. I think on the 26th of April 2007, you  
7 responded as follows.

8  
9 "You say that by way of introduction to my statement I can say sincerely that  
10 my recollection of many events in or around 1990 is somewhat vague.

11  
12 Mr. Thomas Gilmartin told me a number of times that he had advised my  
13 principals as to when I do not remember, of his interest in acquiring the  
14 subject lands. I have no recollection of receiving instructions from my  
15 principals to open negotiations with Mr. Gilmartin with a view to agreeing  
16 settlement terms of for the proposed disposal of same. And I have no  
17 recollection of writing to him on the 25th of September 1990, in this regard or  
18 in telephoning him subsequently.

19  
20 Some years after the agreement between Dublin City Council and the IDA had been  
21 entered into in relation to the subject lands, Mr. Gilmartin told me that Owen  
22 O'Callaghan got Albert Reynolds to get the IDA to approach Dublin County  
23 Council for the lands and that the reason for this was to prevent him from  
24 acquiring same.

15:06:13 25 The above is my -- sorry the above has been sent out by me to the best of my  
26 recollection and I believe same to be true".

27  
28 Just to deal with that second matter first if I may, Mr. McLoone, I think that  
29 it was the case I think that Mr. Gilmartin had expressed an interest in lands  
15:06:33 30 other than the Irishtown lands at Quarryvale, isn't that right?

- 15:06:37 1 A. That's correct, yes.
- 2 Q. And had you agreed to sell those lands?
- 3 A. I had no instructions.
- 4 Q. You had no instructions?
- 15:06:43 5 A. I don't remember ever receiving instructions.
- 6 Q. Yes. We have added to the brief a letter dated the 25th of September 1990 at
- 7 25561. It's a letter from Dublin County Council chief valuers office, disposal
- 8 of lands at Quarryvale Palmerstown.
- 9
- 15:06:59 10 "I have instructions to open negotiations with you for the disposal of the
- 11 above lands shown outlined in red on the attached map.
- 12
- 13 If you are in a position to open negotiations please contact me at the above
- 14 extension number with a view to arranging an appointment. All discussions
- 15:07:13 15 would be without prejudice and any agreement reached will be subject to my
- 16 principals approval."
- 17
- 18 Is that a standard type letter that you would sometimes issue?
- 19 A. Yeah, well this land and the subject lands that Mr. Gilmartin and that you are
- 15:07:34 20 referring to were owned by Dublin City Council.
- 21 Q. Yes.
- 22 A. And No. 2, those lands were in Ballyowen.
- 23 Q. Yes.
- 24 A. And there is no copy of the map here. However, I would like to draw your
- 15:07:36 25 attention to my statement on page 933. This is the first statement that I gave
- 26 you. It was the statement dated the 24th of April 2000. It's pages 923 to
- 27 937.
- 28 Q. Yes.
- 29 A. And I would refer you to page 933 of that.
- 15:07:56 30 Q. If we could have 25541 please.

15:08:06 1 A. Yeah. Now, if you see the second paragraph in that letter it says "however, on  
2 the 7th of March 1989, a facsimile was received from Richard Foreman, surveyor  
3 of Messrs. Connell Wilson on behalf of Mr. Gilmartin requesting the option on  
4 the lands and this I believe was as a result of the discussions that he held  
15:08:31 5 between Mr. Gilmartin and Mr. Haughey. On receipt of this letter which sought  
6 totally new terms and conditions I passed a copy to Mr. Doherty on the 10th of  
7 March 1989 for his instructions. Mr. Doherty was principal officer in the  
8 development department, South Dublin County Council.  
9

15:08:46 10 On the 7th of September 1990, I received a reply from the senior administrative  
11 officer indicating that the financial terms in my report of the 30th of January  
12 were not acceptable to the Council and requested re-negotiations".  
13

14 So I would suggest possibly the letter that you are referring to was in reply  
15:09:04 15 to that.

16 Q. For example if we could have 16330 please. This is a contract dated the 19th  
17 of November 1991, between the Council and Barkhill Limited for the sale at  
18 consideration of 880,000 pounds of lands which are described in folios 4428 and  
19 63421 F on the register of freeholders being County Council lands. Are those  
15:09:30 20 the lands to which you refer?

21 A. I would say that the they possibly are. I would say so. I would say that  
22 Barkhill. Wait until we see now. Just wait now. Yeah, it would be those  
23 lands, yes.

24 Q. And those were lands I think which would have been within the Quarryvale lands,  
15:09:52 25 is that correct?

26 A. That's correct, yeah. It could be. Now, there is a possibility that could be  
27 wrong but maybe if ye could come up with a map that was suggested that it was  
28 referred to in the person map.

29 Q. There is an accompanying map with that contract at 16333?

15:10:08 30 A. Not that map.



- 15:10:09 1 Q. The map that accompanied the letter that I had on screen?
- 2 A. Yes.
- 3 Q. But in any event, you say that you had no recollection of Mr. Gilmartin ever  
4 expressing an interest or indeed of you ever being involved?
- 15:10:20 5 A. Oh, I have. I do remember him expressing an interest.
- 6 Q. Yes.
- 7 A. But I do not remember receiving instructions to negotiate with him for those  
8 lands.
- 9 Q. It is fair to say I think that by December 1990, that the IDA were anxious to  
15:10:34 10 acquire additional lands from the Council in Ballyowen or close to the Fonthill  
11 Road, isn't that right?
- 12 A. Yes, yes.
- 13 Q. And in fact I think if we could have please 16643. This is an internal IDA  
14 memo dated the 7th of December 1990. Where it was recorded that a phone call  
15:10:53 15 had been received from Deputy Lawlor regarding the availability of land in  
16 County Dublin for industrial purposes and a meeting was being set up for the  
17 20th of December 1990. And it was recorded that Deputy Lawlor had concerns at  
18 the pressure coming on the Council to rezone lands for industrial purposes when  
19 the officials maintained that there was adequate land already zoned and still  
15:11:17 20 available. Do you see that?  
21
- 22 Do you know anything of the pressures which were coming on in relation to the  
23 zoning of additional lands for the IDA?
- 24 A. Well I do remember that do remember that I was told that when I -- by my  
15:11:35 25 principals that the IDA, that the Government and the IDA that they would like a  
26 large serviced site that could accommodate a large industry if it was coming  
27 from the States or something and that they would like a site. And that the  
28 best one that they found that had accessibility from the roads and services was  
29 the lands at Ballyowen. However, the zoning of those lands was residential.
- 15:12:05 30 Q. Yes. We know for example on the document accompanying a letter of the 11th of

- 15:12:10 1 December 1990 to the Department of Industry and Commerce from the IDA, that as  
2 you say the lands in Ballyowen had been identified. If I could have 16650.  
3 Under a heading "IDA efforts to acquire lands."  
4
- 15:12:26 5 It said that "The IDA had invited the local authorities to participate in a  
6 joint venture to develop publicly owned lands in the county". And it says "In  
7 response to the IDA's invitation to local authorities participated in a joint  
8 exercise to identify lands suitable for industrial development. The exercise  
9 focused on the Lucan/Clondalkin area which was identified as an area of special  
10 need. A site of 150 acres in Fonthill Road owned by Dublin Corporation was  
11 identified as the most suitable for the following reasons" and the a series of  
12 reasons are given are there. Are they the lands to which you refer?
- 13 A. Yes.
- 14 Q. And was it the case that the local authority had declined to participate in the  
15 joint development but would sell the undeveloped site to the IDA for 90,000 per  
16 acre as recorded at the end of that?
- 15:13:05 17 A. Well that's possible that we had that. That's possible. And the planners were  
18 totally against it.
- 19 Q. Yes. I think the lands in question as appears there were zoned for residential  
20 purpose not industrial purposes?
- 15:13:23 21 A. That's right.
- 22 Q. Whereas the lands across the road had been zoned for industrial purposes and  
23 residential purposes?
- 24 A. Yes.
- 15:13:29 25 Q. These were the lands which you were selling to Mr. Gilmartin?
- 26 A. That's right.
- 27 Q. And had the IDA ever expressed an interest in the lands which were correctly  
28 zoned prior to December 1990, namely the lands that you sold to Mr. Gilmartin?
- 29 A. Not that I am aware of, no.
- 15:13:43 30 Q. Did the IDA ever acquire those lands and were they ever jointly developed with

15:13:47 1 the corporation or the Council?

2 A. No, no.

3 Q. No.

4 A. Nothing to do with them.

15:13:54 5 Q. But in any event, they would not have been available to a potential buyer after

6 the IDA had expressed an interest?

7 A. No, there was an agreement there. The IDA were I think opposed to defend for

8 the lands with a wall and railings and they were sitting there in limbo waiting

9 for -- and they were zoned industrial and they were waiting for some large

15:14:17 10 industrial, like IBM or somebody to come along.

11 Q. And nothing came along?

12 A. No.

13 Q. Now, if I could just go back very briefly. It's fair to say. If I could 17137

14 that a contract was signed with Merrygrove on the 21st of November 1988 for the

15:14:33 15 sale of the 33 acres of land at Balgaddy, isn't that correct, and you have

16 given evidence in relation to this?

17 A. Yes.

18 Q. Just to put it in context I think so -- that you had been negotiating from

19 about 1987 with I think Mr. Lyons initially on behalf of Mr. Gubay for the sale

15:14:52 20 of those lands?

21 A. Five years before that I had been negotiating with Mr. Sharkey, who owned

22 adjoining lands, part of the land was zoned ...

23 Q. But in any event --

24 A. Yes.

15:15:04 25 Q. An ad had been place in the December 1987 and a price had been agreed and

26 approved in 1987 for the sale of those lands for 3 million pounds subject to

27 conditions?

28 A. Yes.

29 Q. One of the conditions was that a town centre, that a planning application would

15:15:18 30 be lodged, isn't that right, and we see the conditions at 17144.

- 15:15:23 1 A. Yes.
- 2 Q. And we know from evidence given to the Tribunal that Mr. O'Callaghan in time  
3 was to acquire the benefit of that contract from Mr. Gubay, he was to acquire  
4 Merrygrove Estates Limited and became the driving force and he entered into an  
15:15:43 5 option agreement with Mr. Gilmartin which would have enabled Mr. Gilmartin to  
6 acquire again the benefit of the contract, isn't that correct?
- 7 A. That's correct.
- 8 Q. And I think that whilst the contract envisaged that a planning application  
9 would be lodged within two months, we know that by the 14th of March 1989, Mr.  
15:15:59 10 O'Callaghan was seeking an extension on that contract period, isn't that right?
- 11 A. That's right.
- 12 Q. And we see that at 14115 and on the 26th of April 1989 at 14117, that contract  
13 was extended to the 31st of December 1989, isn't that correct?
- 14 A. Yes.
- 15:16:17 15 Q. So the purchaser on foot of that contract had until December 1989 to apply for  
16 the planning permission so as to keep the condition alive and to keep the  
17 contract alive?
- 18 A. Yes.
- 19 Q. And the planning application was lodged in fact I think on the 29th of December  
15:16:33 20 1989 and we see that at 845.
- 21
- 22 Now, throughout this period as you say I think that Mr. Sharkey and PHI Limited  
23 were very concerned about that planning application and Mr. O'Callaghan's plans  
24 for the development of the Balgaddy site, the officially zoned town centre  
15:16:58 25 site, isn't that right?
- 26 A. Mr. Sharkey had seven years to buy the site. They were put on to favourable  
27 terms.
- 28 Q. Yes.
- 29 A. And because of certain advices he was getting he wasn't prepared to pay  
15:17:09 30 anything for the land and then when he saw somebody else on the territory he

- 15:17:23 1 started ... Sorry about that.
- 2 Q. He was complaining, yes.
- 3 A. Yes.
- 4 Q. And I think that by September 1990, if we look at 846 we see that by the 28th
- 15:17:25 5 of September 1990, the planning authority Dublin County Council had issued
- 6 subject to conditions, planning for the first phase of the town centre
- 7 development, isn't that right? Of about approximately 24,000 square feet --
- 8 square metres of development. And I think there was a meeting with the
- 9 planners on the 26th of October 1990 and it was indicated to the planners by
- 15:17:46 10 Mr. O'Callaghan and his architect Mr. Kelly, that they might appeal a condition
- 11 attaching to that permission and an appeal was in fact lodged, isn't that
- 12 correct?
- 13 A. Yes.
- 14 Q. And I think that in time there was to be a vote on the 16th of May 1991, which
- 15:18:00 15 effectively transferred the town centre zoning from that site to Quarryvale,
- 16 isn't that correct?
- 17 A. Yes.
- 18 Q. And I think that immediately following on that transfer that An Bord Pleanala
- 19 received a letter from Mr. Kelly withdrawing the planning application itself,
- 15:18:18 20 isn't that right?
- 21 A. Yes.
- 22 Q. And we see that at 857 and because the lands had been zoned subject to planning
- 23 an issue arose within the Council as to the status of that contract, isn't that
- 24 correct, and you have seen that correspondence? Mr. Sharkey is continuing to
- 15:18:35 25 say that effectively the lands should come back on sale and that he was anxious
- 26 to acquire the lands and that he effectively was suggesting that what was
- 27 happening was that Mr. O'Callaghan was leaving a dead hand as it were on the
- 28 Balgaddy lands by leaving?
- 29 A. Yeah, I think Mr. Sharkey had about 26 acres of land but they were landlocked
- 15:18:56 30 within that zoning.

- 15:18:57 1 Q. And you have seen the correspondence I think so I think for example Dublin city  
2 Manager on the 29th of May 1991. And he was anxious to complain and seek  
3 up-to-date confirmation in relation to the status of the sale of the lands,  
4 isn't that correct, and he continued to complain throughout 1991 right up to  
15:19:17 5 submissions which he lodged in relation to the site in November '91?
- 6 A. Yes.
- 7 Q. We see those submissions they were given reference No. 759 at 1032 but  
8 throughout that period and on several occasions I think maybe the 11th of June  
9 '91 at 5289. The 27th of September '91 at 20621 and on the 7th of November '91  
15:19:40 10 at 6225, he indicated that he would be prepared I think to take over the  
11 contract and apply for town centre development, isn't that right?
- 12 A. Yeah.
- 13 Q. And throughout that period --
- 14 A. It was offered to him by the way for years previously, he wouldn't buy it and  
15:19:58 15 he got a valuer in and it was offered to him on the same terms and his valuer  
16 agreed it but Sharkey wouldn't agree because of advices that he received from  
17 others.
- 18 Q. Yes. So the contract lay there for the benefit I think of Merrygrove, isn't  
19 that right?
- 15:20:13 20 A. Yes.
- 21 Q. Even though there was no planning application know on it throughout 1991 and in  
22 fact it wasn't until October 1992, when a planning application was received for  
23 the development of a Stadium on the site?
- 24 A. That's right.
- 15:20:25 25 Q. That matters progress, isn't that right?
- 26 A. Yes.
- 27 Q. And I think as part of that planning application for the Stadium it became  
28 necessary, I think first of all for the Council to consent for such a planning  
29 application to be made on the lands and we see on the 9th of September '92, at  
15:20:40 30 7985 a letter from Mr. Woods who was the principal officer of the corporation

15:20:46 1 referring to a conversation with Merrygrove Estates Limited care of Deane & Co.  
2 and confirming that the company was authorised by the corporation to submit a  
3 planning application in relation to the lands, isn't that correct?

4 A. Yes, yes.

15:20:59 5 Q. And on the 28th of April '93, I think at 9503, the corporation again wrote to  
6 Merrygrove Limited. This time care of Ambrose Kelly Partnership for the  
7 attention of Mr. O'Callaghan confirming that the corporation had no objection  
8 to the inclusion of corporation lands to the west of the Merrygrove lands  
9 holding for the purpose of a planning application for the development of  
10 Merrygrove lands at Clondalkin, isn't that correct?

11 A. Yes.

12 Q. Now, the planning application as I say went in on the 19th of October '92, and  
13 we see that at 1054 and planning permission did issue I think on the 23rd of  
14 August 1993 at 10011. For a Stadium development on that site, isn't that  
15 correct?

16 A. Yes.

17 Q. And condition five of that planning permission at 10014 I think provided that  
18 before a development would commence the developer would have obtained full  
19 permission for the use for an area marked additional lands in the additional  
20 information or other area to provide for 4,000 car parking spaces and should  
21 have entered into a binding agreement with the owner of these lands to permit  
22 the use of the lands for car parking. The permission and agreement should  
23 provide for details of car parking layout, road layout, linkage to the original  
24 site as referred to in planning reference 92A 1663 boundry treatment traffic  
25 management proposals and access points of the proposed east/west distributor  
26 roads together with details of all other necessary facilities.

27  
28 So would you agree with me that it was a highly unusual planning application to  
29 issue? Here we had a contract with the Council which originally envisaged an  
30 application for a town centre development which had been made and withdrawn

- 15:23:00 1 after it had been granted permission by the local authority. Then a year or  
2 more had lapsed and a fresh application had gone in for a Stadium development  
3 which had been permitted even though throughout this period there was an  
4 adjoining landowner who was prepared to take the lands and develop the lands.
- 15:23:18 5 A. The adjoining landowner was only prepared to take the lands when there were  
6 other people on the stage. He had five years you know and he didn't take it.  
7 I'd negotiations with him I'd say 100 times, the previous landowner and it was  
8 because of the location of the site. The zoning coupled with planning  
9 permission does not appreciably increase the value of the land unless it's  
10 accompanied by a demand for that use.
- 15:23:44 11 Q. But the planning application had been made in the absence of the additional  
12 lands for the car parking, isn't that right?
- 13 A. Yeah.
- 14 Q. And at some stage agreement had been reached whereby it was agreed that the  
15 applicant for the planning permission for the Stadium could include additional  
16 corporation lands at that site?
- 15:23:58 17 A. That's right.
- 18 Q. Isn't that right? And in fact the permission when it did issue in August '93  
19 provided that as one of its conditions that agreement would be reached with the  
20 corporation for the acquisition of these additional lands, isn't that correct?
- 15:24:15 21 A. Yes.
- 22 Q. And I think on the 17th of November you were written to by Mr. O'Callaghan. If  
23 we could have 10406, where he was asking that or advising you that he would  
24 like to formalise his arrangement on the additional 28 acres of lands that the  
25 corporation were prepared to transfer to his company for car parking.
- 15:24:26 26 A. Yes.
- 27 Q. And I think that agreement was reached and you offered those lands to him in a  
28 letter of 27th January 1994 at 10693. Now the offer was to accompany  
29 O'Callaghan Properties Limited, isn't that right?
- 15:24:26 30 A. Yes.



- 15:24:26 1 Q. For the attention of Mr. O'Callaghan, the offer doesn't appear to have been to  
2 Merrygrove Limited but it does say re lands at Balgaddy/Clondalkin Merrygrove  
3 Limited.  
4
- 15:24:26 5 And I think you offered the lands, the additional 28 acres at a price of 1.2  
6 million, isn't that right?
- 7 A. Yes.
- 8 Q. I think about 40,000 an acre?
- 9 A. Yes.
- 15:24:26 10 Q. And I think that you provided that there would be 7 conditions attaching to  
11 that, including at paragraph 5, at 10694 "That Merrygrove would construct the  
12 proposed road along the northern boundary of the subject lands. The land  
13 should be constructed to a standard required by the South Dublin County Council  
14 chief roads engineer and shall include footpaths, grass verge and lighting.  
15 That the road should be completed within 12 months from the date of completion  
16 of the purchase of the adjoining 28 acres."  
17
- 18 And I think on the 27th January, Mr. O'Callaghan accepted those proposals and  
19 we look at 10697, isn't that correct, 27th January '94?
- 15:24:26 20 A. Yes.
- 21 Q. And I think as was customary or necessary, the matter had to go before the City  
22 Council and I think an order was put forward and it was proposed that the  
23 disposal of the lands subject to the conditions would be agreed, isn't that  
24 right?
- 15:24:26 25 A. Yes.
- 26 Q. And if we look at 16225, there is a report of the assistant county manager  
27 dated 24th February '94, which suggests or recommends that the lands be sold,  
28 isn't that right?
- 29 A. Yes.
- 15:24:26 30 Q. There are a number of conditions there, including your conditions, as we saw in

- 15:24:26 1 your letter, isn't that right?
- 2 A. Yes.
- 3 Q. And there appears to be other conditions for example that the disposal would be
- 4 subject to such conditions as to title it would be furnished to the law agent
- 15:24:26 5 in her discretion should stipulate and that there would be no enforceable
- 6 agreement created or intended to be created until there was an exchange of
- 7 contracts which would have taken place, isn't that right?
- 8 A. Yes.
- 9 Q. I think there were other conditions including an extension of the time limit at
- 15:24:26 10 the discretion of the assistant manager?
- 11 A. Yes, the previous two conditions are --
- 12 Q. Standard conditions?
- 13 A. Yes, standard conditions.
- 14 Q. What about the extension of the time limit at 16225, condition No. 6?
- 15:24:26 15 A. I just came across that.
- 16 Q. It's not in your let?
- 17 A. No.
- 18 Q. Can I just ask you, Mr. McLoone, in relation to the sale at 40,000 an acre at
- 19 this stage to Merrygrove Limited, how did you arrive at that figure and to what
- 15:24:26 20 extent was there a level of negotiation between yourself and Mr. O'Callaghan in
- 21 relation to the figure?
- 22 A. Well to my mind that land had been acquired for car parking, the town centre
- 23 lands were going to go down to Quarryvale, planning had been down there. It
- 24 was extremely difficult to sell land at the time. And I thought it was a fair
- 15:24:26 25 and reasonable price for the land.
- 26 Q. The original sale of the Neilstown lands hadn't been completed at that stage,
- 27 isn't that right?
- 28 A. Yes.
- 29 Q. And now you are selling additional lands at 40,000 an acre and I understood
- 15:24:26 30 that Mr. Gilmartin had ultimately paid almost 65,000 an acre in 1989 for the

- 15:24:26 1 lands at Irishtown or the Neilstown -- yes, the Irishtown lands?
- 2 A. The Irishtown lands were developed -- they were developed and the services were  
3 developed and they had access. These lands had neither access nor services at  
4 that time and they were quite remote.
- 15:24:26 5 Q. Would you agree with me that you were very much in the driving seat in relation  
6 to the sale of these lands, in that had you refused to sell the lands, that the  
7 purchaser couldn't have developed the Stadium on the other lands because the  
8 condition attaching to the planning permission required these lands?
- 9 A. Well you could put a multi-story car park on the boundaries of these lands.
- 15:24:26 10 Q. Yes. Well I think that the actual contract for the sale of these lands wasn't  
11 to be entered into until the 24th October '96, at 16220. Do you know why the  
12 contract wasn't actually entered into until --
- 13 A. No.
- 14 Q. Entered into until October 1996?
- 15:24:26 15 A. No, I don't.
- 16 Q. But it would appear that there was no reason why the lands could not have been  
17 sold prior to or shortly after the approval in February '94.
- 18 A. That's right.
- 19 Q. Yet the contract wasn't entered into until February '96. Do you know why?
- 15:24:26 20 A. I don't, no.
- 21 Q. Now, we know for example that in relation to the Quarryvale lands on the 30th  
22 July '96, at 12658. This is a memo of a conversation between Mr. O'Callaghan,  
23 Mr. Deane and representatives of Allied Irish Banks. And under the heading  
24 "Neilstown site" the following is recorded:
- 15:24:26 25  
26 "Merrygrove Limited which is now a Riga subsidiary, have an option to acquire  
27 33 acres at a total cost of 3 million, of which 300 has already been paid. The  
28 site which carries town centre zoning has previously been earmarked for a  
29 sports stadium which may not now be feasible without grant aid but which Davy  
15:24:26 30 Hickey Properties have indicated could perhaps be packed for investors. Owen

15:24:26 1 O'Callaghan suggested that they are now considering this site for retail park  
2 development as Ikea, who want 150,000 on a 15 acre site, are not prepared to  
3 pay the proposed site cost of 3/400,000 per acre being quoted for Quarryvale.  
4 Access to the site will be from a new road to be opened up on the Naas Road,  
15:24:26 5 there could be a 2.3 million pounds contribution in this regard."  
6  
7 It would appear that before the contract was signed in October '96 for the sale  
8 of these additional lands, Mr. McLoone, that Mr. O'Callaghan and his companies  
9 were quoting 3 to 400,000 an acre for lands less than a mile away at  
15:24:26 10 Quarryvale.  
11 A. Yeah, well they got the zoning in Quarryvale. When the Quarryvale lands were  
12 sold, I didn't know they were going to be rezoned for shopping. And I suppose  
13 the price that was being sought by O'Callaghan Properties for the Ikea would --  
14 obviously they were a bit high at the time and obviously they didn't achieve  
15:24:26 15 that.  
16 Q. In fact, I think both sets of lands, both the lands on foot of the original  
17 contract and these lands, the sale in relation to these doesn't appear to have  
18 been completed until 2000, isn't that correct? If I could have 16267.  
19 A. Yeah, I heard that some time, you know, when I report a sale it goes on then  
15:24:26 20 and there's a manager's order made and it goes to the legal department. And we  
21 are never advised when the sale is closed.  
22 Q. And in fact when the sale was closed it was for a total consideration of  
23 9,643,447 pounds for both the 33 acres and the additional 28 acres, isn't that  
24 right?  
15:24:26 25 A. Yes.  
26 Q. That included, obviously, a claim for interest and I think a contribution  
27 towards a road which had been constructed, isn't that right?  
28 A. Yes.  
29 Q. However, I suggest to you that this 60 acres of lands in this location in 2000  
15:24:26 30 zoned as they were would command -- sorry, Mr. McLoone, I'm being unfair to the

15:24:26 1 stenographer. I'm sorry.  
2  
3 16267, that document on screen.  
4  
15:24:26 5 CHAIRMAN: All right?  
6  
7 Q. MR. QUINN: I'm sorry. All right.  
8 What I'm suggesting to you, Mr. McLoone, is that in August of 2000, 60 acres of  
9 land at that location, with that zoning would command a figure well in excess  
15:24:26 10 of what was ultimately received for the lands.  
11 A. How many acres were there at that time?  
12 Q. I think if we take the 33 acres, plus the additional is it 28 acres which you  
13 sold?  
14 A. Yes.  
15:24:26 15 Q. Which is 61 acres .  
16 A. You reckon they would go for higher than 9 million, is it?  
17 Q. Yes.  
18 A. I doubt it.  
19 Q. You doubt if that is the case?  
15:24:26 20 A. Yeah, I think that they are still undeveloped.  
21 Q. Yes. I think that in September -- sorry in December 1998, legal advice had  
22 been sought on whether or not the original contract could be -- was in fact  
23 enforceable, isn't that right?  
24 A. That's right.  
15:24:26 25 Q. I think if we look at 16280, I think the law agent's view was that the best  
26 that the corporation could do at that stage was to serve a 28 day notice to  
27 have the sale completed, isn't that right?  
28 A. Yes.  
29 Q. And I think there had been difficulties, in fairness to the purchasers, in  
15:24:26 30 relation to the sale, in that it would appear that some of the corporation

- 15:24:26 1 lands had been transferred to the council and had to be retransferred back to  
2 South Dublin County Council, isn't that right?
- 3 A. Well, I'm not aware of that but it's possible.
- 4 Q. And I think that it also had been the case that adjoining land owners had  
15:24:26 5 claimed that they had been given a right of way over these lands, isn't that  
6 correct?
- 7 A. Yes. That's correct.
- 8 Q. And those matters I think had delayed the completion of the sale, isn't that  
9 correct?
- 15:24:34 10 A. Yes.
- 11 Q. Do you know other than those two matters why the sale in relation to those  
12 lands, the consideration for which had been agreed in 1987 and these additional  
13 lands, the consideration of which had been agreed in 1994, were not closed  
14 until 2000?
- 15:24:30 15 A. No. I do not. Were the contracts voidable in Merrygrove?
- 16 Q. There certainly would appear to have been no reason why the Neilstown lands on  
17 foot of the contract dated 1988 could not have been -- that that contract could  
18 not have been closed after the issue of the planning permission for the Stadium  
19 in 1993, isn't that right?
- 15:36:14 20 A. If there was a demand for it.
- 21 Q. That would have been the appropriate time?
- 22 A. If it was financially viable.
- 23 Q. Sorry?
- 24 A. If it was financially viable.
- 15:36:22 25 Q. No but from the point of view of the Corporation?
- 26 A. Yes, yes.
- 27
- 28 JUDGE FAHERTY: Mr. McLoone, I think Mr. Quinn is putting to you this is if  
29 you like a legal issue. There was a contract signed. This is back in 1988 for  
15:36:33 30 the Neilstown lands, as I understand it.

15:36:35 1 A. Yes, that is possible.

2

3 JUDGE FAHERTY: There was a condition, a number of conditions I think

4 pertaining to that sale, one of which was that the purchaser had to obtain

15:36:42 5 planning permission for a town centre. That was done and I think it's, as I

6 understand it, now I may be wrong, but I think it's in that context that

7 Mr. Quinn is asking you --

8 A. Yes.

9

15:36:54 10 JUDGE FAHERTY: Once the conditions pertaining to the contract entered into

11 between Merrygrove and the Council were agreed and adhered to, that the next

12 logical step would have been for the Council to seek to complete the sale which

13 is a legal thing.

14 A. Yeah, yeah.

15:37:10 15

16 JUDGE FAHERTY: A contract had been signed.

17 A. If the land was registered, yes.

18

19 JUDGE FAHERTY: Now in fairness I don't know if they were registered or

15:37:18 20 unregistered lands but certainly once the contract is signed and the conditions

21 inherit in the contract proceeding completion are adhered to, it would be then

22 logical.

23 A. It would. Yes.

24

15:37:30 25 JUDGE FAHERTY: And I think Mr. Quinn, that's the context.

26

27 MR. QUINN: Yes, that's correct.

28

29 JUDGE FAHERTY: In which you were asking Mr. McLoone. I just want to make

15:37:38 30 sure that Mr. McLoone understands the process.

- 15:37:42 1
- 2 Q. MR. QUINN: In fact if I could have 17144 please, which is an extract from the  
3 special conditions of the first contract which is the contract of the 21st of  
4 November 1988. Do you see condition No. 1? It says that the purchase price  
15:37:53 5 shall be 3 million pounds payable as follows. The sum of 300,000 pounds on the  
6 execution hereof as a deposit.  
7 2. The sum of 1,350,000 on receipt of planning permission.  
8 3. The balance of the purchase price of 1,350,000 not later than 12 months  
9 from the date of receipt of planning permission or such earlier date as the  
15:38:16 10 purchaser may in writing elect". Do you see that?  
11 A. Yes.  
12 Q. Now, if we for a moment forget about the initial planning permission which was  
13 granted and ultimately withdrawn while it was before An Bord Pleanala, and if  
14 we just deal with the planning permission which issued in relation to the  
15:38:38 15 Stadium which I think issued in August '93. That would seem to suggest that  
16 that contract should have been closing some time in September 1993, isn't that  
17 right?  
18 A. Yes, yes, yes.  
19 Q. And again I think you say that "whilst you agreed a price from the sale of the  
15:38:48 20 additional 28 acres and had an agreement for the sale of those lands which was  
21 approved by the City Council in January February '94 that contract wasn't  
22 executed until October '96". Isn't that right?  
23 A. Yes.  
24 Q. And neither of the two contracts was enclosed -- wasn't closed until July or  
15:39:05 25 August 2000.  
26 A. Yes.  
27 Q. Albeit with interest for the -- throughout the period I think which was  
28 provided for on foot of both contracts, isn't that right?  
29 A. Yes.  
15:39:16 30 Q. The payment of interest I should say. Thank you very much, Mr. McLoone.



15:39:20 1 A. Thank you.

2

3 JUDGE FAHERTY: I just want to ask you, Mr. McLoone. Mr. Quinn has set out in  
4 fairness and I think there were issues about rights of way and indeed the fact

15:39:31 5 that some portions of land had gone back to the South or had been transferred  
6 to South Dublin County Council and had to be ...

7 A. Yes.

8

9 JUDGE FAHERTY: I can understand that because when the new Councils came into  
10 being. But can I just ask you generally, would such lapses between the time of  
11 contract was entered into, here we're talking about 12 years, would that be, in  
12 your experience had that ever happened?

13 A. It would be very unusual. It did happen occasionally before where we were  
14 instructed to sell lands and it transpired that the lands weren't registered  
15 and it took four or five years to register the lands and local authorities  
16 cannot sell unregistered land. So it happened where it could be, it was  
17 somewhat unusual.

18

19 JUDGE FAHERTY: All right. That's what happened.

15:40:19 20 A. And the appreciation, nothing like time to increase the value of lands.

21

22 CHAIRMAN: All right. Thank you very much.

23

24 JUDGE FAHERTY: Thanks, Mr. McLoone.

15:40:28 25

26 **THE WITNESS THEN WITHDREW.**

27

28 CHAIRMAN: We are sitting tomorrow at ...

29

15:40:32 30 MS. DILLON: Half past ten in the morning for witnesses other than Mr. Dunlop.

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CHAIRMAN: Thank you.

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

**WEDNESDAY, 6TH FEBRUARY 2008, AT 10.30 A.M.**