

09:28:15 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY**

2 **24TH SEPTEMBER 2008 AT 10.30 AM:**

3
4 MS. DILLON: Good morning, Sir. Mr. O'Callaghan, please.

10:37:43 5
6 **MR. OWEN O'CALLAGHAN, PREVIOUSLY SWORN, CONTINUES TO BE**

7 **QUESTIONED BY MS. DILLON AS FOLLOWS:**

8
9 CHAIRMAN: Good morning, Mr. O'Callaghan.

10:38:04 10 A. Morning, Judge.

11 Q. 1 Good morning, Mr. O'Callaghan. I think yesterday evening,
12 Mr. O'Callaghan, I may have inadvertently confused you, and I think Judge
13 Faherty was correct in the comment she made about the document that we
14 were looking at, at the close of business yesterday, 8040. And this is an
10:38:24 15 attendance of a meeting with you at Bank Centre, isn't that right?

16 A. Yes.

17 Q. 2 And in the first part of that document yesterday, Mr. O'Callaghan, dealing
18 with May 1991 and the review that you had provided in the latter part of
19 the document it says, that is the latter part of the first paragraph:

10:38:45 20
21 "There are seven councillors in Blanchardstown, three of them are for
22 Quarryvale, one will not put forward the motion, the remaining three could
23 put forward such a motion, two from Labour, one from the PDs."
24

10:38:58 25 In fact I had suggested what you were talking about were Quarryvale
26 councillors and Judge Faherty had intervened and said it's the
27 Blanchardstown councillors, isn't that correct?

28 A. Yes.

29 Q. 3 Now, if I can show you first of all the list of the councillors and the
10:39:11 30 various areas that they represented post the June 1991 elections, 5629

10:39:18 1 please. Now, this first page are the councillors who would ultimately
2 become the councillors in Fingal County Council?

3 A. Yes.

4 Q. 4 And looking at that you will see in the first instance there is no area of
10:39:33 5 Blanchardstown identified, isn't that right?

6 A. Yes.

7 Q. 5 But there are councillors and there are areas there that would encompass
8 Blanchardstown, isn't that right?

9 A. Yes.

10:39:43 10 Q. 6 And if you just want to take a minute to look at it, Mr. O'Callaghan.

11 A. Yes.

12 Q. 7 And then see are there, in that list of councillors, were any of those the
13 councillors to whom you were referring when you met with Mr. O'Farrell on
14 the 16th September 1992?

10:39:59 15 A. I was referring to, as to what councillor would not put in a rescinding
16 motion I think.

17 Q. 8 All right. And when you say that, were you talking about councillors who
18 were representing, effectively the Blanchardstown area even though there
19 is no Blanchardstown ward?

10:40:19 20 A. Yes, that is correct, yes.

21 Q. 9 And looking at that list of Fingal County Council, because Blanchardstown
22 falls into the Fingal area, isn't that right?

23 A. Yes.

24 Q. 10 And Quarryvale falls into the Dublin South area?

10:40:31 25 A. Yes.

26 Q. 11 So when the councils separated there was that separation took place, isn't
27 that right?

28 A. That's correct, yes.

29 Q. 12 So within the list of councillors there, who are Dublin Fingal County
10:40:40 30 Councillors, who were the councillors who were representing the

- 10:40:43 1 Blanchardstown area?
- 2 A. Well, at that time I would say it was more Mulhuddart councillors who
- 3 eventually amalgamated with Castleknock councillors after the '91
- 4 election, Mulhuddart and Castleknock.
- 10:40:58 5 Q. 13 This is the list of the councillors after the 1991 election.
- 6 A. Well, both Mulhuddart and Castleknock would represent Blanchardstown.
- 7 Q. 14 All right. So when you were referring in the memorandum to 7 councillors
- 8 in Blanchardstown, you were referring to Councillors Sean Lyons, Tom
- 9 Morrissey, Sheila Terry, Ned Ryan, Joe Higgins, Marian McGennis and Joan
- 10:41:23 10 Burton?
- 11 A. That is correct.
- 12 Q. 15 And when you were telling Mr. O'Farrell at this meeting that one would not
- 13 put forward such a motion, in other words a rescinding motion?
- 14 A. Yes.
- 10:41:29 15 Q. 16 Who were you referring to?
- 16 A. That's correct, Ned Ryan.
- 17 Q. 17 Right. So that Mr. Ryan, who was a member of the Fianna Fail party would
- 18 have been, not a person who would put forward a rescinding motion and
- 19 therefore was he quietly supporting the Quarryvale position?
- 10:41:43 20 A. Yes, he was.
- 21 Q. 18 Would it be fair to say insofar as Ms. McGennis is concerned and there has
- 22 been evidence to the Tribunal in relation to that, that Ms. McGennis also,
- 23 while she publicly might have portrayed a pro Blanchardstown stance in
- 24 private was supportive of the Quarryvale position?
- 10:42:02 25 A. Yes I think she was, but I think she was doing that to put pressure on
- 26 Blanchardstown to get started, to get going.
- 27 Q. 19 Yes. Were you aware of the fact that she had received a 5,000 pound bank
- 28 draft from Mr. John Corcoran for the May 1991 elections?
- 29 A. At the time, I wasn't, no.
- 10:42:19 30 Q. 20 Insofar as South Dublin is concerned, Mr. O'Callaghan, if you look first

10:42:24 1 of all at the three Clondalkin councillors, that is Theresa Ridge, that's
2 Councillor Therese Ridge, isn't that right, at the very bottom of the
3 page?
4 A. Yes.

10:42:39 5 Q. 21 Mr. Colm Tyndall and Mr. Colm McGrath?
6 A. Yes.

7 Q. 22 And then the balance of those councillors are on the following page, you
8 have the area of Greenhills which was close to Tallaght, Lucan which would
9 have been adjoining Quarryvale, isn't that right?
10:42:44 10 A. Lucan, yes.

11 Q. 23 And Lucan, after the Clondalkin ward, would it be fair to say, that the
12 Lucan ward and the councillors there would have, would be very important
13 councillors insofar as Quarryvale vote was concerned?
14 A. Yes.

10:42:57 15 Q. 24 Right. And those councillors were Councillor Gus O'Connell, is that
16 right?
17 A. Yes.

18 Q. 25 Who was an independent, isn't that right?
19 A. Yes.

10:43:02 20 Q. 26 And Mr. Peter Brady.
21 A. Yes.

22 Q. 27 Mr. Finbar Hanrahan.
23 A. Yes.

24 Q. 28 And Mr. John O'Halloran.
10:43:09 25 A. Yes.

26 Q. 29 And I think you told the Tribunal insofar as Councillor Peter Brady was
27 concerned, that initially he hadn't been supportive but following your
28 meeting with Mr. Leahy and your meetings with Councillor Brady he
29 ultimately did support in the December 1992 vote, the Quarryvale position,
10:43:26 30 isn't that right?

10:43:27 1 A. Yes.

2 Q. 30 And it would be fair to say, I think that Councillor John O'Halloran was
3 always supportive of the Quarryvale position?

4 A. John O'Halloran was from the heart of North Clondalkin.

10:43:38 5 Q. 31 And I think you are aware that Mr. O'Halloran ultimately lost the Labour
6 Party whip --

7 A. Yes.

8 Q. 32 -- as a result of his support for Quarryvale, is that right?

9 A. That's correct.

10:43:47 10 Q. 33 Was it the stated Labour Party position in relation to Quarryvale that
11 they were supporting the manager's position?

12 A. Yes.

13 Q. 34 And Mr. O'Halloran went against that, isn't that right?

14 A. That is correct.

10:43:57 15 Q. 35 And you knew Councillor Finbar Hanrahan from previous to all of this,
16 isn't that right, you had met Councillor Hanrahan in 1988, isn't that
17 right?

18 A. Yes, casually, yes. I did indeed.

19 Q. 36 Right. You had had some contact with Councillor Hanrahan, whether by way
10:44:12 20 of telephone or a meeting that led to your note of November 1988, isn't
21 that right, that we looked at previously?

22 A. Yes.

23 Q. 37 And you had I think in that document described Councillor Hanrahan as your
24 main supporter in relation to your first endeavour in Lucan, isn't that
10:44:26 25 right?

26 A. Cooldrinagh, correct.

27 Q. 38 Cooldrinagh, isn't that the position?

28 A. That's correct.

29 Q. 39 So it would be fair to say that you had some relationship with Councillor
10:44:34 30 Hanrahan, isn't that right?

- 10:44:35 1 A. Well, even though he was the main supporter for Cooldrinagh I had not met
2 him at the time to the best of my knowledge.
- 3 Q. 40 Yes. But you knew him well enough to introduce him to Mr. Gilmartin,
4 isn't that right?
- 10:44:46 5 A. Yes, I did.
- 6 Q. 41 And certainly by the time you came to introduce Councillor Hanrahan to
7 Mr. Gilmartin you must have known him on a face-to-face basis,
8 Mr. O'Callaghan, isn't that right?
- 9 A. Yes.
- 10:44:56 10 Q. 42 Because you were able to be involved in setting up the meeting and you
11 effected the introduction between Mr. Gilmartin and Councillor Hanrahan at
12 that meeting whether it happened in December or it happened in February,
13 isn't that right?
- 14 A. That's right, I met Finbar Hanrahan prior to that casually in Tallaght, I
10:45:11 15 think it was actually the opening of Tallaght Town Centre. And as you
16 know he actually called into my office in Cork shortly after that, when he
17 was on the Senate election trail.
- 18 Q. 43 Yes. He had gone to you for support, isn't that right, in Cork in
19 relation to the Senate, isn't that the position?
- 10:45:24 20 A. Yes.
- 21 Q. 44 And insofar as Councillor Gus O'Connell is concerned, would it be fair to
22 say that Mr. O'Connell was an adversary of your position in Quarryvale?
- 23 A. Yes, from the point of view of traffic, strictly from the effect that
24 Quarryvale, the projected Quarryvale traffic would have on his particular
10:45:43 25 patch if you like, Palmerstown.
- 26 Q. 45 Mr. O'Connell, together I think with another councillor submitted motions
27 to Dublin County Council for hearing at the meeting of the 17th December
28 1992, seeking to rezone your Quarryvale lands from their 1991 position
29 back to E industrial, is that right?
- 10:46:03 30 A. Yes.

- 10:46:03 1 Q. 46 And insofar as the motion could be said to reflect Councillor O'Connell's
2 position would you agree with me that Councillor O'Connell notwithstanding
3 any submissions that might have been made to him by you or anyone on your
4 behalf, was an opponent to the Quarryvale position?
- 10:46:18 5 A. Yes.
- 6 Q. 47 That would have been a serious matter for new view of the importance that
7 you and your team attached to the support of the Lucan councillors, isn't
8 that right?
- 9 A. Yes.
- 10:46:25 10 Q. 48 So within that number of four councillors, Councillor O'Halloran and Peter
11 Brady became one, a fervent supporter and one, albeit reluctantly, a
12 supporter of Quarryvale, isn't that right?
- 13 A. Yes.
- 14 Q. 49 You had an opponent in Councillor O'Connell insofar as he had lodged
10:46:44 15 motions against your proposal, isn't that right?
- 16 A. Yes.
- 17 Q. 50 And what about Councillor Hanrahan's position?
- 18 A. He voted against us as well, against Quarryvale as well.
- 19 Q. 51 But did you speak to Councillor Hanrahan in the run up to December prior
10:46:56 20 now to the 17th December, had you met with Councillor Hanrahan and sought
21 his support?
- 22 A. Yes.
- 23 Q. 52 Right. Did you -- what did Councillor Hanrahan tell you?
- 24 A. Well, he told me always, he was always consistent that he found it very
10:47:07 25 difficult to support Quarryvale because his own people, that elected him
26 in Lucan were not in favour of Quarryvale. So he said he couldn't see
27 himself supporting Quarryvale at any stage.
- 28 Q. 53 Had he been a signatory to the motion in May 1991?
- 29 A. At the beginning yes. The initial motion, yes.
- 10:47:23 30 Q. 54 In the initial -- and the initial motion in fairness to Councillor

- 10:47:26 1 Hanrahan and yourself sought a much wider rezoning than ultimately
2 pertained on 16th May 1991, isn't that right?
- 3 A. Yes.
- 4 Q. 55 So would it be fair to say that there had been some shift for some reason
10:47:40 5 in Councillor Hanrahan's position between May of 1991 and December of
6 1992?
- 7 A. Yes, there was. I think people of Lucan realised after the decision in
8 May '91 what was actually going happen in Quarryvale and they went against
9 it completely. And he was their representative.
- 10:47:56 10 Q. 56 So if you were to look then at the two local councillors, the two lots of
11 local councillors, for the Quarryvale area insofar as the actual
12 Clondalkin ward was concerned Councillors Ridge, Tyndall and McGrath were
13 all supporters of Quarryvale, isn't that right?
- 14 A. Yes.
- 10:48:12 15 Q. 57 Right. And then insofar as the next adjoining or probably most important
16 ward was concerned, you had two supporters in Councillor Brady and
17 Councillor O'Halloran you had an opponent in Councillor O'Connell and in
18 Councillor Hanrahan you had a councillor who had changed or altered his
19 position between May of 1991 coming up to December 1992, is that right?
- 10:48:33 20 A. Yes.
- 21 Q. 58 Now, are there any other councillors in any other wards in South Dublin
22 that were as close to Quarryvale, Mr. O'Callaghan, as the Lucan ward?
- 23 A. Tallaght would be the next important ward, Tallaght, Rathcoole.
- 24 Q. 59 And is that insofar as Tallaght, Rathcoole is concerned, I think Mr. Mick
10:48:58 25 Billane was a member of the Worker's Party, isn't that right?
- 26 A. Yes.
- 27 Q. 60 I think ultimately you were involved in making a donation of a charitable
28 nature to Mr. Billane in relation to a charity for transporting children,
29 isn't that right?
- 10:49:12 30 A. That's correct.

- 10:49:13 1 Q. 61 You made a donation of 10,000 pounds I think to Citywise, isn't that the
2 position?
- 3 A. That's correct.
- 4 Q. 62 Insofar as Mr. Charles O'Connor is concerned, what was his position?
- 10:49:23 5 A. 50/50 actually. He was concerned that the Quarryvale would have an
6 adverse effect on Tallaght, always.
- 7 Q. 63 Now, at this stage Tallaght had already been developed, isn't that right?
- 8 A. Yes.
- 9 Q. 64 It had it's tax designation.
- 10:49:36 10 A. Yes.
- 11 Q. 65 It had been developed in conjunction between Mr. Phillip Monahan of
12 Monarch Properties together with the Guardian Royal Exchange, isn't that
13 right?
- 14 A. That's correct.
- 10:49:45 15 Q. 66 I think it had been opened with much publicity, isn't that the position?
- 16 A. Yes.
- 17 Q. 67 Right. And it was regarded I think, certainly in Dublin as a very
18 innovative or a modern development that was for the benefit of the entire
19 community, isn't that right?
- 10:49:59 20 A. Very much so.
- 21 Q. 68 Right. And it was held up as the standard against which other town
22 centres could be looked at, isn't that right?
- 23 A. Yes.
- 24 Q. 69 Right. And insofar as Ms. Catherine Quinn was concerned, what was her
10:50:12 25 position and that of the PDs in general at this time?
- 26 A. She was in favour of Quarryvale.
- 27 Q. 70 Would it be fire say that the PDs in general supported Quarryvale?
- 28 A. Yes.
- 29 Q. 71 Right. And that the local PD councillor was Mr. Colm Tyndall, isn't that
10:50:26 30 right?

- 10:50:26 1 A. Yes.
- 2 Q. 72 Now, I think it is the position that Mr. Tyndall was employed by an
3 insurance company called Marine & General, isn't that right?
- 4 A. Yes.
- 10:50:34 5 Q. 73 And you ultimately developed a commercial relationship through your
6 companies with that company, isn't that right?
- 7 A. Yes.
- 8 Q. 74 Now, looking at Tallaght/Old Bawn is it the case that Ms. Breda Cass who
9 was a member of the PDs was also supportive?
- 10:50:50 10 A. Eventually she was, yes.
- 11 Q. 75 And Councillor Hannon?
- 12 A. He was, always, yes.
- 13 Q. 76 And Councillor Rabbitte?
- 14 A. No.
- 10:50:57 15 Q. 77 Is it fair to say that he never supported the Quarryvale position?
- 16 A. Well, when Councillor Rabbitte was Chairman of Dublin County Council, I
17 think it was late '93 or early '93.
- 18 Q. 78 Yes.
- 19 A. Whenever it was, sorry '92, must it been before the vote, I approached him
10:51:22 20 and met him in his office and I think Frank Dunlop was with me actually,
21 and at the time he told us that he was very much in favour of the whole
22 Quarryvale development. When he was Chairman of Dublin County Council at
23 the time and he said that the best thing ever would happen to Quarryvale,
24 it was very essential, it really was, and he complimented us on what we
10:51:46 25 proposed to do and wished us all the best etcetera, etcetera and left us
26 with the impression that he was going to support us.
27
- 28 And I felt actually having met him that the Worker's Party would probably
29 support us as well but he voted against us in the election.
- 10:52:02 30 Q. 79 I think he ultimately wasn't Chairman for all of the meeting of the 17th

10:52:05 1 December, isn't that right, he absented himself for some of the meeting?

2 A. Yeah I think so, yes.

3 Q. 80 Right. And I think wasn't present for a number of early votes in relation

4 to Quarryvale, isn't that right?

10:52:14 5 A. I think so, yes.

6 Q. 81 Mr. Dunlop told the Tribunal, Mr. O'Callaghan, that in general from his

7 experience of dealing with the Development Plan that the position of the

8 local councillor in party terms was considered of paramount importance by

9 lobbyists in general. And by that what he meant was, if could you

10:52:36 10 persuade the local party councillor to support your development that would

11 have the effect of bringing with it at least some support from within the

12 party?

13 A. Yes.

14 Q. 82 Would you agree with that?

10:52:47 15 A. That's correct.

16 Q. 83 And that certainly on a party basis, that if you could bring, certainly a

17 senior member of the party, such as say in Fianna Fail, Mr. GV Wright who

18 would have been the leader of the Fianna Fail group in Dublin County

19 Council, or Councillor Therese Ridge who was a senior member of the Fine

10:53:03 20 Gael party, if they were known to be supporters of a development it had a

21 knock on effect of bringing with it Fine Gael votes insofar as Councillor

22 Ridge was concerned and Fianna Fail votes insofar as Mr. Wright was

23 concerned, would you agree with that?

24 A. Not totally, no.

10:53:18 25 Q. 84 I am not suggesting to you that it would bring all of the parties, but

26 that it would bring some of the councillors, would you agree with that?

27 A. Well, I don't know what Frank Dunlop meant there by a senior member of the

28 party. In my opinion what was important was that the local councillors,

29 no matter what party, the local ward councillors, that if you got them on

10:53:38 30 side you would possibly get a majority of the councillors.

10:53:42 1 Q. 85 Yes. And insofar as Quarryvale was concerned at 5629, your local
2 councillors were Councillors Ridge, Tyndall and McGrath, isn't that right?
3 A. Yes.
4 Q. 86 Right. And that was the Councillor Ridge from Fine Gael, Councillor
10:54:02 5 Tyndall from the Progressive Democrats and Councillor McGrath from Fianna
6 Fail?
7 A. That's correct but O'Halloran even though he was in the Lucan ward lived
8 in Clondalkin so he was, if you like would have been one of our serious
9 supporters as well.
10:54:15 10 Q. 87 Yes. And Councillor Gilbride wasn't within that area at all, isn't that
11 right, he was north of the county?
12 A. Absolutely.
13 Q. 88 But he was also a supporter of the project, isn't that right?
14 A. From the Tom Gilmartin days he was, yes.
10:54:26 15 Q. 89 But would you agree then that with the support of those three councillors
16 who were the local councillors that that had an added advantage in that it
17 would bring with it some if not all of the support of the other members of
18 those political parties?
19 A. Yes, and let me put it another way if you didn't have their support you
10:54:44 20 wouldn't have any hope at all.
21 Q. 90 But you knew going into the December 1992 vote that you had the support of
22 those three?
23 A. Oh yes.
24 Q. 91 And indeed others, isn't that right?
10:54:52 25 A. Oh, yes.
26 Q. 92 If we can go back then to the document at 8040? In the information that
27 you are providing to Mr. O'Farrell at this meeting, in the next paragraph
28 headed "Draft Development Plan" the following is stated:
29
10:55:07 30 "There are 28 maps in the whole plan. Initially it had been intended that

10:55:11 1 all of the plan would be dealt with before the 30th June 1992, this had
2 been in the Minister for the Environment's stipulation to the previous
3 Chairman, Stanley Laing. However, the matter drifted and an extension was
4 applied for from the Minister, December 1992 was agreed as the final date
10:55:26 5 for agreement. O'Callaghan had been gearing his operations towards a June
6 vote at the latest but the extension of time has obviously thrown the
7 timing back. They are working back through the plans, at this stage they
8 have dealt with maps 28, 27 and 26. One of these related to the Phil
9 Monahan Cherrywood site and took a long time resolve.

10:55:45 10
11 At this stage there is a further meeting in September, three for October,
12 three for November and two or three for December. The council was on
13 holidays for July and August and a number of members of the council are
14 now away on a ten day trip to Israel.

10:56:04 15
16 Owen O'Callaghan does not envisage any difficulties with the forthcoming
17 maps 25 down to 21, map 20 could well take two meetings in that there are
18 a number of issues involved in it and a site visit may be required, this
19 would obviously cause delays. Barkhill is map number 17, they had been
10:56:18 20 hoping for early October but they are very confident that it will be
21 during October at the latest."

22
23 Now, can I ask you first of all that the information you were providing to
24 Mr. O'Farrell at this meeting, did that come from Mr. Dunlop and from your
10:56:30 25 contact with the officials of Dublin County council?

26 A. Well, yes and from myself.

27 Q. 93 And from yourself. And do you agree that in that you are recording to
28 Mr. O'Farrell the fact that there had been delays in progressing the
29 Development Plan review?

10:56:46 30 A. Yes.

- 10:56:46 1 Q. 94 Right. And you are aware of course of Mr. Gilmartin's allegation that he
2 attributes those delays to you, isn't that right?
- 3 A. Yes.
- 4 Q. 95 And he has told the Tribunal of his belief that you orchestrated in some
10:56:59 5 way the delay in the progressing of the Development Plan that he believed
6 that because the Quarryvale development was so important it would be dealt
7 with as a priority, isn't that right?
- 8 A. Yes.
- 9 Q. 96 Right. What have you to say, Mr. O'Callaghan, about Mr. Gilmartin's
10:57:12 10 evidence in that regard?
- 11 A. What he said is impossible, it just couldn't have happen.
- 12 Q. 97 Insofar as you understood the events were going to unfold in 1992 you
13 yourself believed initially it would be dealt with by June of '92, isn't
14 that right?
- 10:57:27 15 A. Initially, yes.
- 16 Q. 98 Then certain delays occurred in relation to other maps and the matter was
17 put back, isn't that right?
- 18 A. Yes.
- 19 Q. 99 But at this stage, in September 1992, you are gearing yourself for an
10:57:38 20 October 1992 vote, isn't that right?
- 21 A. Yes.
- 22 Q. 100 And at that stage your advice presumably from Mr. Dunlop would have been
23 of his belief that it was likely in October 1992 Quarryvale would come to
24 be dealt with, isn't that right?
- 10:57:50 25 A. Yes not just from Frank Dunlop but from Councillor McGrath and Gilbride
26 and those people would have felt the same way.
- 27 Q. 101 When you met with the officials of the council, Mr. O'Callaghan, as we
28 have seen, either Mr. Fitzgerald or Mr. Brady, is that a matter you would
29 have discussed with them?
- 10:58:05 30 A. Not with Mr. Fitzgerald or Mr. Brady, no.

10:58:08 1 Q. 102 Who would you have discussed it with?
2 A. The only person we would have discussed it with would have been Al Smith.
3 Q. 103 Would you have discussed it with Mr. Willy Murray when you met him, who
4 was the planning officer?
10:58:18 5 A. No not really.
6 Q. 104 You did meet with Mr. Murray also, isn't that right?
7 A. Yes but he would be strictly the planning officer.
8 Q. 105 And would it be fair to say that when you met with Mr. Murray coming up to
9 December 1992, what you would have been discussing with him was what was
10:58:31 10 going to be contained in the planning officer's report in relation to
11 Quarryvale?
12 A. Yes.
13 Q. 106 Right. And that you would have been anxious I assume when you met with
14 Mr. Willie Murray coming up to the December 1992 meeting, that he would be
10:58:45 15 fully aware of your views in relation to Quarryvale?
16 A. Yes.
17 Q. 107 And what was obtainable or what you could live within relation to the
18 development, is that right?
19 A. Yes.
10:58:53 20 Q. 108 It would have been very difficult for you as the developer if the manager
21 or the planning officer had produced a report in which they only advocated
22 supporting the 1983 position, isn't that right?
23 A. Yes.
24 Q. 109 What was necessary for you was that the manager would produce a report
10:59:11 25 that was reasonably flexible insofar as it would allow for development of
26 the sort that you could live with in Quarryvale, isn't that right?
27 A. Yes.
28 Q. 110 Right. Now again in relation to your meetings with Mr. Willie Murray, or
29 Mr. Al Smith coming up to December '92, did you keep any notes,
10:59:29 30 Mr. O'Callaghan, of those meetings or what you discussed?

- 10:59:33 1 A. No, I did not keep any notes myself, no.
- 2 Q. 111 Mr. Dunlop has told the Tribunal that while he knew of those meetings he
- 3 himself didn't attend any of those meetings with you, do you agree with
- 4 that?
- 10:59:44 5 A. Yes.
- 6 Q. 112 Right. And it would seem from a number of telephone contacts with Mr.
- 7 Dunlop's office that Mr. Al Smith and possibly Mr. Derek Brady knew that
- 8 you could be contacted through Mr. Dunlop's office and would you agree
- 9 with that?
- 10:59:56 10 A. Yes.
- 11 Q. 113 Right. Did they on occasion contact you through Mr. Dunlop's office to
- 12 arrange for a meeting?
- 13 A. No, we had to make all the contact as far as I know.
- 14 Q. 114 Were they meetings that were did Mr. Ambrose Kelly attend those meetings?
- 11:00:09 15 A. He would have attended some of them, yes.
- 16 Q. 115 Mr. Kelly told the Tribunal it was not his practice either to keep any
- 17 notes in relation to such meetings?
- 18 A. Well, that is true because what happened was -- I know it seems odd, but
- 19 what happened at those meetings we would remember exactly at the time what
- 11:00:24 20 happened, we wouldn't have to make notes they were very important
- 21 meetings.
- 22 Q. 116 Really coming up to December 1992 what was important, Mr. O'Callaghan,
- 23 from your point of view of dealing with the officials is what was going to
- 24 be contained in the planning officer's report, isn't that right?
- 11:00:37 25 A. That was part of it, but as well as that we were trying to explain to them
- 26 what we proposed to do in Quarryvale, and basically, we were trying to get
- 27 their support for it, their report would support what our plans were, yes,
- 28 that's correct.
- 29 Q. 117 What you wanted out of it was a report from the manager that could you
- 11:00:54 30 live with?

- 11:00:55 1 A. Yes.
- 2 Q. 118 Or maybe not a recommendation copper fastening what happened in May of
- 3 1991 but a change in the position that would allow you to develop
- 4 Quarryvale?
- 11:01:07 5 A. Yes.
- 6 Q. 119 And would still allow councillors to bring a motion for example supporting
- 7 what the manager was doing?
- 8 A. That is correct.
- 9 Q. 120 And in bringing a motion seeking the support of the manager it was
- 11:01:16 10 possible that that could bring with it some of the Labour Party people who
- 11 would only support what the manager was recommending, isn't that right?
- 12 A. Well, yes, they would have -- that's correct. If that happened that would
- 13 bring the Labour Party, possibly would not have brought the Worker's Party
- 14 at the time, or Democratic Left, I mean, at the time but it could have
- 11:01:36 15 brought the Labour Party.
- 16 Q. 121 Because their stated position was they were supporting what the manager
- 17 was doing, isn't that right, the manager was recommending?
- 18 A. Yes.
- 19 Q. 122 And it was because was Mr. O'Halloran's divergence from the manager's
- 11:01:48 20 recommendation that ultimately Mr. O'Halloran lost the whip, isn't that
- 21 right?
- 22 A. That is correct, yes.
- 23 Q. 123 Now at 8041 on the following page of this document, you are recorded as
- 24 telling Mr. O'Farrell that there are 78 members on the council, a straight
- 11:02:03 25 majority is required, any further Section 4 motions from material
- 26 contravention will require 75 per cent, following the completion of this
- 27 draft development plan. Owen O'Callaghan is confident that their lobbying
- 28 will result in a positive vote. Was that accurate, Mr. O'Callaghan?
- 29 A. Yes.
- 11:02:19 30 Q. 124 Then the next paragraph refers to Mr. Gilmartin "This scheme was

11:02:23 1 originally launched in October 1990 by Tom Gilmartin, the Berkley Court.
2 At that stage he spoke about a 1.5 million square feet development, this
3 has now been scaled to 500,000 square feet. The zoning permission
4 actually caps the retail space at 500,000 square feet. Opposition to the
11:02:41 5 zoning has included claims that once the zoning is approved in the
6 Development Plan, the developers will develop to 1.5 million square feet.
7 This is based on the fact that with the 70 acres zoned retail, it could
8 hold this amount of retail space. By comparison, Blanchardstown is 1
9 million square feet on 40 acres, however plans there are to build
11:03:02 10 350,000/450,000 square feet."
11

12 Were you there expressing to Mr. O'Farrell a concern that the councillors
13 or other people had told you about the capping that had arisen and the
14 concern that you would revert to 1.5 million square feet?

11:03:20 15 A. Yes, the concern amongst certain councillors and it was a concern that was
16 brokered by Blanchardstown, you have to remember that Blanchardstown were
17 working away against us continuously when all this was ongoing, it became
18 a very serious issue with them. And those councillors -- some councillors
19 were saying I was just fronting for Tom Gilmartin and that as soon as we
11:03:39 20 got our foot in the door of 500,000 square feet we'd as quickly as
21 possible move it up to 1.5 million square feet, that was the big dread all
22 the time. That if you like, that was the hammer the opposition
23 councillors were using against us with our supporting councillors.

24 Q. 125 You knew of course that in May 1991 the amendment that had been put
11:04:01 25 forward and adopted provided that Quarryvale could not develop retail
26 space any greater than would have been permitted in Neilstown/Balgaddy,
27 isn't that right?

28 A. That's correct.

29 Q. 126 And even though the figure 500,000 square feet was not mentioned in the
11:04:15 30 actual motion, the maximum a amount of retail space that you had applied

- 11:04:20 1 for when you were applying for shopping centre permission
2 Neilstown/Balgaddy was 500,000 square feet in two phases, isn't that
3 right?
4 A. Two phases, yes.
- 11:04:29 5 Q. 127 So therefore in effect what the written statement would have reflected it
6 if it hadn't been changed, was you would have the town centre zoning with
7 retail element capped at 500,000 square feet, is that right?
8 A. Yes.
- 9 Q. 128 If that had been implemented in effect you would have had to have adhered
10 to that until the next Development Plan, is that right?
11 A. Yes, that is a fact.
- 12 Q. 129 That is the -- that is what would have happened?
13 A. But the councillors put a different spin on that of course, yes.
- 14 Q. 130 But in fact the factual position would have been had the 1991 position
11:04:59 15 been adopted you would have got your town centre zoning on Quarryvale but
16 you would have been capped at 500,000 square feet?
17 A. That's correct.
- 18 Q. 131 Once that was endorsed in the written statement attached to the plan,
19 there was very little could you have done about it?
11:05:14 20 A. That's correct. Yes.
- 21 Q. 132 Then at 8051 in the, sorry I beg your pardon at the next paragraph you
22 refer to "negative factors the change in zoning had effectively moved the
23 town centre from the original site at Quarryvale which is 0.8 miles in
24 distance and then efforts to link up with Green had failed and you had
11:05:33 25 sought an alternative site which was the national stadium." Is that
26 right?
27 A. Yes. Yes.
- 28 Q. 133 What you are telling Mr. O'Farrell there is that it was the change in the
29 physical location was a negative factor from Neilstown to Quarryvale?
11:05:49 30 A. Yes.

- 11:05:49 1 Q. 134 And that when you had failed in your negotiations with Green you had come
2 up with the prospect of the stadium for the alternative use of your
3 original site, isn't that the position?
4 A. Yes.
- 11:05:58 5 Q. 135 You then go on to deal with the present position and in the second
6 paragraph you note that Mr. Corcoran had been lobbying the councillors
7 himself and that he had Pat Keating, isn't that right?
8 A. I haven't seen that.
- 9 Q. 136 The last paragraph on the page?
11:06:16 10 A. Yes.
- 11 Q. 137 On the following page you deal with the possibility of various anchor
12 tenants but what I want to ask you about is the third paragraph "Owen
13 O'Callaghan is confident that Tom Gilmartin knows the position regarding
14 the imminent zoning". Do you see that?
11:06:31 15 A. Yes.
- 16 Q. 138 Would you have been discussing with Mr. Gilmartin on a regular basis what
17 was happening in relation to the zoning?
18 A. Up to, on a monthly basis at least I would say, yes.
- 19 Q. 139 Yes. Would you have been aware of Mr. Gilmartin's worsening personal
11:06:47 20 financial position at this stage?
21 A. No, he never really told me that.
- 22 Q. 140 Did you ever discuss fees or payments with Mr. Gilmartin when you were
23 talking on the telephone to him?
24 A. We would talk about money a lot, indeed. Yes.
- 11:07:00 25 Q. 141 Did you talk about the actual fees and expense that is were being paid out
26 of the Barkhill loan?
27 A. Oh, yes.
- 28 Q. 142 And would you have broken those down for Mr. Gilmartin?
29 A. As much as I could. He wasn't that interested in them, but of course I
11:07:12 30 outlined them as much as I could, because you know let's face it we were

11:07:15 1 in there together and I was carrying the can completely at this stage, I
2 made him aware of it as soon as I could, as much as he was prepared to
3 listen to.

4 Q. 143 Did you make him aware of your plans in relation to the national stadium
11:07:28 5 or the sports centre?

6 A. Oh, yes.

7 Q. 144 You know it is recorded in a later part of this document, Mr. O'Farrell's
8 belief that Mr. Gilmartin knew nothing about the sports stadium, isn't
9 that right?

11:07:37 10 A. I don't agree with that at all.

11 Q. 145 You don't agree with that?

12 A. Not at all. Why would I not tell Tom Gilmartin what was going on? He was
13 involved in this as much as I was, at the time Quarryvale was an extremely
14 difficult project, you can see how the lack of support we were getting
11:07:51 15 from the banks, everything was difficult with them. Tom was gone back to
16 Luton, not too sure what he was doing, but I was here holding the can
17 completely, of course I told him what was going on.

18 Q. 146 Well certainly in this document you appear to have told the bank that you
19 were confident that Mr. Gilmartin knew the position, isn't that right?

11:08:09 20 A. That's right.

21 Q. 147 And on the following page at 8043, in relation to the national stadium
22 Mr. O'Farrell records in relation to the sanction in the fourth paragraph,
23 he is dealing here with the national stadium.
24

11:08:29 25 "On the latter point I indicated that we had never been consulted about
26 the sports stadium plans either as bankers or as directors/shareholders.
27 Neither had Tom Gilmartin as far as we were aware" isn't that right?

28 A. Yes.

29 Q. 148 Now, it's not recorded there that you gave any assurance to Mr. O'Farrell
11:08:46 30 when he made this point to you that in fact Mr. Gilmartin knew all about

11:08:51 1 the stadium plans because you told him, isn't that right?

2 A. Yes.

3 Q. 149 Right. So do you think it's likely that in fact you may not have told

4 Mr. O'Farrell that contrary to his belief Mr. Gilmartin was fully up to

11:09:02 5 speed about your plans for the stadium?

6 A. I don't know, I can't answer that. All I can tell you is that Tom

7 Gilmartin, just think about it. Here I was stuck in the middle of this,

8 this a situation I didn't really want to be in, and when I went into it

9 eventually I hoped Tom Gilmartin would stay with me and stay in this whole

11:09:19 10 Quarryvale project, and he's gone, he's gone back to the UK and he left me

11 here in all this mess, and that's the word for it, that I was really in.

12 Of course I told him exactly what I was going on, I am shocked to think,

13 well I am not shocked, it's what he has been doing actually, that he

14 hasn't come and told the truth, told everybody that was asking the

11:09:39 15 question that he was totally aware of what was happening in the whole

16 place. Why wouldn't I tell him? I was the guy that was suffering.

17 Q. 150 Just in relation to the contemporaneous record that you are looking at,

18 Mr. O'Callaghan, which is Mr. O'Farrell's meticulous record of what he

19 says occurred between yourself and himself at this review meeting on the

11:09:55 20 16th September 1992, do you agree with me that Mr. O'Farrell told you at

21 that meeting that as far as he was aware Tom Gilmartin did not know of

22 your plans in relation to the stadium and he has recorded that there.

23 A. I do not agree with that at all.

24 Q. 151 Well, do you agree first of all that that's what's recorded on the

11:10:13 25 document?

26 A. Yes.

27 Q. 152 Do you agree also with me that it does not record you telling

28 Mr. O'Farrell that in fact Mr. Gilmartin was up to speed in relation to

29 the stadium?

11:10:22 30 A. That's right.

- 11:10:23 1 Q. 153 Can you assist at all as to why it was that Mr. O'Farrell who appears to
2 have recorded everything else you told him, has omitted this,
3 Mr. O'Callaghan?
- 4 A. Well, a lot of Mr. Farrell's memos which were recorded after the telephone
11:10:37 5 conversations or after meetings from what I have been reading recently are
6 all slanted to suit what Michael O'Farrell wanted to say. There was a
7 banking slant on all these memos of course and I'm not sure they are 100
8 per cent accurate. Michael O'Farrell never wanted to get involved with
9 anything to do with the stadium and always pushed it away because he knew
11:11:02 10 himself it was an essential part of the operation but didn't want to have
11 the bank involved in supporting it financially.
- 12 Q. 154 What we are talking about, Mr. O'Callaghan, is the failure by
13 Mr. O'Farrell to record something that you said to him, if indeed you did
14 say it to him, and what -- are you suggesting to the Tribunal that there
11:11:17 15 is some bank slant in Mr. O'Farrell not recording that you had told him
16 that Mr. Gilmartin knew about the stadium?
- 17 A. Yes.
- 18 Q. 155 And what slant would that have been?
- 19 A. He just -- it suited him to say that actually, it always suited Michael
11:11:31 20 O'Farrell to keep his hands away from the stadium.
- 21 Q. 156 Yes, how would it have suited Mr. O'Farrell or the bank to be told that
22 Mr. Gilmartin knew of the stadium and not record it?
- 23 A. Well as far as -- it's the same thing actually, as far as Michael
24 O'Farrell was concerned he just, once the stadium was mentioned he just
11:11:53 25 drew a blank and that included any conversation with Tom, I don't think --
26 first of all himself and Tom Gilmartin didn't speak very much but I doubt
27 if they even spoke about -- the stadium would not have come up in their
28 conversation.
- 29 Q. 157 You have suggested, Mr. O'Callaghan, that in some way it suited the bank's
11:12:09 30 slant to leave out of this memorandum the fact that you had told him that

- 11:12:13 1 Mr. Gilmartin knew about the stadium. I am just asking to you explain to
2 the Tribunal how you say, first of all what the bank slant was and then
3 how you say it would have suited that slant for Mr. O'Farrell to keep the
4 information from them and out of the memorandum?
- 11:12:27 5 A. Well it suited of him, of course it suited him. Because it was his policy
6 as I said to you from day one not to have anything at all to do with the
7 stadium and more or less to Odeny it whenever it was mentioned and didn't
8 want -- of course it suited him from a financial point of view he didn't
9 want to know about the stadium. He is always felt, always protected the
11:12:46 10 bank from having to get involved in funding the stadium in anyway.
- 11 Q. 158 Do you agree with Mr. O'Farrell that up to the point in time at which you
12 discussed the stadium with him the bank had never been consulted about the
13 sports stadium plans?
- 14 A. Oh they had of course.
- 11:13:01 15 Q. 159 Are you saying in so far as he records that he is also incorrect in that?
- 16 A. He is, yes.
- 17 Q. 160 If we go back to page 8042 under the heading "fees", Mr. O'Farrell gave
18 you a copy of the pages outlining the breakdown of the loans and a
19 breakdown of the fees paid and the fees outstanding. We looked at those
11:13:20 20 yesterday, isn't that right?
- 21 A. Yes.
- 22 Q. 161 The documents that he gave you are at 8045, which is the overall picture
23 in relation to the loans, isn't that right?
- 24 A. Yes.
- 11:13:35 25 Q. 162 And the second at 8046 deals with the utilisation of the 1 million loan
26 and in the second portion of the fees that were paid from the Barkhill
27 number 2 loan, isn't that right?
- 28 A. Yes.
- 29 Q. 163 And then the third document at 8047 is a document that we went through
11:13:54 30 yesterday which is described at the top of the page as "fees outstanding,

- 11:13:58 1 16th of the 9th '92" isn't that right?
- 2 A. Yes.
- 3 Q. 164 And within that there was a series of payments which had been identified
- 4 by you which had to be paid at that time, isn't that right?
- 11:14:10 5 A. That's correct, yes.
- 6 Q. 165 If we look at the very bottom of that, if you see first of all that there
- 7 are asterisks beside five payments, isn't that right, five proposed
- 8 payments?
- 9 A. Yes.
- 11:14:20 10 Q. 166 If you go to the very bottom you will see beside the asterisk, total
- 11 34,097 plus 19,064 for stadium which have to be paid now per Owen
- 12 O'Callaghan, is that right?
- 13 A. Yes.
- 14 Q. 167 It was you telling the bank that those fees had to be paid now, isn't that
- 11:14:38 15 right?
- 16 A. Yes.
- 17 Q. 168 If you we go back to 8042 you went through that list with Mr. O'Farrell,
- 18 if Mr. O'Farrell is accurate, isn't that right?
- 19 A. Yes.
- 11:14:49 20 Q. 169 Because what Mr. O'Farrell says is that he gave you a copy of the attached
- 21 pages and then we went through the various fees which had been paid and he
- 22 provided explanations where he could for the various items, see attached?
- 23 A. Yes.
- 24 Q. 170 It follows from that then that the information provided is information
- 11:15:04 25 provided by you in relation to the various items of expenditure, isn't
- 26 that right?
- 27 A. Yes.
- 28 Q. 171 Right. You don't disagree with Mr. O'Farrell in relation to that?
- 29 A. No.
- 11:15:12 30 Q. 172 Right. The next item then is in relation to VAT and the matter was to be

11:15:16 1 dealt with by Mr. Lucey and he asked Mary Basquille to follow up on that,
2 at 8043, he confirms in the very first paragraph that you went through to
3 the various fees outstanding as of today's date and an estimate of the
4 fees to before planning as obtained, see attached schedule. That's a
11:15:38 5 reference again to the schedule which can be found at 8047, in which you
6 are providing him with fees incurred to date and estimate for the future,
7 isn't that right?
8 A. Yes.
9 Q. 173 Including fees in relation to the stadium, is that right?
11:15:48 10 A. Yes.
11 Q. 174 But excluding the 70,000 pounds invoice in July of 1992, is that right?
12 A. Yes.
13 Q. 175 And then next paragraph there is a further 60,000 due by Riga to AIB
14 Corporate Finance in relation to Green take over?
11:16:02 15 A. Sorry I haven't that.
16 Q. 176 I beg your pardon, 8043, there is a further 60,000 due by Riga to AIB
17 corporate finance in relation to the Green take over and that Riga
18 recognise this for their account.
19
11:16:17 20 Then in the next paragraph he makes the following point "I made the point
21 to Owen O'Callaghan than AIB were already drawn way beyond our original
22 sanction. An element of this overrun related to fees even before we paid
23 any further fees. In these circumstances it is would be very difficult to
24 pay out more money from the loan to cover further fees, particularly as
11:16:36 25 zoning is not yet in place. He recognises this and has consequently
26 pushed out a lot of the fees." If I stop there, by pushing out a lot of
27 fees, that is deferring payment, is that right?
28 A. Yes.
29 Q. 177 Right. "In essence he is identifying possibly 40,000 pounds which needs
11:16:52 30 to be paid now in relation to the general Quarryvale zoning issue with a

11:16:57 1 further 19,000 pounds due to Ambrose Kelly in relation to the design/plans
2 for the sports stadium". And that figure of 19,000 pounds was an
3 additional figure, isn't that right?
4 A. Yes.

11:17:09 5 Q. 178 Right. Now, first of all what was the fees of 40,000 pounds to be paid
6 now in relation to the general Quarryvale zoning issue?
7 A. Oh I can't recall it that now.

8 Q. 179 Well can I show you 8047?
9 A. Yes, please.

11:17:23 10 Q. 180 Which is the breakdown of the outstanding fees and if you look at the
11 figures that are asterisked you will see that Mr. Dunlop has two invoices
12 one for 6,314 and one for 13,530 that has to be paid, isn't that right?
13 A. Yes.

14 Q. 181 One for Auveen Byrne of 4,000 that has to be paid, another to Mr. Dunlop
11:17:47 15 of 10,253?
16 A. Yes.

17 Q. 182 And would you agree with me that the fees due to Mr. Dunlop there amount
18 to 30,000 pounds approximately?
19 A. Yes.

11:17:56 20 Q. 183 Right. And then there is the separate figure of the 19,000 pounds due to
21 Mr, that would have to be paid to Mr.?
22 A. Yes, Mr. Kelly.

23 Q. 184 Isn't that right?
24 A. Yes.

11:18:07 25 Q. 185 Is it likely that the 40,000 pounds you are referring to that had to be
26 paid, included those three payments to Mr. Dunlop?
27 A. That's possible, yes.

28 Q. 186 Right. Therefore you are tying those three payments in relation to the
29 Quarryvale zoning, isn't that right?
11:18:21 30 A. Yes.

- 11:18:21 1 Q. 187 And if we go back to 8043, what you are telling Mr. O'Farrell is that the
2 payments of around I think the figure is 33,000 pounds on foot of those
3 three invoices due to Mr. Dunlop have to be paid now and that it's in
4 connection the Quarryvale zoning issue?
- 11:18:43 5 A. Yes.
- 6 Q. 188 Is that correct? And these are the invoices for which there is no
7 breakdown, isn't that right?
- 8 A. That's possible, yes.
- 9 Q. 189 Yes. In fact with the possible exception of the one for -- no I think the
11:18:57 10 three of those, certainly it would have those are invoices that record "to
11 ongoing costs re Quarryvale", isn't that right?
- 12 A. Yes.
- 13 Q. 190 I think possibly one is an earlier invoice for which there is a breakdown.
14 In the next paragraph I think I have already dealt with that in relation
11:19:11 15 to Mr. Gilmartin's position and in the second part of that memorandum it's
16 recorded that he, that's you: "He argued strongly that the sports centre
17 plans are an integral part of obtaining the zoning. He is strongly of the
18 view that if they don't have an alternative use set up for the Neilstown
19 site they will not get the required support at the zoning meeting.
- 11:19:30 20 Accordingly he is arguing that the fees related to the stadium which total
21 58,000 pounds with a further 30,000 pounds to go, will have to be paid by
22 Barkhill Limited".
- 23 A. Yes.
- 24 Q. 191 So what you are telling Mr. O'Farrell in this memorandum is that a figure
11:19:44 25 of 88,000 pounds in relation to the stadium would, should be paid by the
26 bank in connection with the stadium, isn't that right?
- 27 A. Yes.
- 28 Q. 192 And those figures are greater when they are aggregated than Mr. Dunlop's
29 invoice for 70,000, isn't that right?
- 11:19:59 30 A. Yes.

- 11:19:59 1 Q. 193 There is no suggestion here that at this meeting when you are dealing with
2 the issue of outstanding fees that you informed Mr. O'Farrell of the
3 existence of an invoice from Mr. Dunlop of 70,000 pounds, even if
4 Mr. O'Farrell were to subsequently reject it, isn't that right?
- 11:20:15 5 A. That's correct and you can see how difficult it would have been if I put
6 in the other 70,000 pounds.
- 7 Q. 194 But do you agree that in fact you didn't, in fact inform Mr. O'Farrell at
8 this meeting?
- 9 A. I certainly did not, no.
- 11:20:26 10 Q. 195 Now in general, he make as number of points then, first deals with company
11 office returns, the next deals with derelict sites at the bottom, on the
12 following page he is dealing with an issue involving caravans on the site,
13 the Bruton lands and security, isn't that right?
- 14 A. Yes.
- 11:20:43 15 Q. 196 Then he makes points for follow up, one of those at item five was a
16 position paper in relation to requests for additional fees, isn't that
17 right?
- 18 A. Yes.
- 19 Q. 197 I think following on that, Mr. O'Farrell made an application at 8066 for
11:20:59 20 additional fees, made a credit application within the bank, isn't that
21 right?
- 22 A. Yes.
- 23 Q. 198 And you will see that at the bottom of this document he says "fees, see
24 attached" and then he says "The following need to be paid now/before
11:21:15 25 zoning, Deloitte & Touche 8, F Dunlop 30, A Byrne 4, Ambrose Kelly re
26 stadium 19, planning application re stadium 10 and miscellaneous 29 and
27 that miscellaneous 29 was the feasibility study to Deloitte & Touche about
28 the stadium, isn't that right?
- 29 A. I don't know, okay if you say so.
- 11:21:37 30 Q. 199 No, Mr. O'Callaghan, it's not if I say so, if I can show you 8047 and you

- 11:21:43 1 will see under the heading "sports centre" there are three items of fees
2 in relation to the stadium.
- 3 A. Oh, yes.
- 4 Q. 200 Mr. Kelly of 19,064, planning application and Deloitte & Touche 29,000.
- 11:21:55 5 A. Yes, I'm sorry. Yes.
- 6 Q. 201 That's all right. If you go to 8066 do you now agree with me that the
7 miscellaneous item listed by Mr. O'Farrell relates to the 29,000 pounds
8 for Deloitte & Touche?
- 9 A. Yes.
- 11:22:09 10 Q. 202 And the figure of a 100,000 pounds which Mr. O'Farrell is identifying as
11 needing to be paid now or before the zoning, includes a figure of more
12 than half of the figure relates to the stadium, isn't that right?
- 13 A. More than -- yes.
- 14 Q. 203 Because there is the figure of 19 plus ten is 29 and then a figure of 29?
- 11:22:32 15 A. Yes.
- 16 Q. 204 I think it comes to 58,000, isn't that right?
- 17 A. Yes.
- 18 Q. 205 So over 50 per cent of the fees he is looking for relates to the stadium?
- 19 A. Yes.
- 11:22:40 20 Q. 206 In addition to that the majority of the balance relates to Mr. Dunlop's
21 fees for ongoing costs re Quarryvale, isn't that right?
- 22 A. Yes.
- 23 Q. 207 Now, in the background factors at 8067 under the heading "issues", under
24 the second paragraph at issues, under the heading "sports centre" he,
11:23:02 25 Mr. O'Farrell tells his superiors the following:
26
27 "Sports centre fees 58,000 pound incurred to date with a further 30,000
28 pounds due"
- 29 A. Sorry I have lost that. Where is that?
- 11:23:14 30 Q. 208 Under the heading "issue", Mr. O'Callaghan, do you see "issues"?

- 11:23:18 1 A. Yes, okay.
- 2 Q. 209 And then the second paragraph "sports centre fees"?
- 3 A. Yes.
- 4 Q. 210 "58,000 pounds incurred to date with further 30,000 due. O O'Callaghan
- 11:23:27 5 advises that the strategy is to help ensure favourable manager's report on
- 6 decision day. Option on site is in name of Merrygrove Estates Limited a
- 7 subsidiary of Barkhill Limited, Riga strongly regard these fees as an
- 8 integrate part of overall proposal." And then beneath that "Other fees
- 9 due, Owen O'Callaghan has identified those which have to be paid as listed
- 11:23:49 10 above", isn't that right?
- 11 A. Yes.
- 12 Q. 211 And the ones that are listed above I've shown you on the previous page,
- 13 which total 100,000 pounds including the stadium fees and Mr. Dunlop,
- 14 isn't that right?
- 11:23:57 15 A. Yes.
- 16 Q. 212 The recommendation that is sought in relation to fees, Mr. O'Farrell
- 17 states fees 100,000 pound above requires settlements. We have been
- 18 stalling to date and need to recognise that genuine fee fees have been
- 19 incurred by Owen O'Callaghan, refusal to fund same at this particular time
- 11:24:13 20 with a decision on zoning so close could be high risk. The fees relating
- 21 to the stadium are a new dimension about which we were never formally
- 22 consulted, nevertheless the strategy in relation to same in the context of
- 23 the overall zoning issue does appear to be sound, isn't that right?
- 24 A. Yes.
- 11:24:30 25 Q. 213 Would you say that there Mr. O'Farrell is reasonably supportive of your
- 26 position to his superiors, isn't that right?
- 27 A. Yes but not to me.
- 28 Q. 214 Yes, within that he is acknowledging two things that are important,
- 29 Mr. O'Callaghan, one is that your strategy in relation to the stadium
- 11:24:46 30 appears to be sound, isn't that right?

11:24:48 1 A. Yes. Again I repeat that is correct, you are correct but he never told
2 me.
3 Q. 215 Yes, but this is what he is telling his superiors, isn't that right?
4 A. Yes.
11:24:56 5 Q. 216 And also he is referring to the fact that the sports stadium fees are
6 essential, he has been told by you to getting a positive manager's report,
7 isn't that right?
8 A. Yes.
9 Q. 217 So this was something you were promoting to your contacts in the council,
11:25:10 10 isn't that right?
11 A. Yes.
12 Q. 218 Right. The second important thing that Mr. O'Farrell says is that if the
13 fees, if funding for the fees is not given so close to the zoning decision
14 that could be high risk?
11:25:21 15 A. Yes.
16 Q. 219 Isn't that right?
17 A. Yes.
18 Q. 220 So there is a connection between the 100,000 pounds sought by you and
19 recommended by Mr. O'Farrell and the zoning decision, isn't that right?
11:25:31 20 A. Yes.
21 Q. 221 Yes. Within that there is a figure of 30,000 pounds for ongoing costs re
22 Quarryvale due to Mr. Dunlop, isn't that right?
23 A. Yes.
24 Q. 222 Right. And if the monies hadn't been paid, Mr. O'Callaghan, how do you
11:25:45 25 think that could have adversely affected the zoning decision?
26 A. That would not have happened because we would have had to pay the monies
27 ourselves.
28 Q. 223 Why were the monies essential to be paid prior to the zoning decision?
29 A. Well, at that stage we were working flat out, probably six days a week,
11:26:01 30 lobbying, continuously meeting various councillors, Blanchardstown were

11:26:06 1 trying their best to stop us, it was a real dog fight between both sides,
2 and I would have spent and in that time probably six day as week, Frank
3 Dunlop would have spent the same time with me, travelling with me, driving
4 me around, using his office, sending additional information to various
11:26:22 5 councillors by different courier systems, meeting councillors, talking to
6 them, buying lunching for them. This was total, this was a six day job at
7 a time. We had to do this and perform like this because of Blanchardstown
8 people were doing the same thing on the other side. So if we had stopped
9 at that stage and had not continued our lobbying work which consisted of
11:26:43 10 what I told you, it's possible that we would have lost some of our
11 councillors.

12 Q. 224 Are you saying that the absence of money, Mr. O'Callaghan, or the absence
13 of the fees that were to be paid to Mr. Dunlop and if he wasn't provided
14 with these funds by Barkhill or by Riga would have had an adverse
11:27:01 15 implication on his relationship with the councillors?

16 A. Well, it's possible, I doubt if he would have done this but it's possible
17 he would have stopped working with me and going to all these meetings with
18 me, he set up meetings with all the councillors and getting additional
19 pieces of information sent to councillors, meeting councillors,
11:27:18 20 counteracting what the Blanchardstown people were continuously saying, it
21 was a case of when we said it was black today the Blanchardstown people
22 said it was white, we had to meet the same councillors the following day
23 to counteract this just as they did to us.

24
11:27:31 25 If it happened that we stop doing this, I wouldn't have stopped doing this
26 but I had to have Frank Dunlop's assistance because it was his office, his
27 car, his staff I was using. If that had stopped yes, we probably would
28 have lost some of our councillors.

29 Q. 225 Sanction was given for some of those fees to be paid at 8106,
11:27:57 30 Mr. O'Farrell contacted you on 28th September 1992 and he identified a

- 11:27:57 1 number of fees that it had been agreed would be paid, including three to
2 Mr. Dunlop, isn't that right?
- 3 A. Yes.
- 4 Q. 226 Two of which related to ongoing costs re Quarryvale and the third being a
11:28:07 5 sum of 10,253 contained a breakdown, isn't that right?
- 6 A. Yes.
- 7 Q. 227 Right. And at 8106 in the centre of the second paragraph Mr. O'Farrell
8 records "I indicated that my agreement was on the basis there would be no
9 further fees between now and zoning, he" that's you "indicated that this
11:28:28 10 would be not be the case and there would be further fees due, particularly
11 he mentioned there would be 29,000 pounds payable in relation to the
12 sports centre to Deloitte & Touche."
13
14 And immediately preceding that he records as follows "Apart from
11:28:43 15 ourselves, I indicated that Tom Gilmartin would not be aware of these fees
16 and would have to agree to same" that's in relation to the sports centre,
17 do you see that?
- 18 A. I haven't got it, sorry I haven't seen that.
- 19 Q. 228 In the second paragraph commencing "In relation to the latter" which
11:28:57 20 relates to Ambrose Kelly and the sports centre "I indicated that we had
21 some difficulty in agreeing to pay the sports centre fees particularly as
22 this payment is only the first of an identified total of approximately
23 90,000 pounds."
- 24 A. Yes.
- 11:29:10 25 Q. 229 "Apart from ourselves I indicated that Tom Gilmartin would not be aware of
26 these fees and would have to agree to same". Mr. O'Farrell said that to
27 you, isn't that right, it's recorded there?
- 28 A. Yeah, he said it very often to me, yes.
- 29 Q. 230 Did you tell him again that in fact contrary to what he was telling you
11:29:25 30 Mr. Gilmartin was in fact aware of the sports centre fees?

- 11:29:29 1 A. Yes.
- 2 Q. 231 Yes. Again can you offer any explanation as to why Mr. O'Farrell would
3 not have recorded you correcting his position as you have previously I
4 think on the 16th September corrected his position?
- 11:29:42 5 A. What did I say to him on the 16th?
- 6 Q. 232 It's not recorded again, but you have told the Tribunal that when
7 Mr. O'Farrell told you that Mr. Gilmartin did not know about the sports
8 centre fees that you would have told Mr. O'Farrell that Mr. Gilmartin did
9 know it and that Mr. O'Farrell hasn't recorded it, isn't that right?
- 11:30:01 10 A. Yes. Mr. O'Farrell continuously used this argument when he wanted to --
11 whenever he wanted not to pay fees on behalf of the bank he would always,
12 he would refer to the fact that Tom Gilmartin had to be told about it.
- 13 Q. 233 Yes but I am asking you about now, Mr. O'Callaghan, is the -- this is a
14 second note created by Mr. O'Farrell on the 28th September 1992, the first
11:30:23 15 of which was the 16th September 1992, and in both of these Mr. O'Farrell
16 records himself as telling you that Tom Gilmartin is unaware of the fees
17 in connection with the stadium, and if I understand you correctly, your
18 evidence to the Tribunal is you did tell him --
- 19 A. Yes.
- 11:30:40 20 Q. 234 -- that Mr. Gilmartin knew about that, but he has not recorded it, isn't
21 that right?
- 22 A. That's correct.
- 23 Q. 235 And not alone in this instance has he not recorded it, but he has not
24 referred to the fact that previously you had told him on the 16th
11:30:52 25 September that Mr. Gilmartin was aware of it, isn't that right?
- 26 A. That's correct.
- 27 Q. 236 Are you suggesting that Mr. O'Farrell is pursuing, or was pursuing on the
28 documentation within the bank and the note of the records, some private
29 purpose for keeping that information off the memo?
- 11:31:10 30 A. Well I don't know you mean by that.

11:31:12 1 Q. 237 Nobody was ever intended to see these documents, Mr. O'Callaghan,
2 Mr. O'Farrell could not have anticipated on the 20th September or 26th
3 September 1992 or the 16th September 1992, that many years later this
4 Tribunal would be examining those documents, isn't that right?

11:31:30 5 A. That's correct.

6 Q. 238 So there wasn't any reason for Mr. O'Farrell to put down or to
7 deliberately with keep from his superiors in the bank, any information
8 that might be relevant in relation to his deals with Barkhill or yourself,
9 isn't that right?

11:31:44 10 A. Yes.

11 Q. 239 So why do you think it was that Mr. O'Farrell, who took a meticulous note
12 in relation to other matters left out this reference to Mr. Gilmartin in
13 fact being aware of?

14 A. I don't know he had some reason for it obviously, I don't know.

11:32:01 15 Q. 240 Isn't it much more likely, Mr. O'Callaghan, that the obvious reason is the
16 real reason, which is you never told Mr. O'Farrell that you had told
17 Mr. Gilmartin about the sports stadium and he knew all about it?

18 A. Not at all, that's totally incorrect.

11:32:28 19 Q. 241 So you say again for reasons you can't explain, in this note of the 28th
20 September 1992, there is a failure by Mr. O'Farrell to accurately record
21 what you told him?

22 A. There has been a few of them, I agree, I accept that there is a failure,
23 that's what I am saying to you.

24
11:32:31 25 MR. LUCEY: I wonder if I could just intervene at that stage, Sir. In
26 relation to the accuracy of Mr. O'Farrell's note, it's put to
27 Mr. O'Callaghan this was the first time the bank was aware of the sports
28 centre according to Mr. O'Farrell's note which is the 16th September but
29 if the Tribunal looks at 7952 and 7932 -- sorry 7939, these are two
11:32:51 30 earlier bank memos concerning the sports stadium in which there were

11:32:56 1 discussions on the 3rd September and the 28th August concerning the same
2 proposal, so I think they should be put to Mr. O'Callaghan concerning the
3 bank's stated knowledge at that time of the Clondalkin development
4 regarding the stadium.

11:33:13 5
6 MS. DILLON: Again I am subject to correction, I had understood my
7 question to be about the fees in connection with the sports stadium.
8

9 MR. LUCEY: That's correct, but I was going back to the earlier evidence,
11:33:22 10 because I just want to be correct in what I was saying, it was put to
11 Mr. O'Callaghan, in accordance with what's recorded in the note that the
12 bank at the time on 0840, did not know of the sports proposal for the
13 stadium, this was a first recollection that there is of it in the notes of
14 the bank by Mr. O'Farrell, but in fact there are two earlier bank memos
11:33:42 15 not compiled by Mr. O'Farrell but at those two stated pages on which there
16 is a discussion, the first with Mr. Deane concerning the development at
17 Clondalkin of a sports stadium of which the bank is intimately involved.
18

19 CHAIRMAN: I understood Ms. Dillon to be canvassing with Mr. O'Callaghan
11:33:56 20 a slightly different point, namely that Mr. O'Callaghan's information to
21 Mr. O'Farrell that Mr. Gilmartin was aware of the stadium project was not
22 being -- was not being fully recorded in the bank's memos.
23

24 MR. LUCEY: Yes, I accept that's not the case I am not taking issue with
11:34:20 25 what's being canvassed now in that regard, but the overall issue of the
26 accuracy of the bank memos there insofar as Mr. O'Callaghan made the point
27 they don't accurately reflect as far as he is concerned what did occur at
28 those meetings, and there are earlier references which certainly
29 contradict what Mr. O'Farrell has now included in this reference
11:34:37 30 concerning the stadium. So that's the point I am making, Chairman. I

11:34:41 1 just needed to refer to the two documents to show that Mr. O'Callaghan is
2 correct insofar as there are earlier bank references to the proposal to
3 develop the stadium which was made known to the bank at that stage,
4 earlier than the 16th September.

11:34:54 5
6 CHAIRMAN: All right.

7
8 Q. 242 MS. DILLON: Now, just dealing with 8106, which is where I think I was,
9 Mr. O'Callaghan, on the 28th September 1992, is it your position then that
11:35:12 10 Mr. Farrell has not accurately recorded the information that you provided
11 to him in relation to your contacts with Mr. Gilmartin?

12 A. Yes.

13 Q. 243 Right. And that you in fact, on those two occasions when he raised with
14 you that Mr. Gilmartin didn't know about the plans for the sports centre
11:35:28 15 or the fees for the sports centre, I should say, that in fact you would
16 have informed him that that in fact was not the position?

17 A. Yes, I certainly would and it's not included in that memo.

18 Q. 244 Right.

19 A. That is the slant I am talking about.

11:35:42 20 Q. 245 Right. And then in the continuation of that memo "He indicated that he
21 accepted they may have to go some way themselves towards splitting the
22 fees, I indicated that this was my thinking also and that in this context
23 my agreement to pay the 19,064 to A Kelly was done without prejudice to
24 any discussions we might have about splitting the fees, i.e. any
11:36:03 25 discussion on splitting the fees would include the amount of 19,064. We
26 agreed he would send me on the invoices and would authorise same for
27 payment. We should hold the cheques for him, he will collect them on
28 Friday."

29
11:36:16 30 Then he deals with Mr. Deane and in the final paragraph he says "In

- 11:36:20 1 relation to the old fees which have been paid I indicated that Tom
2 Gilmartin would have to sign off on same and Eddie would contact him in
3 relation to the these and in relation to the fees mentioned above."
4 A. Yes.
- 11:36:32 5 Q. 246 Do you agree Mr. O'Farrell had that discussion with you?
6 A. Yes.
7 Q. 247 And what Mr. O'Farrell wanted was that there would be two signatures in
8 relation to the authorisations, isn't that right?
9 A. Yes.
- 11:36:40 10 Q. 248 You did subsequently write on the 28th September '92 at 8107, and you
11 provided invoices in respect of Ms. Auveen Byrne, three invoices for Mr.
12 Dunlop and an invoice from Mr. Ambrose cell knee relation to the stadium,
13 is that right?
14 A. Yes.
- 11:36:58 15 Q. 249 At 8108 the invoice of the 10th June from Mr. Dunlop is for ongoing cost
16 and expenses, is that right?
17 A. Yes.
- 18 Q. 250 At 8109, the invoice of the 24th July from Mr. Dunlop to ongoing costs re
19 Quarryvale, and at 8110 the invoice of the 30th April is in a sum of
20 10,253.27 and a breakdown is given, isn't that right?
21 A. Yes.
- 22 Q. 251 That was the last invoice in '92 for which a breakdown was given prior to
23 the invoice in late December '92, isn't that right?
24 A. I can't be sure of that.
- 11:37:36 25 Q. 252 Well, I think you can, Mr. O'Callaghan, because we have gone through all
26 of Mr. Dunlop's invoices and between this date on the 30th April '92 and I
27 think after the vote in December '92 when there is an invoice for 64,000
28 pounds, there was no breakdown given by Mr. Dunlop on any of the invoices,
29 isn't that right?
30 A. Okay, okay.

- 11:37:55 1 Q. 253 Now, I think at 8111 there is the invoice in relation to the new national
2 stadium in the sum of 19,064, we have already seen that, isn't that right?
- 3 A. Yes.
- 4 Q. 254 And then finally Auveen Byrne's invoice at 8112 in the sum of 4,235, isn't
11:38:12 5 that right?
- 6 A. Yes.
- 7 Q. 255 Again is signed by you, isn't that right?
- 8 A. Yes.
- 9 Q. 256 And I think they were authorised and paid by the bank at 8177?
- 11:38:23 10 A. Yes.
- 11 Q. 257 And on the following page at 8178 you can see the third invoice to Mr.
12 Dunlop being paid and the payment to Mr. -- the payment to Mr. Ambrose
13 Kelly in relation to the stadium, isn't that right?
- 14 A. Yes.
- 11:38:38 15 Q. 258 And in this issue, we are dealing with the fees, Mr. O'Callaghan, I think
16 that by the 1st October the bank had applied, again I think for a mark up
17 in relation to at 8170, where under what was sought at this stage was
18 noting of the present position with a further increase in debt of 14.7
19 million, isn't that right, in relation to Barkhill? And that increase in
11:39:08 20 the loan was in relation to the fees that Mr. O'Farrell had sought for
21 you, isn't that right?
- 22 A. Yes.
- 23 Q. 259 Right. And again you will see under the heading "subsequent and recent
24 developments" at 8172, of that document it records in the first part that
11:39:28 25 Quarryvale is expected to be decided by early November, isn't that right?
- 26 A. Yes.
- 27 Q. 260 That in fact as we know transpired not to be the case. Green Properties
28 had reactivated it's campaign to have the Barkhill zoning rescinded, isn't
29 that right?
- 11:39:42 30 A. That was the difficulty we really had at that time, yes.

- 11:39:45 1 Q. 261 Yes. Third, more extensive lobbying than anticipated had been required?
- 2 A. Yes.
- 3 Q. 262 Next the cost of the Bruton lands, which was strategically important was
- 4 400,000 pounds higher than planned?
- 11:39:56 5 A. Yes. In payment.
- 6 Q. 263 That was due to the delay in closing the sale, isn't that right?
- 7 A. Yes.
- 8 Q. 264 And then next point, the fees had been higher than anticipated. In this
- 9 regard the proposal recently announced by Owen O'Callaghan for a national
- 11:40:07 10 sports stadium on the original Neilstown site, whilst strategically sound
- 11 in the context of the overall zoning will also incur additional fees. And
- 12 finally interest, he concludes by saying.
- 13
- 14 "The result of the foregoing is that the over facility level stands at
- 11:40:26 15 14.4 million, between now and the end of November a further 100,000 pounds
- 16 will have to be paid in fees together with interest roll up." Isn't that
- 17 right?
- 18 A. Yes.
- 19 Q. 265 That further 100,000 pounds were fees that had been identified in
- 11:40:39 20 connection with the sports stadium or in connection with the lobbying,
- 21 isn't that right?
- 22 A. That's correct.
- 23 Q. 266 The focus of getting in money from the bank at this stage related to
- 24 paying either fees for the sports centre which is the stadium or
- 11:40:50 25 alternatively, fees in relation to the lobbying exercise that was being
- 26 carried out by yourself, isn't that right?
- 27 A. Yes.
- 28 Q. 267 By yourself and by Mr. Dunlop, isn't that right?
- 29 A. Yes.
- 11:41:01 30 Q. 268 Now, I think that in fact at that time when you obtained these fee notes

- 11:41:09 1 from Mr. Dunlop, Mr. Dunlop has told the Tribunal he wouldn't issue a fee
2 note unless you had agreed him that he could issue it, isn't that right?
- 3 A. Yes.
- 4 Q. 269 Therefore it was always open to you to say to Mr. Dunlop to hold off, wait
11:41:23 5 for next month, whatever, isn't that right?
- 6 A. I always had that option, but despite the fact that I was, usurped his
7 office and his staff completely I'd feel very slow to say that.
- 8 Q. 270 Would it be fair to say then that in looking at the sort of line of fees
9 that had to be paid, you would have recorded the payment of Mr. Dunlop's
11:41:42 10 fees as a priority that was probably greater than the payment of any other
11 fees at this period of time, which was say mid 1992 to the end of 1992?
- 12 A. Yes, even more so than probably the architect's fee.
- 13 Q. 271 Right. And you would have considered the architects fees to be essential
14 obviously, isn't that right?
- 11:42:02 15 A. Yes.
- 16 Q. 272 And planning fees such as the 10,000 pounds which was paid on the 19th
17 October for the stadium, isn't that right?
- 18 A. Yes but the architects fees would probably be -- well the architect he had
19 a lot of people involved in the stadium at that time because the stadium
11:42:16 20 was, there was a huge design involved in the stadium at that particular
21 time, I think that's around the time the planning application was made as
22 well.
- 23 Q. 273 Now, I think that following on the provision of those fees by
24 Mr. O'Farrell, at 8331, Mr. O'Callaghan, on the 22nd October, at a meeting
11:42:37 25 between Mr. McGrath and Mr. O'Farrell and yourself, the issue of fees
26 arose again, in this memo you brought them up to date in relation to the
27 lobbying and noted you were still confident and now you know the vote is
28 set for early December, isn't that right?
- 29 A. Yes.
- 11:42:56 30 Q. 274 Right. In fact it transpired to be the 17th, isn't that right?

11:43:00 1 A. Yes.

2 Q. 275 In the fourth paragraph, the following is recorded "He produces a further
3 invoice in relation to fees. He indicated that there would be further
4 invoices which he said would total 40,000 pounds including the one
11:43:11 5 provided today." And I think the one that you provided that day at 7989
6 is dated 9th September 1992, is this invoice for ongoing costs re
7 Quarryvale?

8 A. Yes.

9 Q. 276 Right. I say that to you, Mr. O'Callaghan, at 8331 because if you go to
11:43:32 10 the very bottom of this document it says "We agreed to revert to him in
11 relation to the fees issue and specifically in relation to the invoice
12 provided to us dated 9th September 1992". And the invoice that I have
13 just shown you is the only invoice you have produced to the Tribunal dated
14 9th September 1992, and I am suggesting to you that that invoice which you
11:43:56 15 produced on the 22nd October '92 and for which you sought payment was Mr.
16 Dunlop's invoice, isn't that right?

17 A. Can I see that one?

18 Q. 277 Yes of course, 7989 please.

19 A. Yes that is his --

11:44:18 20 Q. 278 That is a copy provided by Mr. Dunlop --

21 A. Okay, yes.

22 Q. 279 -- from his records.

23 A. Mm-hmm.

24 Q. 280 If you go back to 8331? In relation to that invoice, in the third
11:44:38 25 paragraph it's noted "He produces a further invoice in relation to fees,
26 he indicated there would be further invoices which he said would total
27 40,000 pounds including the one provided today. This would bring the
28 matter up to zoning. I indicated I was clearly under the impression that
29 only 10,000 pounds would be required in addition to what had already been
11:44:56 30 paid. This is the basis I have brought forward the matter for

11:44:59 1 consideration when the last invoices had been provided. He indicated that
2 he had stated at the time that the further fees of 40,000 pounds would be
3 required. He indicated that a further invoice for 15,000 pound would be
4 require settlement shortly.

11:45:13 5 We indicated there was no way the bank was going to continue to allow
6 drawdown on the loan account in respect of further fees. Between land
7 purchases and fees together with interest roll up we were already way over
8 where we had anticipated at this stage and these circumstances could not
9 allow further drawdowns. He indicated that he and ourselves have little
11:45:26 10 choice but to continue on the existing route and that this will require
11 further cash to pay further fees."
12

13
14 Now, Mr. O'Callaghan, what was, can I ask you in the first instance, the
11:45:43 15 existing route on which yourself and the bank had to continue?

16 A. I presume the way we were going, that was we had to keep paying fees for
17 the design of the stadium, keep the stadium project going. We had to keep
18 our lobbying going, we had to keep the full emphasis on lobbying which we
19 were doing at that particular time, which as I said to you it was
11:46:09 20 extremely difficult then because of the Blanchardstown involvement.

21 That's the position we were in.

22 Q. 281 Yes, the zoning of the stadium issue as you have agreed with me was
23 something that you were at this stage promoting with the manager and
24 officials of the council in order to copper fasten the Quarryvale
11:46:26 25 rezoning, isn't that right?

26 A. Well, that was part of it, that was one of the reasons yes, that is
27 correct, but the second reason was that the stadium itself had become an
28 extremely serious project.

29 Q. 282 Yes, but notwithstanding at the time the issue that was facing you,
11:46:39 30 Mr. O'Callaghan, in late October 1992, was not the stadium per se as an

11:46:51 1 independent project, but the issue that was facing you was to see what you
2 could hold in relation to the zoning meeting that was coming up in
3 December 1992, isn't that right?

4 A. Yes.

11:46:54 5 Q. 283 And therefore your requirement for funding from the bank was predicated
6 not upon progressing the stadium as a separate and independent project,
7 but was predicated upon your need to progress the zoning issue in relation
8 to Quarryvale in December, isn't that right?

9 A. Yes.

11:47:10 10 Q. 284 And that must be so because if you look at the next matter that's recorded
11 by Mr. O'Farrell, you told him "There are a lot of other fees outstanding
12 which following zoning will also become a major issue. He indicated he is
13 not giving these any thought at this stage. His main priority is to get
14 zoning." Isn't that right?

11:47:32 15 A. Sorry they would have been design fees if we did get zoning.

16 Q. 285 Yes. But what you are telling the bank there is the money you are looking
17 for from the bank and for which you require payment, including this
18 invoice of Mr. Dunlop's and the three previous invoices for Mr. Dunlop
19 were fees that you needed to progress the zoning, isn't that right?

11:47:47 20 A. Absolutely.

21 Q. 286 Right. And your priority at this stage, even though you had other fees
22 waiting in the wing that had to be paid, you were going to look at those
23 after zoning, but your necessity for money here is driven by whatever
24 money you need to fund your lobbying exercises?

11:48:02 25 A. It was vital to keep the lobbying campaign going because at the time it
26 was extremely intense because of the opposition from Blanchardstown.

27 Q. 287 And you indicate to the bank that you will need at least 40,000 of which
28 11 or whatever the figure was, is included in the invoice you give them,
29 isn't that right, 11,490?

11:48:23 30 A. Yes.

- 11:48:23 1 Q. 288 So what you are really talking about here to the bank is the money that
2 you need to fund Mr. Dunlop, isn't that right?
- 3 A. Mr. Dunlop and also Mr. Kelly, because Mr. Kelly was producing brochures
4 and sketches and various maps of Quarryvale that had to be sent to the
11:48:40 5 various councillors, we had to prove at the time that we were talking
6 about 500,000 square feet only and wouldn't be building one and a half
7 million square feet because shortly before the voting decision came up the
8 Blanchardstown people attacked us from the point of view of -- us wanting
9 building 1.5 million square feet. They found this was the best attack
11:48:58 10 they had because this put the people of Blanchardstown off and it also put
11 the local councillors off. The threat of the one and a half million
12 square feet, we had to work on that and produce brochures and produce
13 sketches etcetera, etcetera very, very quickly and getting the various
14 councillors to prove that we were not intending to do just that.
- 11:49:14 15 Q. 289 But the fees that you were seeking in order to fund your lobbying,
16 Mr. O'Callaghan, were primarily Mr. Dunlop's fees, isn't that right?
- 17 A. No, Kelly's fees were every bit as important, architects fees were every
18 bit as important.
- 19 Q. 290 Yes but the fees that you brought to the meeting in the first instance,
11:49:36 20 the one invoice you brought to the meeting that you were seeking payment
21 of was Mr. Dunlop's invoice, isn't that right?
- 22 A. Yes, I think so.
- 23 Q. 291 At your previous meeting you had sought payment of three invoices from Mr.
24 Dunlop, isn't that right?
- 11:49:49 25 A. Yes.
- 26 Q. 292 They had been paid by the bank, isn't that right?
- 27 A. Yes.
- 28 Q. 293 And at this meeting you are telling the bank that a further figure of
29 40,000 pounds will be required, but that will include the figure to, that
11:50:01 30 will be paid to Mr. Dunlop on foot of the invoice dated the 9th September

- 11:50:05 1 '92, isn't that right?
- 2 A. Yes.
- 3 Q. 294 And in the invoices that you got from Mr. Ambrose Kelly in relation to the
- 4 stadium, a breakdown was given, isn't that right, by Mr. Kelly on his
- 11:50:15 5 invoices?
- 6 A. Yes.
- 7 Q. 295 He gave a breakdown for professional fee and VAT and then professional fee
- 8 expenses and VAT, isn't that right?
- 9 A. Yes because he had a professional accounting system which Frank Dunlop did
- 11:50:27 10 not have I'm afraid.
- 11 Q. 296 Mr. Dunlop had a full time bookkeeper, isn't that right, Mr. O'Callaghan?
- 12 A. He had a very peculiar accounting system.
- 13
- 14 CHAIRMAN: All right --
- 11:50:34 15 Q. 297 Be that as it may, he did indeed have I think Mr. Kelly in fairness him
- 16 had somebody who was a full time bookkeeper as well, isn't that right?
- 17 A. Very much so, proper accounting department.
- 18 Q. 298 And so had Mr. Dunlop, isn't that right?
- 19 A. Yes.
- 11:50:48 20
- 21 CHAIRMAN: All right, Ms. Dillon, we are just going to take a break.
- 22
- 23 MS. DILLON: May it please.
- 24
- 11:50:58 25 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**
- 26 **AND RESUMED AGAIN AS FOLLOWS:**
- 27
- 28 CHAIRMAN: Good afternoon, Mr. O'Callaghan. Now, Ms. Dillon.
- 29
- 12:09:25 30 Q. 299 MS. DILLON: Mr. O'Callaghan, in September of 1992 I think at 8063, Mr.

12:09:33 1 Dunlop was recorded as attending a Fianna Fail Munster golf classic, you
2 see that, on the 24th?
3 A. Yes.
4 Q. 300 And there is reference to flying to Faranfore and a Fianna Fail function
12:09:46 5 in Killarney, isn't that right?
6 A. Yes.
7 Q. 301 Were you at that function?
8 A. Yes, I think I was at that one.
9 Q. 302 Did you make any donation or payment at that time?
12:09:54 10 A. No.
11 Q. 303 Did you make any payment or donation subsequently?
12 A. No, not in connection with that fundraiser, no.
13 Q. 304 Is it the case then that you were at this fundraiser for some purpose
14 other than making a donation, is that the position?
12:10:12 15 A. Yes, I was in Dublin at the time obviously.
16 Q. 305 Yes.
17 A. The height of our lobbying was going on, and Frank Dunlop was, well he was
18 either invited or invited somebody to that fundraiser, I know he did not
19 go to too many of them, I can't remember but I think I was invited by
12:10:31 20 somebody as well, I can't remember who, by whom and both of us just went
21 down to it, just to the actual function itself.
22 Q. 306 The function was a fundraiser, is that correct?
23 A. It was a golf, one of these golf classics, yes.
24 Q. 307 Is it your position then that you didn't make any donation or payment at
12:10:48 25 that fundraiser?
26 A. Yes.
27 Q. 308 Right. Who else was at the function, Mr. O'Callaghan, was Mr. Albert
28 Reynolds at it?
29 A. Yes, he was.
12:10:56 30 Q. 309 Did you speak with Mr. Reynolds?

12:10:57 1 A. Yes, I did.

2 Q. 310 Was Mr. Ahern at it?

3 A. I don't think so.

4 Q. 311 Right.

12:11:02 5 A. If he was I didn't see him, I didn't notice him, I can't recollect but I

6 dough no Albert Reynolds was definitely there.

7 Q. 312 Did you make any donation subsequently, following on the, if you didn't

8 make a donation at it, did you make a donation subsequently?

9 A. Well not because of that particular fundraiser, I can't recall right now

12:11:22 10 whether I did or not, but it wasn't -- it had nothing do with that

11 fundraiser if I did make a contribution.

12 Q. 313 Was this then the first Fianna Fail fundraiser you were at at which you

13 didn't make a contribution, is that the position?

14 A. No, I wouldn't say that. I hadn't been at many Fianna Fail fundraisers,

12:11:41 15 in fact that was probably my first one that I was at, I would say. The

16 second one would have been the lunch with the, the dinner with Albert

17 Reynolds.

18 Q. 314 You did subsequently, at 13214 although it is 1998, in relation to the

19 same event, send a donation of 1,000 pounds, isn't that right?

12:12:08 20 A. Yes.

21 Q. 315 I think you entered a team, as I understand how these things work is that

22 you can buy a team or enter a team, is that, or you can sponsor some part

23 is that right?

24 A. I'm not quite sure to be honest with you.

12:12:19 25 Q. 316 But you didn't do any of that in 1992.

26 A. No, or 1998 either.

27 Q. 317 Well did you enter a team through Mr. Batt O'Keefe?

28 A. Yes, I entered a team but I wasn't present.

29 Q. 318 But you did make a donation on that occasion of 1,000 pound, isn't that

12:12:32 30 right?

- 12:12:33 1 A. Yes.
- 2 Q. 319 But you didn't, to the best of your recollection in September 1992,
3 although you attended it, make any donation?
- 4 A. To the best of my recollection, yes. Sorry was that, did you say
12:12:44 5 September?
- 6 Q. 320 Yes 1992, when you attended with Mr. Dunlop?
- 7 A. Yes, to the best of my recollection, no.
- 8 Q. 321 Which would defeat the purpose of the exercise from Fianna Fail's point of
9 view, Mr. O'Callaghan, isn't that right?
- 12:12:58 10 A. Well, you didn't have to make a contribution, you submitted a team, I
11 believe, to these golf classics that was how you made a contribution.
- 12 Q. 322 Did you do that in 1992?
- 13 A. No, no I was just invited by somebody so I came along.
- 14 Q. 323 Right. You went down with Mr. Dunlop, isn't that right?
- 12:13:14 15 A. That was the main reason I went because he was going to it.
- 16 Q. 324 On the following day, Mr. O'Callaghan, on the 25th September at 8063, Mr.
17 Dunlop has recorded in his diary the opening of the CSO opening Mahon
18 Cork, do you see that?
- 19 A. Yes.
- 12:13:35 20 Q. 325 Is that the opening of the central statistics office, is that right?
- 21 A. Yes.
- 22 Q. 326 Was that was something you were at?
- 23 A. No.
- 24 Q. 327 You didn't have any connection with that?
- 12:13:44 25 A. No, I had no connection with it actually, but I was one of the people who
26 lobbied for that to be brought to Cork actually.
- 27 Q. 328 Right.
- 28 A. But I wasn't at the opening, I was obviously here in Dublin.
- 29 Q. 329 You had come back to Dublin?
- 12:13:56 30 A. Yes.

- 12:13:56 1 Q. 330 Mr. Dunlop obviously remained on or had travelled to Cork on the 25th,
2 isn't that right?
- 3 A. It looks like that, yes but I was not there.
- 4 Q. 331 Right. I any October '92 at 24719, there is again a significant increase
12:14:13 5 in the amount of councillor contact recorded in Mr. Dunlop's diary and
6 telephone attendances, isn't that right?
- 7 A. Yes.
- 8 Q. 332 And looking at the telephone contact Mr. Dunlop records telephone contact
9 with councillors Jim Barry, Colm McGrath, Therese Ridge, Joe O'Higgins,
12:14:37 10 Tom Morrissey, Tom Hand, Sean Gilbride, Michael Keating, Don Lydon,
11 Michael O'Callaghan, Nora Owen, Larry Butler, Pat Dunne, Liam Cosgrave,
12 John O'Halloran, Jim Brock, Richard Green, GV Wright, Colm Breathnach,
13 Liam Fitzgerald, Marian McGennis, Sean Barrett, John Hannon, Tony Fox,
14 Liam Creaven, isn't that right?
- 12:14:55 15 A. Was Pat Dunne a councillor in 1992, I don't think he was?
- 16 Q. 333 And insofar as meetings were concerned, Mr. Dunlop records meetings with
17 Councillors Tom Morrissey, Eamon Gilmore, Trevor Matthews, Seamus Brock,
18 Therese Ridge, Don Lydon, Tom Hand, Michael Keating, Breda Cass, Larry
19 Lohan, Colm Breathnach, Mary Muldoon, John Dockrell, Sheila Terry, Richard
12:15:17 20 Greene, Liam Lawlor -- I beg your pardon -- Betty Coffey, Trevor Sergeant,
21 Donal Maron, Colm McGrath and Sean Gilbride, isn't that right?
- 22 A. Yes.
- 23 Q. 334 Would you agree with me, insofar as if that is an accurate record of the
24 level of contact that Mr. Dunlop had with the councillors of Dublin County
12:15:33 25 Council, there is now a significant increase both in the terms of
26 telephone contact and in terms of face-to-face meetings?
- 27 A. Oh, yes.
- 28 Q. 335 If they were in relation to Quarryvale that these are meetings at which
29 you were likely to have attended, Mr. O'Callaghan, is that right?
- 12:15:46 30 A. Yes.

- 12:15:46 1 Q. 336 Indeed I should show you the continuation of that document on the
2 following page, records meetings with Councillor Keogh, that would be
3 Helen Keogh, Finbar Hanrahan, John O'Halloran, Marian McGennis, Larry
4 Butler and Sean Barrett, is that right?
- 12:16:01 5 A. Yes.
- 6 Q. 337 Right. There are one or two of those meetings specifically that I want to
7 you ask about, Mr. O'Callaghan, when he come to them in date order, but on
8 the 1st October also at 8152, Mr. Dunlop gave you another invoice for
9 ongoing costs re Quarryvale, isn't that right?
- 10 A. Yes.
- 11 Q. 338 This again is VAT free and in the sum of 21,063.36 pounds, is that right?
- 12 A. Yes.
- 13 Q. 339 That brings the total between 10th June and 1st October 1992 to 54,398
14 pounds that have been raised by Mr. Dunlop as ongoing costs re Quarryvale,
12:16:37 15 isn't that right?
- 16 A. Yes.
- 17 Q. 340 Now, I think on the 6th October, Mr. O'Callaghan, you paid Mr. Ambrose
18 Kelly a sum of 10,000 pounds, 8192 and that was in connection with lodging
19 a planning application for the stadium which was lodged on the 19th
12:17:00 20 October for an all purpose stadium, is that right?
- 21 A. Yes.
- 22 Q. 341 Right. Now, Mr. Dunlop has recorded in his diary a number of meetings
23 that I want to ask you about, and the first meeting at 8179,
24 Mr. O'Callaghan, is the 6th October 1992 and this is the meeting with the
12:17:29 25 late Councillor Tom Hand?
- 26 A. Yes.
- 27 Q. 342 Right. You have already told the Tribunal about that, and you did so on
28 day 875, but in summary, as I understand your evidence to the Tribunal,
29 Mr. O'Callaghan, is that Mr. Dunlop told but a demand by Councillor Tom
12:17:46 30 Hand in connection with his support for Quarryvale, isn't that right?

- 12:17:50 1 A. Yes.
- 2 Q. 343 And following on that and Mr. Dunlop telling you of the repeated demands,
3 you met with Councillor Tom Hand?
- 4 A. Yes.
- 12:17:58 5 Q. 344 And at that meeting he repeated the demand, isn't that right?
- 6 A. Yes.
- 7 Q. 345 The sum he mentioned, you have described as an outrageous sum in the sum
8 of 250,000 pounds?
- 9 A. Yes.
- 12:18:07 10 Q. 346 But he also told you that he had been offered a 100,000 pounds by Green
11 Properties to support Blanchardstown, isn't that right?
- 12 A. Yes.
- 13 Q. 347 Now, just in relation to what he told but the 100,000 pounds for
14 Blanchardstown, I assume you asked Mr. Hand who in Green Properties had
12:18:26 15 offered him the 100,000 pounds?
- 16 A. I think so, yes.
- 17 Q. 348 Yes. Who did he tell you?
- 18 A. Well again I'm not certain of this, but there is only one man, one name
19 that he would mention, one name I recollect and I am not 100 per cent
12:18:54 20 certain of this.
- 21 Q. 349 Who was that?
- 22 A. John Corcoran, I'm not sure if that was the case now, I can't say that for
23 definite.
- 24 Q. 350 What he did tell you was that he had been offered a 100,000 pounds for his
12:19:03 25 support for Blanchardstown?
- 26 A. That is a fact, yeah.
- 27 Q. 351 And that would have been of course an improper, wrong and corrupt
28 suggestion on somebody's part to Mr. Hand, isn't that right?
- 29 A. Yes.
- 12:19:13 30 Q. 352 And if Mr. Hand had sought a 100,000 pounds that would have been a wrong

12:19:17 1 and corrupt thing for Mr. Hand to do, isn't that right?

2 A. Yes.

3 Q. 353 And at this time, Mr. O'Callaghan, you are engaged in trench warfare

4 effectively with the developers of Blanchardstown, isn't that right?

12:19:29 5 A. Yes.

6 Q. 354 There is allegation and counter allegation in the newspaper, as we have

7 already seen, you have referred to the fact that Mr. Corcoran was lobbying

8 councillors directly and he had Mr. Pat Keating working for him, isn't

9 that right?

12:19:42 10 A. Yes.

11 Q. 355 And you have told the bank that one of your difficulties throughout 1992

12 was the campaign that was being waged by Blanchardstown, is that right?

13 A. Yes.

14 Q. 356 And you then had on the 6th October 1992 a piece of information from

12:19:56 15 Councillor Hand about the activities of either Mr. John Corcoran or Green

16 Properties, isn't that right?

17 A. Yes.

18 Q. 357 In other words, what you have been told is that there has been an attempt

19 to bribe a councillor by Mr. John Corcoran or Green Properties, isn't that

12:20:09 20 right?

21 A. Yes.

22 Q. 358 And that was something that could have been turned to your advantage in

23 the media campaign that was being waged between yourself and Green

24 Properties, isn't that right?

12:20:20 25 A. Yes.

26 Q. 359 I mean, if you had gone public for example with the information that the

27 support that Blanchardstown was getting or was seeking to get from

28 councillors was obtained by way of inducement and improper inducement,

29 that was something that could have had a political effect, isn't that

12:20:37 30 right?

- 12:20:38 1 A. Yes.
- 2 Q. 360 And it could have taken support away from Blanchardstown, isn't that
- 3 right?
- 4 A. Yes.
- 12:20:43 5 Q. 361 Isn't that right? Because it would have followed that had it become
- 6 publicly known that there was, either Green Properties or anybody within
- 7 Green Properties was seeking to obtain councillor's support by bribery,
- 8 politicians would run a mile from Blanchardstown, isn't that the reality
- 9 of it?
- 12:20:58 10 A. Yes.
- 11 Q. 362 Now did you do that?
- 12 A. No.
- 13 Q. 363 Why didn't you publicise in anyway the fact that Councillor Tom Hand had
- 14 told you that he had been offered an improper 100,000 pounds by Green
- 12:21:12 15 Properties to support Blanchardstown?
- 16 A. Well, as I outlined to you the last time I did not believe Tom Hand did
- 17 not take him seriously is probably more accurate, even in his outrageous
- 18 demand to Frank Dunlop and to me with regard to Quarryvale and I didn't
- 19 think he was telling me the truth with regard to Blanchardstown. When I
- 12:21:34 20 discussed this afterwards with Frank Dunlop we decided the best way to
- 21 handle this was to bring it to the Fine Gael party and if possible bring
- 22 to the leader of the Fine Gael party. That's what Frank Dunlop said we do
- 23 and that's what happened.
- 24 Q. 364 I am asking you now about a different aspect, Mr. O'Callaghan, which is at
- 12:21:51 25 this stage you are engaged in a publicity campaign against Blanchardstown
- 26 and Blanchardstown is engaged in a publicity campaign against you,
- 27 newsletters are being produced by Mr. Dunlop and contrary newsletters are
- 28 being produced by Mr. Keating, isn't that right?
- 29 A. Yes.
- 12:22:07 30 Q. 365 It is coming towards the vote in Dublin County Council in relation to this

- 12:22:11 1 issue, isn't that right?
- 2 A. Yes.
- 3 Q. 366 You had a piece of information which if you had launched it into the
- 4 public domain would have had adverse consequences for Blanchardstown and
- 12:22:22 5 the councillor who would support Blanchardstown, isn't that right?
- 6 A. Yes, if it had any credibility of course.
- 7 Q. 367 Leaving that aside now for the moment, Mr. O'Callaghan, can I ask you from
- 8 a commercial point of view why didn't you take the step in order to
- 9 protect your own investment of publicising to other councillors the fact
- 12:22:40 10 that Green Properties were in the business of bribery and corruption?
- 11 A. That would have been outrageous thing for me to do.
- 12 Q. 368 Notwithstanding the fact that one of the councillor who is sought 250,000
- 13 pounds from you, told you that he had been offered a 100,000 pounds by
- 14 Green Properties?
- 12:22:56 15 A. Well I didn't believe him.
- 16 Q. 369 Right. Is it because you didn't believe him that you didn't publicise it?
- 17 A. Yes that's one of the reasons, but it would have been an outrageous
- 18 statement for me to go around making statements like that.
- 19 Q. 370 Are you saying then that you would not make, you would not repeat such an
- 12:23:14 20 allegation?
- 21 A. I don't think I would repeat it, but I have to be certain of it.
- 22 Q. 371 Yes.
- 23 A. It was very similar to the Gilmartin allegation against Hanrahan.
- 24 Q. 372 But you would have been certain of one thing, Mr. O'Callaghan, you would
- 12:23:27 25 have been certain of the fact that it had been said to you by Mr. Hand,
- 26 isn't that right?
- 27 A. Yes.
- 28 Q. 373 And you would have been certain of the fact that it was said to you in the
- 29 presence of Mr. Dunlop, isn't that the position?
- 12:23:39 30 A. Yes.

12:23:39 1 Q. 374 And had you made a further inquiry with Mr. Dunlop he would undoubtedly
2 have told you that there existed a document which showed the name and
3 address of the bank account in Australia into which he was to pay the
4 money, isn't that right?

12:23:52 5 A. Yes.

6 Q. 375 So you had slightly more than your own belief, you had all of that
7 information as well, isn't that right?

8 A. Yes, yes.

9 Q. 376 Right. And yet you elected, Mr. O'Callaghan, not to put the spotlight as
12:24:04 10 it were on this allegation of corruption, isn't that right?

11 A. That's correct.

12 Q. 377 Did you have a concern, Mr. O'Callaghan, that if the spotlight was turned
13 on Blanchardstown in relation to the allegation of corruption that
14 Mr. Hand was making, that similarly a spotlight could have been turned on
12:24:23 15 Mr. Dunlop and his activities in relation to Quarryvale?

16 A. Well I wasn't aware of Mr. Dunlop's activities so that couldn't apply, it
17 just could not apply.

18 Q. 378 You would have been aware of the fact for example that Mr. Hand had in the
19 first instance come to Mr. Dunlop with a demand for 250,000 pounds, isn't
12:24:42 20 that right?

21 A. Yes, outrageous. Yes.

22 Q. 379 You would also have been aware I assume if you had gone any further with
23 the matter that Mr. Dunlop would have had to have become involved because
24 he was the person to whom the complaint, the allegation had been made in
12:24:53 25 the first place or the request had been made, isn't that right?

26 A. Yes.

27 Q. 380 Can I ask you why, Mr. O'Callaghan, you kept so silent at the time about
28 this allegation made by Mr. Hand?

29 A. First of all, again I think it was probably my third time meeting
12:25:08 30 Mr. Hand, as far as I know, and on the first and second occasion,

12:25:12 1 definitely the first occasion I met him I didn't, as I said the last time
2 I was here I didn't think the man was completely with it at all, I don't
3 know that he -- as I said at that time, I don't know if he even knew where
4 Dublin County Council offices even were. I don't know why Frank Dunlop
12:25:29 5 had such time for him. I didn't rate Mr. Hand at all and I just, if he
6 was prepared to support us we would be delighted of course, if he was --
7 if he said he would bring other supporters in I wouldn't have believed him
8 because I didn't think he was capable of doing that. I didn't know what
9 Mr. Hand was trying to do actually. When this allegation was made it was
12:25:51 10 so outrageous that it was ridiculous, I didn't believe him.

11 Q. 381 You knew he had signed the amending motion for you in May of 1991?

12 A. Yes, I didn't ask him to do that, that was done because I think some
13 arrangement between Tom Gilmartin and Colm McGrath to look after that. I
14 knew afterwards that he had done that, but I didn't ask him to do that. I
12:26:12 15 wouldn't have confidence in him to do that actually. So I didn't take, I
16 never rated, never took too much notice of Tom Hand I'm afraid, the late
17 Tom Hand I'm afraid. That statement he made to me was ridiculous the
18 conversation as you know lasted probably about two minutes. I couldn't
19 believe it. And I didn't take it as serious.

12:26:32 20 Q. 382 All right.

21 A. Frank Dunlop did promise me that he would go and speak to, and I wasn't
22 pushing him to do this I must admit, but that he would go and speak to the
23 Fine Gael party and did he that.

24 Q. 383 You of course had on your team, Mr. O'Callaghan, a person, an advisor who
12:26:47 25 had, a person who was giving you information in relation to the
26 councillors namely, Mr. Lawlor, isn't that right?

27 A. Yes.

28 Q. 384 Did you go to Mr. Lawlor in his capacity as the person who was providing
29 you with the personal information about the councillors, and ask him or
12:27:02 30 discuss with him this demand by Mr. Hand?

- 12:27:07 1 A. I would not be that familiar with Mr. Lawlor, I certainly did not do a
2 thing like that, it was possible that Frank Dunlop did it of course, but I
3 did not do it no, no.
- 4 Q. 385 I'm asking you -- and therefore when you received this information no
12:27:19 5 matter how outrageous you considered it to be, would it be fair to say,
6 Mr. O'Callaghan, other than having a discussion with Mr. Dunlop about it,
7 you did absolutely nothing about it?
- 8 A. That is correct, yes, because I didn't belief it. I didn't take it as
9 serious.
- 12:27:37 10 Q. 386 All right. Did you have any discussion with the late Mr. Liam Lawlor
11 about Mr. Tom Hand the councillor?
- 12 A. No.
- 13 Q. 387 Did Mr. Lawlor ever come to you with information that would be of
14 assistance to you in lobbying Mr. Hand?
- 12:27:49 15 A. No, not Mr. Hand, no.
- 16 Q. 388 Now, in relation to other councillors, Mr. O'Callaghan, did you meet with
17 Mr. Colm Tyndall?
- 18 A. Yes, I did.
- 19 Q. 389 And at 8243, Mr. O'Callaghan, on the 15th October 1992, Mr. Dunlop's diary
12:28:11 20 records an entry "OOC to meet C Tyndall", isn't that right?
- 21 A. Yes.
- 22 Q. 390 And did you meet with Mr. Tyndall?
- 23 A. I met Mr. Tyndall on many occasions.
- 24 Q. 391 Yes. And following this meeting, was this in connection with Quarryvale?
- 12:28:31 25 A. Yes probably, yes. Quarryvale or the stadium, because Mr. Tyndall was
26 very interested in the stadium project as well, one or the other, the
27 stadium or Quarryvale yes.
- 28 Q. 392 And did you subsequently through your companies enter into a commercial
29 relationship with Mr. Colm Tyndall's company, Marine & General Insurances?
- 12:28:50 30 A. Yes.

- 12:28:51 1 Q. 393 Had you put that relationship in place, Mr. O'Callaghan, prior to the
2 decision of Dublin County Council in December 1992?
- 3 A. I'm not sure, but it's quite possible that we had, because that was the
4 intention to put it in place to deal with his insurance company and I'm
12:29:08 5 pretty sure we did, I can't say for definite but we had intended to deal
6 with him.
- 7 Q. 394 When you say deal with his insurance company?
- 8 A. Ask him to tender for insurances for any projects, any properties we had
9 in Dublin.
- 12:29:22 10 Q. 395 So what in effect you wanted to do, Mr. O'Callaghan, if I understand you
11 correctly was to appoint Mr. Colm Tyndall to act use your insurance broker
12 in relation to Quarryvale and the stadium, is that correct?
- 13 A. No not appoint him, ask him to tender for the insurance work for
14 Quarryvale and the stadium and other projects in Dublin as well.
- 12:29:40 15 Q. 396 Yes. Did you ask Mr. Lucey to write to Mr. Tyndall?
- 16 A. Yes, I did indeed, yes.
- 17 Q. 397 At 15720 on the 21st October 1992?
- 18 A. Yes.
- 19 Q. 398 Mr. Lucey wrote to Mr. Tyndall, isn't that right?
- 12:29:55 20 A. Yes.
- 21 Q. 399 As follows "Owen O'Callaghan has asked me to write to you re the above.
22 As you are aware it's our intention to have a pretty extensive involvement
23 in west County Council Dublin and consequently it's our intention to deal
24 as many people and companies as possible in this region.
- 12:30:09 25
26 As your company is located in Clondalkin we would be very interested in
27 discussing the relevant insurances with your company."
28
29 He then provides certain information, isn't that right?
- 12:30:19 30 A. That is correct.

- 12:30:19 1 Q. 400 And then in the following page he notes "that the insurances on the
2 property are due for renewal in March '93 and that he might put those days
3 in his diary and will make contact again". Isn't that right?
4 A. Yes. That's what I mean by other properties we had in Dublin, they were
12:30:37 5 there as well.
6 Q. 401 Yes, Cumberland House and Prize Bond House?
7 A. Yes.
8 Q. 402 At 15722 on the 16th February '93, Mr. Tyndall writes to remind Mr. Lucey
9 of his previous letter, isn't that right?
12:30:56 10 A. Yes.
11 Q. 403 And by the 1st of the 7th '93 at 15724, Mr. Tyndall is informing people
12 that Marine & General have been appointed to deal with all of the
13 insurances relating to the construction of the attached development at
14 Clondalkin, isn't that right?
12:31:20 15 A. Yes.
16 Q. 404 And I think that it's fair to say that in 1993 that the first premium was
17 paid, isn't that right, in relation to the insurance on Quarryvale?
18 A. Yes.
19 Q. 405 Through Marine & General Insurance company, isn't that the position?
12:31:37 20 A. Yes.
21 Q. 406 So that you had copper fastened your position in relation to Marine &
22 General by 1993, I think the first payment was the 2nd September 1993?
23 A. Yes.
24 Q. 407 And the invoice date is the 23rd July and it was paid by Riga, isn't that
12:31:52 25 right?
26 A. Yes.
27 Q. 408 So by mid July 1993 you had accepted the tender from Mr. Tyndall's
28 company, Marine & General insurances and you proceeded to deal on an
29 increasing basis with them thereafter, is that fair?
12:32:06 30 A. Exactly, we found them to be extremely competitive and very efficient.

- 12:32:10 1 Q. 409 Right. Now at any stage, Mr. O'Callaghan, can I ask you, did you disclose
2 to any other councillor the nature of this commercial relationship with
3 Councillor Tyndall's company?
4 A. I don't think I did, but quite a few councillors said it to me, reminded
12:32:26 5 me of it and mentioned it to me, I don't think I ever disclosed it, if I
6 was asked by councillors I'd confirm of course. Yes.
7 Q. 410 Yes, I think you have told the Tribunal in a statement that you provided
8 in relation to this matter, that you were approached, is that fair by
9 Councillor Tyndall?
12:32:42 10 A. Oh, yes.
11 Q. 411 He asked you, bass as I understand it, for the business, is that right?
12 A. Well that was because, I just say this briefly because we attended
13 numerous meetings in west County Dublin in '91 and '92 with the various
14 communities, in excess of 20 meetings. One of the problems we always
12:33:03 15 found we were accused by a lot of the speaker that is we would come into
16 west County Dublin to carry out these projects and not employ any local
17 people. We gave a promise at that time that we would employ as many local
18 people as possible, but in the projects and as consultants or whatever we
19 could do, that is how -- I was delighted when we found out we could use an
12:33:24 20 insurance company in west County Dublin and Colm Tyndall approached us on
21 behalf of his company. He wasn't given the insurance, he was asked to
22 quote in a competitive way for the insurances which he did and we found
23 that he was much more efficient, much more competitive actually than our
24 local and our existing insurance company.
12:33:42 25 Q. 412 You misunderstand me, Mr. O'Callaghan. I was asking you a question in
26 relation to who had approached who first in relation to this matter and at
27 24350, what you stated in the last paragraph of your statement was:
28
29 "Initially Colm Tyndall's insurance services were provided following a
12:34:01 30 request by him to me on foot of a tender for Sisk building risk insurances

12:34:08 1 at Liffey Valley."

2 A. That's correct.

3 Q. 413 Now in fact the first insurance that was provided was in connection with

4 the occupiers liability aspect of Quarryvale, the lands themselves, isn't

12:34:18 5 that right?

6 A. That's right.

7 Q. 414 But what I was asking you about was that your statement suggests that

8 Councillor Tyndall approached you, is that correct?

9 A. Oh, yes, that's what I said.

12:34:28 10 Q. 415 Yes. Is it the position then that in your, when you met with Councillor

11 Tyndall you met him in his capacity as a councillor who support you were

12 seeking for Quarryvale?

13 A. Well the first time I met him was as a councillor, yes.

14 Q. 416 Yes. Subsequently Councillor Tyndall approached you in relation to the

12:34:48 15 insurance aspect of Quarryvale, is that correct?

16 A. Yes.

17 Q. 417 Is it the position, Mr. O'Callaghan, that that discussion would have taken

18 place with Councillor Tyndall in the context of Councillor Tyndall's

19 support for Quarryvale?

12:34:59 20 A. Oh no.

21 Q. 418 Right.

22 A. On -- that's why I outlined what he said to you. That conversation took

23 place in the context of us having made a statement at somebody's meetings,

24 public meetings that we would use as many local people as possible, that's

12:35:14 25 the context in which Colm Tyndall approached me.

26 Q. 419 Councillor Tyndall -- you approached Councillor Tyndall because he is a

27 councillor, is that correct?

28 A. Yes.

29 Q. 420 Councillor Tyndall tells you he is in the insurance business, is that

12:35:28 30 right?

12:35:29 1 A. Much later, yes.

2 Q. 421 Well, in fact it had to be by the 21st October 1992 because you instructed

3 Mr. Lucey to write to Mr. Tyndall asking him to quote for the insurance?

4 A. But I met Councillor Tyndall long before that.

12:35:41 5 Q. 422 But Councillor Tyndall --

6 A. 1991, I think I met Councillor Tyndall.

7 Q. 423 But Councillor Tyndall was first elected in June of 1991 --

8 A. Just after his election, yeah.

9 Q. 424 -- so some time between June of 1991 and the 21st October 1992 when you

12:35:54 10 get Mr. Lucey to write to Councillor Tyndall. You had lobbied in the

11 first instance Councillor Tyndall for his support for Quarryvale and at

12 some stage Councillor Tyndall had told you he was in the insurance

13 business, do you aye grow with that?

14 A. That is correct, yes.

12:36:09 15 Q. 425 Did he ask you for the business, Mr. O'Callaghan?

16 A. At a later stage.

17 Q. 426 You were happy to provide the business on receipt of a quote?

18 A. Sorry -- exactly.

19 Q. 427 If you just --

12:36:18 20 A. Sorry.

21 Q. 428 Yes, not at all. You were happy to give the business to Councillor

22 Tyndall once you were satisfied it was commercially advantageous to you?

23 A. Yes.

24 Q. 429 All right. You did so, isn't that right?

12:36:28 25 A. Yes.

26 Q. 430 And it was in fairness, I think the Tribunal has heard evidence from both

27 Mr. Tyndall and Marine & General insurances, in relation to it and would

28 you agree with me that it was a commercial -- it was a commercially

29 advantageous to both parties that is Marine & General insurance on the one

12:36:48 30 part and yourself on the other?

- 12:36:50 1 A. Yes, indeed.
- 2 Q. 431 And that significant premia were generated arising out of the
3 relationship, isn't that right?
- 4 A. Yes.
- 12:36:56 5 Q. 432 And I think figures of up to 232,000 pounds in premia over the years have
6 been dealt with by the Tribunal, and I assume you won't dispute those?
- 7 A. No.
- 8 Q. 433 Right. Similarly, Mr. O'Callaghan, can I ask you about Councillor John
9 O'Halloran?
- 12:37:13 10 A. Yes.
- 11 Q. 434 And Mr. O'Halloran told the Tribunal that he received a number of payments
12 from Mr. Dunlop and from yourself and that also in addition that he
13 received a benefit by way of providing catering services to Sisk's?
- 14 A. Yes on site services, yes.
- 12:37:31 15 Q. 435 Now, can you tell the Tribunal what you know about that, the provision of
16 those services by Mr. O'Halloran and in particular about how he got the
17 job with Sisk's?
- 18 A. Well, the same thing applies actually, it was a case of employing local
19 people and Mr. O'Halloran is a baker by profession and he -- I think he
12:37:51 20 had lost his job at that time and he wasn't employed as a baker and he was
21 involved I think he was trying to set up a catering business, and he
22 approached me and asked me could we provide the catering for him, well on
23 two counts actually, one was on the site and while the project was under
24 construction and I suggested to Sisk that they would meet him, speak to
12:38:15 25 him, interview him etcetera, which they did and thankfully they gave him
26 that position. He ran the canteen services him and his staff ran the can
27 seen services on the site I think for a two year period.
- 28 Q. 436 Yes, would it be fire say that Sisks were your subcontractors on the site,
29 your main contractors?
- 12:38:32 30 A. Main contractor.

12:38:33 1 Q. 437 You had appointed them, and would you agree with me, Mr. O'Callaghan, in
2 the normal course of business is if the employer goes to Sisks and says
3 can you take this man on or give him a job they are going to pay more
4 attention to you than if Mr. O'Halloran came ringing the doorbell as it
12:38:47 5 were?
6 A. Of course, but as well as that I pointed out to Sisk this is one of the
7 conditions of our contract with Sisk, it's written into the contract
8 actually, that as many local people as possible would be employed.
9 Q. 438 You had yourself I think in October 1993 made a payment of 5,000 pound to
12:39:02 10 Mr. O'Halloran, isn't that right?
11 A. Yes.
12 Q. 439 And did you so I think as a political contribution, isn't that right?
13 A. Yes, that was after he lost the whip in his party.
14 Q. 440 Yes, did Mr. O'Halloran approach you for that money?
12:39:17 15 A. Yes, absolutely.
16 Q. 441 And with the exception of Mr. Batt O'Keefe, to whom you made a donation of
17 10,000 pounds in November 1992 in general, Mr. O'Callaghan, can the
18 Tribunal take it insofar as the councillors are concerned, that it's only
19 when the councillor approaches you or requested money from you that you
12:39:36 20 made a payment?
21 A. That is absolutely correct.
22 Q. 442 And that in your statement I think the significant exception is Mr. Batt
23 O'Keefe?
24 A. Batt O'Keefe.
12:39:45 25 Q. 443 Because you are at pains I think, in your statement to make the point that
26 Mr. Batt O'Keefe did not solicit the payment, is that right?
27 A. That is true.
28 Q. 444 But with the exception of that particular payment and insofar as the
29 payments to any councillor or ex-councillor in Dublin is concerned, it's
12:40:00 30 your position --

- 12:40:01 1 A. And Cork, and Cork.
- 2 Q. 445 And Cork, that requests were made of you for payments and following such
3 requests if you considered it appropriate you made the payment?
- 4 A. Yes.
- 12:40:10 5 Q. 446 And Mr. O'Halloran had approached you there in the end of 1993, in October
6 1993 and he asked you for a donation, is that correct?
- 7 A. That is correct.
- 8 Q. 447 And he did so in the context that he had lost the party support as a
9 result of his support for Quarryvale?
- 12:40:27 10 A. That is correct.
- 11 Q. 448 And therefore it would be fair to say that Mr. O'Halloran comes to you
12 looking for recognition for what he has lost in effect by virtue of his
13 support for Quarryvale?
- 14 A. It would be, yes and he -- what actually happened was he lost his -- lost
12:40:42 15 the whip, he didn't have a party and he was being threatened in North
16 Clondalkin by the Sinn Fein party for his seat. So he wanted to stand as
17 an independent and he wanted support.
- 18 Q. 449 Mr. O'Halloran has given his evidence to the Tribunal and it's his
19 evidence to the Tribunal that he never approached you for any money, that
12:41:00 20 you approached him, do you disagree with Mr. O'Halloran in relation to
21 that?
- 22 A. I disagree completely with Mr. O'Halloran in relation to that.
- 23 Q. 450 Your position is that Mr. O'Halloran approached you in the context of the
24 support that he had given Quarryvale and what it had cost him and you were
12:41:16 25 minded to give him the donation of 5,000 pounds?
- 26 A. Well, when you say what it cost him, he had lost his seat because of his
27 supporting Quarryvale and he wanted to stand, to stay in politics he
28 wanted to stand and hold on to his seat as an independent, as I said he
29 was threatened by Sinn Fein party in Clondalkin.
- 12:41:35 30 Q. 451 When you say he lost his seat, Mr. O'Callaghan --

- 12:41:37 1 A. Sorry -- he lost the whip, I'm sorry.
- 2 Q. 452 And in that context when he outlined to you what his support for
3 Quarryvale had cost him you paid him 5,000 pounds I think in October of
4 199 --
- 12:41:49 5 A. Yes. He asked me support to try and get reactivated again and try and get
6 his small group of supporters going to support him as an independent
7 councillor in the next election.
- 8 Q. 453 And in addition to that you had spoken for him to Sisks as a result of
9 which he got the benefit of the catering contract on site for a number of
10 years from Sisk's, isn't that right?
- 11 A. Yeah, I think he had it for at least two years, yeah.
- 12 Q. 454 Insofar as Mr. Colm McGrath was concerned, did you similarly have a
13 commercial relationship with Councillor McGrath over and above the
14 payments you had made to him?
- 12:42:28 15 A. Yes.
- 16 Q. 455 And would you just outline the circumstances, Mr. O'Callaghan, in which
17 you entered into a commercial relationship with Mr. McGrath?
- 18 A. Well, McGrath -- the initial, how I came in contact with him initially was
19 that I met him as a councillor, he was involved with Tom Gilmartin from
12:42:40 20 the very beginning, but when we started working on site, I think I pointed
21 this had out before, the first thing we had to do was an archaeological
22 dig on the site, we were based in Cork and we had to do the archaeological
23 dig ourselves to archaeological consultants and we sent a team from Cork
24 up to do this. Mainly young people, mainly young girls rather, while they
12:43:01 25 were doing the excavation on site, there were some people started throwing
26 stones etcetera and started attacking them. Then I rang Councillor
27 McGrath to wonder who I would get to protect the situation, he said we
28 look after that himself, I think that was the basis of his security
29 company started from there.
- 12:43:17 30 Q. 456 In October 1991, you had paid 10,000 pounds to Councillor McGrath, isn't

- 12:43:22 1 that right?
- 2 A. Yes.
- 3 Q. 457 Right. And you have given your evidence to the Tribunal in relation to
- 4 that, you had in addition financed a payment of 1,000 pounds to Tower
- 12:43:31 5 Secretarial Services, isn't that right, in May of 1992, via Mr. Frank
- 6 Dunlop?
- 7 A. Can I point out please, on that particular point, that before I made that,
- 8 I asked Frank Dunlop to make that payment to Colm McGrath I checked with
- 9 Tom Gilmartin, Colm McGrath approached me on the basis that he had done
- 12:43:53 10 quite a lot of work for Tom Gilmartin in Tom Gilmartin's time, a lot of
- 11 work I think included phone calls and faxes and everything else to Tom, he
- 12 seemed to keep in contact quite a lot with Tom Gilmartin and he felt that
- 13 he had spent a lot of time, effort and money on that contact, and he asked
- 14 me about it and could he be recompensed and I contacted Tom Gilmartin who
- 12:44:14 15 agreed.
- 16 Q. 458 And in the same month, you authorised Mr. Dunlop to make a bank draft for
- 17 10,700 pounds payable to William Fry's solicitors in respect of a debt of
- 18 Mr. Colm McGrath's and about which Mr. Colm McGrath had contacted both you
- 19 and Frank Dunlop's office, is that correct?
- 12:44:32 20 A. That is correct.
- 21 Q. 459 And that was subsequently paid by Mr. Dunlop to William Fry's solicitors
- 22 and repaid by to you Mr. Dunlop?
- 23 A. That is correct.
- 24 Q. 460 And has never been repaid by Councillor McGrath, is that right?
- 12:44:42 25 A. That is also correct.
- 26 Q. 461 And I think in addition to that, Mr. O'Callaghan, you paid to Mr. McGrath
- 27 a sum of 20,000 pounds in November 1993, isn't that correct?
- 28 A. Yes.
- 29 Q. 462 And this is around the time that you make the payment of 5,000 pounds to
- 12:44:59 30 Councillor John O'Halloran, isn't that right?

- 12:45:02 1 A. Yes.
- 2 Q. 463 And it is coming, if I may say so, to the end of the development plan,
3 isn't that right?
- 4 A. Yes.
- 12:45:09 5 Q. 464 The development plan was made on the 10th December 1993?
- 6 A. Well officially it was made then, yeah.
- 7 Q. 465 Yes, that was the final?
- 8 A. The final.
- 9 Q. 466 Yes. And then there had been, I think in October there had been some
12:45:21 10 discussion about Quarryvale at a council meeting, isn't that right?
- 11 A. Yeah. I think so.
- 12 Q. 467 Insofar as that payment of 20,000 pounds was concerned in November 1993,
13 did Mr. McGrath approach you?
- 14 A. Yes, Mr. McGrath approached me, yes.
- 12:45:36 15 Q. 468 What did Mr. McGrath ask you for, Mr. O'Callaghan?
- 16 A. At the time Mr. McGrath told me he was in serious difficulties with the
17 Revenue Commissioners and that this had developed because I think there
18 was a sum, some argument or dispute he had with a partner of his I think,
19 which also applied initially to the original payment we made to Fry's, but
12:45:57 20 the follow on to that, whichever split up he had with his company he ended
21 up owing the revenue somewhere between 18 and 20,000 pounds so he told me.
22 And that he was in difficulty of having his business wound up etcetera,
23 etcetera and asked me would I support him, again on the basis that when he
24 got his self sorted out he would refund and repay the 20,000 pounds.
- 12:46:19 25 Q. 469 That sum was never refunded, isn't that right, Mr. O'Callaghan?
- 26 A. No never refunded.
- 27 Q. 470 When Mr. McGrath approached you in relation to his financial difficulties,
28 when you came to make the payment to him, had you in mind, Mr. McGrath's
29 support for Quarryvale?
- 12:46:35 30 A. Oh, yes, of course.

- 12:46:36 1 Q. 471 And did Mr. McGrath, when he came to you, looking for support, tell you
2 that his support for the Quarryvale development had impacted seriously on
3 his business affairs?
4 A. He said that to me too, yes.
- 12:46:51 5 Q. 472 And Mr. McGrath as you know has told the Tribunal that when he, that he
6 spoke to you about the effect that the time he had spent on Quarryvale had
7 had on his financial affairs then and when you heard this you offered to
8 help him?
9 A. Well, that was one of the reasons yes, but Councillor McGrath had been
12:47:10 10 involved in Quarryvale long before my time, himself and Gilbride came with
11 Tom Gilmartin. But yes he put a lot of work and effort into Quarryvale,
12 there is no question about that, both people did, but McGrath in
13 particular.
14 Q. 473 Insofar as you have already told the Tribunal that you have no difficulty
12:47:25 15 with recompensing people who are involved in politics whom you see as
16 having promoted your affairs, would you agree with me that you were happy
17 to pay the monies that you paid to Councillor McGrath because of his
18 support as a politician for Quarryvale?
19 A. Because -- yes, because I wanted to make sure that McGrath stayed elected
12:47:47 20 as a councillor, I was afraid, on both counts with Colm McGrath I was
21 afraid the first time when he was in trouble with Fry's, not Fry's in
22 trouble and we paid the money to Fry's, that I thought he might have lost
23 his seat, likewise when he was trouble with the Revenue Commissioners I
24 thought he might have lost his seat as well. So I didn't that to happen,
12:48:11 25 maybe he used that with me, I'm not quite sure but I didn't want that to
26 happen, I wanted him to stay elected, stay in the council because he was a
27 great supporter of ours.
28 Q. 474 Therefore, Mr. O'Callaghan, the extent of your financial support for Mr,
29 for Councillor McGrath in respect of the advancement of your project by
12:48:27 30 him, if I can put it like that, comes to a sum of 41,700 pounds direct

- 12:48:32 1 payments, isn't that right?
- 2 A. Yes.
- 3 Q. 475 You paid him 10,000 pounds in 1991, you paid him 20,000 pounds in 1993,
4 you indirectly paid him 10,700 pounds in May of 1992 and 1,000 pounds to
12:48:47 5 Tower Security Services, isn't that right?
- 6 A. Yes.
- 7 Q. 476 By my calculation that comes to 41,700 pounds, do you agree with that?
- 8 A. Yes.
- 9 Q. 477 And would it be fair to say that in terms of an amount of money that you,
12:49:00 10 over that period of time, had no problem with supporting Councillor
11 McGrath to that amount of money because Mr. McGrath was in turn supporting
12 you in relation to Quarryvale and prior to you, Mr. Gilmartin?
- 13 A. Because Mr. McGrath was supporting Quarryvale, yes. He was supportive of
14 Quarryvale and he -- I wanted him to stay in politics, and stay in power,
12:49:22 15 because of his support for the whole Quarryvale project. I might add I
16 expected to get at least 30,000 of that back.
- 17 Q. 478 From --
- 18 A. Repaid to me from him.
- 19 Q. 479 To be repaid to you by Mr. McGrath?
- 12:49:35 20 A. Yes.
- 21 Q. 480 But that in fact hasn't happened?
- 22 A. No, that didn't happen, no.
- 23 Q. 481 In addition to that sum of 41,700 pounds, in April of 1995 you paid an
24 invoice in the sum of 8,500 pounds, isn't that right, to Essential
12:49:52 25 Services Limited, Mr. McGrath's company, isn't that right? And I think if
26 I show you 11726, I think this is a cheque drawn on Riga in favour of
27 Essential Services Limited in the sum of eight and a half thousand pounds,
28 isn't that right?
- 29 A. Yes, yes.
- 12:50:14 30 Q. 482 And if you look at 26007, there is an invoice for 7,500 pounds from

- 12:50:23 1 Clondalkin Distributors for work provided to Riga Limited and it's
2 addressed to Essential Services Limited, isn't that right?
- 3 A. Yes, he was acting as security on the site for a long, long time.
- 4 Q. 483 Also I think in June 1995 at 11604, there are a number of invoices at this
12:50:46 5 period which total 1,055. This one relates to the archaeological dig.
- 6 A. Yes.
- 7 Q. 484 And 11605, which is the next invoice is in the sum of 395 and the next
8 invoice at 11606.
- 9 A. That's the one for --
- 12:51:03 10 Q. 485 Yes, is in the sum of 660, and in June of 1995 they totalled 1,055 pounds
11 and they were paid by cheque on the 2nd June 1995, signed by you, isn't
12 that right?
- 13 A. Yes.
- 14 Q. 486 And I think in addition in March 1996, Essential Services was paid 1,412
12:51:24 15 pound on foot of an invoice to Riga, 12217 please?
- 16 A. What was that for?
- 17 Q. 487 This invoice was negotiated down and you will see that the invoice relates
18 to the provision of security personnel?
- 19 A. Yes.
- 12:51:39 20 Q. 488 And there was a higher figure and it was negotiated down to a sum of
21 1,412, isn't that right?
- 22 A. Yes, that's correct.
- 23 Q. 489 And that was paid. In July of 1996 at 12600, and there is an invoice in
24 the sum of 363 and at 12601, an invoice in the sum of 511.83 totalling
12:52:10 25 874.83, which is paid at 12603?
- 26 A. Yes.
- 27 Q. 490 Isn't that right? And that I think again is a cheque paid to Essential
28 Services, isn't that right?
- 29 A. Yes.
- 12:52:17 30 Q. 491 And then on the 31st of December 1996 at 25992, this is a schedule

- 12:52:28 1 provided by Mr. Colm McGrath in relation to work done for the year ending
2 December 1996, and within that you will see references to Ascon, isn't
3 that right?
- 4 A. Yes.
- 12:52:41 5 Q. 492 And other subcontractors on the Quarryvale site, isn't that right?
- 6 A. Oh, yes.
- 7 Q. 493 And what Mr. McGrath has told the Tribunal is that between the end of 1996
8 and 1991, he received a sum of almost 300,000 pounds for that period in
9 respect of subcontracting works he provided for your contractors, do you
10 understand?
- 11 A. Yes.
- 12 Q. 494 Right. Were you aware of that relationship with the subcontractors you
13 had on site?
- 14 A. Oh, yes, in fact I probably asked most of them to ensure local people were
15 employed.
- 12:53:13 16 Q. 495 Yes, and in particular would you have asked to make sure that Mr. Colm
17 McGrath was employed.
- 18 A. No I wouldn't -- it's possible I would yes, quite possible, but definitely
19 anybody -- one of the things that I continuously asked to have done was
12:53:26 20 that local people would be employed, right up to the very end, right up to
21 this day actually.
- 22 Q. 496 And Mr. McGrath has also confirmed to the Tribunal that up to the end of
23 1998 in that year he would have received a some of the order of 350,000
24 pounds which was directly attributable to his employment by the
12:53:47 25 subcontractors or contractors on the Quarryvale site and would you agree
26 that that probably is an accurate representation of the monies that
27 Mr. McGrath received?
- 28 A. Yeah, in fact I thought it was more actually but I would agree. I thought
29 it was more.
- 12:54:01 30 Q. 497 Well, Mr. McGrath instances a figure of 300,000 pounds up to the year end

12:54:07 1 December '97 and a sum of 350,000 pounds for the year end '98 which would
2 give a figure of in excess of half a million pounds, upwards of 600
3 thousand, 650,000, isn't that right?

4 A. As I said I thought it would have been more because he got himself
12:54:22 5 involved in all different aspects he was quite capable of taking on any
6 particular job he could up there, he employed local people on it, so
7 everybody supported him.

8 Q. 498 And of the councillors whose commercial relationships you promoted with
9 your subcontractors, two of them, that is Mr. McGrath and Mr. Tyndall were
12:54:41 10 local councillors in the area, is that right?

11 A. And O'Halloran as well.

12 Q. 499 Well, Councillor O'Halloran was not in the same functional areas a
13 Councillor Tyndall and McGrath, Councillor Ridge was the third councillor
14 there?

12:54:54 15 A. O'Halloran was in the heard of Clondalkin.

16 Q. 500 Yes, but it's only a small point but would it be fair to say these were
17 three of your main supporters?

18 A. Oh, yes.

19 Q. 501 To two of those you made direct political donations namely Mr. O'Halloran
12:55:09 20 and Mr. McGrath, isn't that right, and all three benefited,
21 Mr. O'Callaghan, commercially from your relationship with you, isn't that
22 right?

23 A. Oh yes.

24 Q. 502 And that commercial benefit had as it's genesis the fact that you met them
12:55:20 25 when they were councillors who were going to vote on the Quarryvale
26 development in Dublin County Council, isn't that right?

27 A. Yes.

28 Q. 503 And from that relationship grew this other relationship with was the
29 commercial relationship between your companies and your subcontractors and
12:55:35 30 either them directly or their companies, isn't that right?

- 12:55:38 1 A. Yes.
- 2 Q. 504 So it would be fair to say that that relationship conferred a substantial
3 benefit on Councillor McGrath, Councillor O'Halloran and Councillor
4 Tyndall insofar as the commercial aspects are concerned would you agree
12:55:52 5 with that?
- 6 A. Yes I would, all of this came as well from us making statements know
7 numerous occasions that we insisted, we wanted to employ local people and
8 we were delighted that the three councillors you just mentioned were
9 capable of taking up that from it and getting employment in Quarryvale as
12:56:07 10 subcontractors themselves and employing local people in doing so.
- 11 Q. 505 And by December of 1992, Mr. O'Callaghan, do you believe that the nature
12 of your potential discussions with councillor Tyndall would at that stage
13 have been known within the council, in other words, did anybody know that
14 you were going to or were considering retaining Councillor Tyndall to act
12:56:32 15 as your, to do the insurances for Quarryvale?
- 16 A. In '92, I doubt it at that stage because it hadn't happened.
- 17 Q. 506 All right. Would anybody have been aware for example of the payments you
18 had made in '91 and in 1992 to Councillor McGrath?
- 19 A. I don't think so.
- 12:56:54 20 Q. 507 Right. And would you agree with me that if you had disclosed in December
21 1992, the fact that at that stage you had paid 21,700 pounds to Councillor
22 McGrath that that is something that could have been used by your
23 opponents, politically, in term politically in terms of the balancing act
24 between Blanchardstown and Quarryvale?
- 12:57:12 25 A. I don't think because the first payment to Councillor McGrath was a
26 particular contribution to help him get elected, nothing wrong with that.
27 The second one was to get him out of the difficulty that he got into on
28 the basis he would repay it, I don't think it would cause any difficulty.
- 29 Q. 508 Yes. Why then didn't you disclose the fact that you had made these
12:57:29 30 payments to Councillor McGrath?

- 12:57:30 1 A. I don't want to give you a short answer, but why should I? What would I
2 have done, put it on the paper, you know?
- 3 Q. 509 Yes. Can I just put to you, Mr. O'Callaghan, that if it had become known
4 this point in time that you had paid 21,000 pounds to Councillor McGrath
12:57:45 5 that was something that would be seized upon by Green Properties and used
6 in effect against you and against Councillor McGrath in the campaign that
7 was then being waged, would you agree with that?
- 8 A. I don't think so really, I don't think so.
- 9 Q. 510 Right.
- 12:58:00 10 A. No, I don't think that would have happened now in fairness, no. Because
11 both payments one was to get him out of a jam, the other was a political
12 contribution, I don't think that would have happened.
- 13 Q. 511 Did you ever discuss with any -- did you ever discuss with either
14 Mr. Lawlor or any other councillor the fact that you made the payments to
12:58:18 15 Mr. Gilbride, to Mr. McGrath?
- 16 A. No.
- 17 Q. 512 All right. Did you ever discuss with Mr. McGrath that you were at this
18 time paying Councillor Gilbride?
- 19 A. No.
- 12:58:27 20 Q. 513 Or vice versa?
- 21 A. No, no.
- 22 Q. 514 So you were ring-fencing, Mr. O'Callaghan, your payments to councillors,
23 is that fair?
- 24 A. I wasn't boasting about it or telling people, you know.
- 12:58:38 25 Q. 515 You weren't telling anybody?
- 26 A. I wasn't telling anybody, no.
- 27 Q. 516 So you were paying over this period a sum of 15,500 to Councillor
28 Gilbride, is that right?
- 29 A. From September until --
- 12:58:49 30 Q. 517 September '92?

12:58:50 1 A. Until March/April '93, yes.

2 Q. 518 Isn't that right? You were paying him on a monthly basis?

3 A. Yes, exactly.

4 Q. 519 Isn't that right. He was effectively, I won't say an employee because

12:58:59 5 that's not the right phrase, but you were not paying a lump sum as you

6 were paying Councillor McGrath?

7 A. Are you talking about Gilbride?

8 Q. 520 Yes.

9 A. Yes, Gilbride was being paid 1,750 per month to do two things. One, to

12:59:13 10 help him get the nomination to get elected, he had taken six months off

11 teaching. He was paid -- I agreed to pay him that figure per month to

12 give him an opportunity to get the nomination for the Fianna Fail party;

13 and at the same time, at the same time I was expecting him to spread the

14 Quarryvale word in North County Dublin, support for Quarryvale.

12:59:34 15 Q. 521 But insofar as payments to Councillor Gilbride were concerned nobody knew

16 about them apart from yourself and Mr. Gilbride, and Mr. Dunlop

17 inadvertently, when Mr. Gilbride approached him because you hadn't told

18 Mr. Dunlop?

19 A. That's correct, yes.

12:59:48 20 Q. 522 Insofar as Mr. McGrath is concerned, Mr. Dunlop had an involvement insofar

21 as he funded the 10,700 but other than that you kept it quiet between

22 yourself and Mr. McGrath, is that right?

23 A. That's correct.

24 Q. 523 Insofar as Mr. Lawlor was concerned in relation to the payments you made

13:00:03 25 to him up to this time, which is 1992, nobody knew about it except

26 yourself and Mr. Lawlor, is that right?

27 A. That's correct.

28 Q. 524 So it would be fair to say, insofar your dealings with the councillors of

29 Dublin County Council in the lead in, or up to December 1992, you do so on

13:00:18 30 a "need to know basis" or "one to one basis", the councillor and yourself,

13:00:22 1 is that fair?

2 A. Yes.

3
4 CHAIRMAN: All right. That's one o'clock, we'll see Mr. O'Callaghan

13:00:28 5 tomorrow at half ten.

6
7 MS. DILLON: Yes, sir.

8
9 CHAIRMAN: And we are sitting at 2 o'clock for Mr. Butler?

13:00:34 10

11 MS. DILLON: For Cloughran. I should tell you, sir, just in relation to
12 Cloughran, to avoid any conflict in relation to the transcripts because
13 they are two modules running simultaneously, and the transcripts are
14 posted on the web every evening -- from today the transcript will bear the
15 day number and (QV) for Quarryvale, and this afternoon's transcript will
16 have the day number and (CL) for Cloughran, so that people will know that
17 there are two separate modules, until it's concluded. Thank you.

13:00:51 18
19 CHAIRMAN: All right.

13:01:10 20

21 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

22

23

24

25

26

27

28

29

30