

09:32:19 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY**

2 **25th SEPTEMBER 2008 AT 10.30 AM:**

3
4 CHAIRMAN: Morning, Ms. Dillon.

10:35:21 5
6 MS. DILLON: Morning, Sir. Mr. O'Callaghan, please.

7
8 **OWEN O'CALLAGHAN CONTINUES TO BE QUESTIONED BY**

9 **MS. DILLON AS FOLLOWS:**

10:35:37 10
11 CHAIRMAN: Morning, Mr. O'Callaghan.

12 A. Morning.

13
14 CHAIRMAN: Now, Ms. Dillon.

10:35:45 15 Q. 1 MS. DILLON: Good morning, Mr. O'Callaghan. I think yesterday I had been
16 asking you about a visit that you made to the Fianna Fail Munster golf
17 classic with Mr. Dunlop on the 24th September 1992, isn't that right?

18 A. Yes.

19 Q. 2 And I had asked you whether in fact any donation had been made and you
10:36:02 20 told the Tribunal of your belief that in fact no such donation had been
21 made, isn't that right?

22 A. Yes.

23 Q. 3 In -- on the 6th October 1992, Mr. O'Callaghan, O'Callaghan Properties
24 Limited paid a sum of 1,000 pounds for a Fianna Fail golf classic, isn't
10:36:21 25 that right? 8186 please; this is a schedule provided to the Tribunal by
26 your solicitors on your behalf which outlines the political contributions
27 made by O'Callaghan Properties Limited from January of 1989 to April of
28 2000, isn't that right?

29 A. Yes.

10:36:40 30 Q. 4 And you will note that on the 6th October 1992, there is reference to a

10:36:45 1 Fianna Fail golf classic and a payment of 1,000 pounds, isn't that right?

2 A. Yes.

3 Q. 5 And in the cheque payments book at 8187, this entry is the third entry

4 down on that page, isn't that right?

10:36:59 5 A. Yes.

6 Q. 6 And it's recorded under "sundries", and analysed I think under

7 "advertising and subscriptions", isn't that right?

8 A. Yes.

9 Q. 7 Right. Now, can you tell the Tribunal what golf classic that payment was

10:37:12 10 in connection with?

11 A. Oh gosh, it could have been any golf classic, could have been the local

12 golf classic in Cork or again it could well have been the one in

13 Killarney, I doubt it, I presume that was a separate golf class.

14 Q. 8 Yes. I was going to ask you of that possibility, Mr. O'Callaghan, whether

10:37:29 15 in fact that sum of 1,000 pounds which is debited I think to your account

16 on the 13th October, which is apparently paid on the 6th October 1992 was

17 in fact paid in connection with your trip to Killarney on the 24th

18 September 1992?

19 A. I can't say for definite, but I would say if there was a contribution made

10:37:48 20 to the golf classic in Killarney, it would have been paid around the same

21 time as the golf class itself.

22 Q. 9 Yes.

23 A. So it probably was another golf classic, another one of these many

24 classics that were held.

10:38:00 25 Q. 10 So you don't believe that that was in connection with the Killarney golf

26 classic?

27 A. I wouldn't think so.

28 Q. 11 Now, also on the 7th October, Mr. Dunlop records in his diary,

29 Mr. O'Callaghan, at 8179, two meetings involving you, one at 11 o'clock to

10:38:21 30 see Willie Murray, isn't that right?

10:38:25 1 A. I haven't got that one, sorry, what date is that?

2 Q. 12 7th October.

3 A. Yes, okay, sorry.

4 Q. 13 And Willie Murray was the planning officer for Dublin County Council,

10:38:39 5 isn't that right?

6 A. Yes.

7 Q. 14 And presumably, Mr. O'Callaghan, you're meeting with Mr. Murray, was to do

8 with some planning matter in which you and he both had an interest, he as

9 planning officer and you as developer, is that right?

10:38:52 10 A. Oh, yes.

11 Q. 15 Isn't it likely that would have been in connection Quarryvale?

12 A. Oh, yes.

13 Q. 16 And at that time would you agree with me, that you would have known that

14 Mr. Murray as the planning officer would have had to prepare a planning

10:39:03 15 report that would be presented to the councillors when they came to

16 consider the matter of the rezoning of Quarryvale, isn't that right?

17 A. Yes.

18 Q. 17 And in October, and indeed in November and early December, you had a

19 number of meetings with Mr. John Fitzgerald, isn't that right?

10:39:18 20 A. Yes.

21 Q. 18 And some of those meetings involved Mr. Willie Murray the planning

22 officer, is that right?

23 A. Yes.

24 Q. 19 And would it be fair to say what you were seeking to impress upon

10:39:27 25 Mr. Fitzgerald and Mr. Murray were view views in relation to what would be

26 acceptable to you in relation to the rezoning of Quarryvale?

27 A. The meetings with Mr. Murray, Willie Murray would have been definitely in

28 connection with planning. The meetings with John Fitzgerald could well

29 have been planning but more so I would say about trying to relocate the

10:39:51 30 travellers from the site at Quarryvale at that particular time.

- 10:39:55 1 Q. 20 Yes. Mr. Fitzgerald as you know has given evidence to the Tribunal, and
2 Mr. Fitzgerald has told the Tribunal that you certainly discussed the
3 stadium with him, but that the meetings with the planning officer and
4 himself and yourself would have been in connection with the up coming vote
10:40:18 5 in relation to Quarryvale, do you agree with that?
6 A. If the planning officer was present, yes.
7 Q. 21 I think we'll see later on, Mr. O'Callaghan, prior to the meeting of the
8 17th December and indeed prior to the publication of the manager's report
9 on the 2nd December 1992, you had one, if not two meetings involving
10:40:29 10 Mr. Fitzgerald and Mr. Murray, and you'll agree with that I think when I
11 showed them to you, isn't that right?
12 A. Yes.
13 Q. 22 And would you agree then that the purpose of those meetings could only
14 have been for you to seek to persuade Mr. Murray, and Mr. Fitzgerald, in
10:40:44 15 relation to what ever it was you wanted in -- for the zoning of
16 Quarryvale?
17 A. Oh, yes.
18 Q. 23 Right. Now looking at the second matter I want to draw to your attention
19 on the 7th October 1992, you will see at 5.30 there is an entry "PFFLY
10:41:02 20 (OOC)"?
21 A. Yes.
22 Q. 24 Mr. Dunlop told the Tribunal that that is a reference to Mr. Padraig
23 Flynn.
24 A. Yes.
10:41:08 25 Q. 25 And he has suggested to the Tribunal that it records a meeting that might
26 have been arranged between yourself and Mr. Flynn but that it is not a
27 meeting at which he, Mr. Dunlop, attended?
28 A. That is correct.
29 Q. 26 Right. Now, did you have a meeting with Mr. Flynn on the 7th or indeed
10:41:25 30 8th October of 1992?

- 10:41:26 1 A. I had a meeting around that time with him so, that's probably the date,
2 yes.
- 3 Q. 27 Now, what was the purpose of your meeting with Mr. Flynn at that time?
- 4 A. To the best of my knowledge that had to do with the trying to get a grant
10:41:39 5 for the show grounds in Cork.
- 6 Q. 28 Mr. Flynn, when he gave evidence to the Tribunal on day 846, was asked
7 about this meeting and he unequivocally stated that the meeting didn't
8 happen and that he said that would you confirm that, in fact you disagree
9 with Mr. Flynn, isn't that right?
- 10:41:59 10 A. Sorry. What I do know is that I did have a meeting with Mr. Flynn around
11 that time, Mr. P Flynn around that time, it was in connection, I'm not
12 sure of the date but it was in connection with refurbishing the show
13 grounds in Cork itself, it had nothing to do with Quarryvale, but I did
14 meet him around that time.
- 10:42:17 15 Q. 29 Yes. Insofar as Mr, sorry -- isn't it likely then that this is the
16 meeting that you recollect, Mr. O'Callaghan, having with Mr. Flynn the one
17 that is entered in Mr. Dunlop's diary?
- 18 A. Yes.
- 19 Q. 30 Therefore Mr. Flynn is wrong when he tells the Tribunal that no such
10:42:31 20 meeting took place and he did in fact meet with you, is that right?
- 21 A. Yes, he did.
- 22 Q. 31 Now, in the course of your meeting with Mr. Flynn, who was then the
23 Minister for the Environment, did you discuss Quarryvale or the stadium
24 with him?
- 10:42:44 25 A. I never discussed Quarryvale with Mr. Flynn at any stage, and I only
26 discussed the stadium with Mr. Flynn when I met him in Brussels when he
27 was commissioner.
- 28 Q. 32 Right. But at this point when he was minister is it your position you
29 didn't discuss Quarryvale or the stadium with him?
- 10:43:00 30 A. Absolutely.

10:43:01 1 Q. 33 Now, it would be fair to say, would it not, did you have any -- sorry,
2 Mr. O'Callaghan, did you have any about Quarryvale with Mr. Flynn when you
3 met him on this occasion?
4 A. No.

10:43:11 5 Q. 34 It is the position is it not that you knew prior to this, in the early
6 stages of the Quarryvale development that Mr. Gilmartin had had a
7 relationship with Mr. Flynn, isn't that right?
8 A. Yes.

10:43:26 9 Q. 35 And you knew, because you wrote I think in early February of 1991 to
10 Mr. Flynn, the minister, isn't that right?
11 A. February.

12 Q. 36 1990, February 1990?
13 A. Yes, yes.

14 Q. 37 You wrote to Mr. Flynn telling him you would reinstate your agreement with
10:43:38 15 Mr. Gilmartin if Mr. Gilmartin kept up his end of the deal. You remember
16 that letter, isn't that right?
17 A. Yes.

18 Q. 38 So you would have known going to this meeting affidavit relationship
19 between Mr. Gilmartin and Mr. Flynn, isn't that right?
10:43:48 20 A. Yes.

21 Q. 39 You would have known that Mr. Flynn would have known that Mr. Gilmartin
22 was the promoter of Quarryvale because Mr. Gilmartin had told that you,
23 isn't that right?
24 A. Yes.

10:43:56 25 Q. 40 You would have known from your own knowledge and from your correspondence
26 with Mr. Flynn that Mr. Flynn knew that Mr. Gilmartin was the promoter of
27 Quarryvale, isn't that right?
28 A. Yes.

29 Q. 41 Now, did Mr. Flynn ask you how Mr. Gilmartin was getting on with
10:44:08 30 Quarryvale when you met him on this occasion?

- 10:44:11 1 A. Never. I never once mentioned Mr. Gilmartin's name to Mr. Flynn or
2 Minister Flynn and I never once mentioned Quarryvale to Minister Flynn,
3 never, never came up. Any occasion I had to meet Minister Flynn, whatever
4 I had to do was my own business. It had nothing do with Quarryvale
10:44:27 5 because he had nothing do with Quarryvale as far as I was concerned.
- 6 Q. 42 That wasn't the question I asked you. The question I asked you was
7 whether in the course of this meeting the Minister, Mr. Flynn raised with
8 you the question of Mr. Gilmartin or Quarryvale or how Mr. Gilmartin was
9 getting on with Quarryvale?
- 10:44:42 10 A. No.
- 11 Q. 43 Right. So both of you know that Mr. Gilmartin has a relationship with
12 Mr. Flynn, both yourself and Mr. Flynn know that Mr. Flynn knew of
13 Mr. Gilmartin's involvement, Mr. Flynn at least knew of the fact
14 Mr. Gilmartin had paid him 50,000 pounds in June ever 1989, isn't that
10:45:00 15 right?
- 16 A. Yes.
- 17 Q. 44 Did you know of that?
- 18 A. No.
- 19 Q. 45 Right. And yet and also can I put it to you that Mr. Flynn would have
10:45:09 20 known from your correspondence with him that you also had an involvement
21 in Quarryvale, is that right?
- 22 A. Oh, yes.
- 23 Q. 46 Yet at as you sit at your meeting with Mr. Flynn in relation to a Cork
24 matter, the subject is never raised or discussed by either of you, is that
10:45:22 25 right?
- 26 A. Absolutely not.
- 27 Q. 47 You would also have known that Mr. Gilmartin had made complaints to
28 Mr. Flynn of allegations of corruption, isn't that right?
- 29 A. At that time, no.
- 10:45:34 30 Q. 48 You would have known by the date of this meeting, in October 1992 that in

10:45:40 1 1989 and earlier, Mr. Gilmartin had been making complaints to a number of
2 people, including the Gardaí, with which you were involved, about
3 corruption, isn't that right?

4 A. Yeah.

10:45:52 5 Q. 49 And that Mr. Gilmartin had complained about corruption to --

6 A. To Mr. Flynn.

7 Q. 50 -- to Mr. Flynn.

8 A. No I wasn't sure of that.

9 Q. 51 You weren't aware of that?

10:46:02 10 A. No, no.

11 Q. 52 In any event in the course of this meeting with Mr. Flynn neither of you
12 adverted to Mr. Gilmartin and neither of you adverted to Quarryvale and
13 neither of you adverted to the stadium, is that correct?

14 A. Absolutely correct.

10:46:15 15 Q. 53 Who else was at the meeting?

16 A. Nobody I'm afraid, just the two of us.

17 Q. 54 Was it not attended by Mr. Flynn's private secretary?

18 A. No.

19 Q. 55 And did anybody come with you, Mr. O'Callaghan, to meet with Mr. Flynn?

10:46:26 20 A. No.

21 Q. 56 And in the course of -- did you keep any note or record of what you
22 discussed with Mr. Flynn?

23 A. No, I'm sorry I did not, no.

24 Q. 57 All right. And in the course of that meeting, it's your evidence to the
10:46:37 25 Tribunal that notwithstanding your knowledge of Mr. Flynn's interest and
26 involvement in Mr. Gilmartin and Quarryvale, and notwithstanding
27 Mr. Flynn's knowledge of your involvement in Quarryvale, you both in
28 effect ignored the elephant in the room and neither of you discussed
29 either Mr. Gilmartin or Quarryvale?

10:46:56 30 A. Absolutely, absolutely.

10:46:57 1 Q. 58 All right. Now, can I ask you also about, one other meeting that is
2 recorded in Mr. Dunlop's diaries, which I will come back to because I have
3 mislaid the page of the diary which relates to a meeting with Mr. Noel
4 Smyth around this time. Mr. O'Callaghan, there is a diary entry, in fact
10:47:17 5 it's this page, 8179 on the 8th October, the 8th October please.

6
7 You will see that you were in Dublin on that occasion and there is
8 references to "Owen O'Callaghan to organise Breda Cass, L Lohan, I think
9 Helen Keogh, F Hanrahan, Don L to call", do you see those entries in Mr.
10:47:44 10 Dunlop's diary?

11 A. Yes.

12 Q. 59 I will come back to those in a second but what I want you to look at is
13 the later entry for a meeting originally organised for 4.30 but moved to
14 6.30 it says "OOC to see N Smyth"?

10:47:57 15 A. Yes.

16 Q. 60 That I think Mr. Dunlop has said was Mr. Noel Smyth solicitor?

17 A. Yes.

18 Q. 61 Did you have a meeting with Mr. Noel Smyth on the 8th October 1992?

19 A. I had meeting with Noel Smyth in the latter end of '92, that's correct.

10:48:12 20 Q. 62 What was that in connection with, Mr. O'Callaghan?

21 A. That had nothing at all to do with Quarryvale, that was a meeting about a
22 separate operation that Bernard Dunne, Ben Dunne was trying to set up at
23 the time actually, which would have involved himself, myself and Noel
24 Smyth, Noel Smyth as solicitor.

10:48:33 25 Q. 63 And you went to meet -- was that meeting set up for you by Mr. Dunlop?

26 A. By Mr. -- no, no, by Mr. Dunne, Bernard Dunne, Ben Dunne.

27 Q. 64 Mr. Dunlop recorded the fact of you meeting Noel Smyth in his diary, isn't
28 that right?

29 A. He would have known I was going meet Noel Smyth.

10:48:49 30 Q. 65 Right. Insofar as the entry for Mr. Pdraig Flynn is concerned, was that

10:48:54 1 meeting set up for you by Mr. Dunlop or by somebody else?

2 A. Well, it was either Mr. Dunlop or me, probably myself I'd say.

3 Q. 66 Now, Mr. Smyth when he was here was asked about this matter and his

4 evidence to the Tribunal was that he could not recollect any meeting

10:49:11 5 between yourself and himself?

6 A. Yeah, it took place.

7 Q. 67 You say it took place?

8 A. I am certain it took place.

9 Q. 68 And it was in connection the matter do with Mr. Ben Dunne and a different

10:49:22 10 enterprise entirely?

11 A. Absolutely, totally yes.

12 Q. 69 Is there any reason why Mr. Dunlop would have recorded that matter in his

13 diary?

14 A. I would have told him I was going to meet him, I'm sure, he probably drove

10:49:36 15 me to his office.

16 Q. 70 All right. Now, you will see earlier in the day there is an entry in Mr.

17 Dunlop's diary, "OOC to organise, B Cass, L Lohan, H Keogh and F

18 Hanrahan"?

19 A. Yes.

10:49:45 20 Q. 71 Right. You agree first of all they are four councillors, isn't that

21 right?

22 A. Yes.

23 Q. 72 In what way were you to organise them, Mr. O'Callaghan, can you remember?

24 A. I presume that I was to go and meet them, I presume that's all I can mean,

10:49:58 25 I met all those people.

26 Q. 73 The first three I think, that is Ms. Cass, Mr. Lohan and Helen Keogh were

27 members the PDs, is that right?

28 A. Breda Cass yes, Helen Keogh yes, Larry Lohan -- yes, yes.

29 Q. 74 Isn't that right?

10:50:15 30 A. Yes.

10:50:15 1 Q. 75 And I think around this time you had met and you already knew Mr. Colm
2 Tyndall as I think you have told the Tribunal yesterday, is that right?
3 A. Oh, yes.
4 Q. 76 Did you ask Mr. Tyndall to approach his colleagues in the Progressive
10:50:28 5 Democrats to seek support for Quarryvale?
6 A. I am sure I did.
7 Q. 77 Yes. Insofar as Mr. Hanrahan is concerned, by this stage in October 1992
8 were you aware of Mr. Hanrahan's position in relation to Quarryvale?
9 A. Oh I would have been, yes. His opposition to Quarryvale, yes.
10:50:48 10 Q. 78 Yes.
11 A. Yes.
12 Q. 79 And in, did you meet with Mr. Hanrahan at this time?
13 A. Pretty sure I did, I am sure I lobbied him at this stage, yeah.
14 Q. 80 And did you ever have an occasion to discuss money with Councillor
10:51:01 15 Hanrahan?
16 A. No. I never discussed money with Councillor Hanrahan and, except on one
17 occasion the night of the vote, I am sure you will come to that.
18 Q. 81 The 17th December 1992?
19 A. Do you want to talk about that?
10:51:19 20 Q. 82 Mr. Dunlop has told the Tribunal of his recollection of what he describes
21 as "a walk around the block"?
22 A. That's correct.
23 Q. 83 Between yourself and Councillor Hanrahan following which you came back and
24 he says you were not your normal placid self, he describes you as being
10:51:31 25 very angry, I think that was Mr. Dunlop's evidence?
26 A. He said that, that was completely crazy. Yes that never happened, I
27 walked around the block with Finbar Hanrahan asking him to support
28 Quarryvale, this was at the break in the meeting in the council chamber.
29 He explained to me how and why he could not support Quarryvale, because it
10:51:50 30 would cost him his seat in Lucan, simple as that, that was his situation

10:51:56 1 always. Last thing he said to me was before he left, when the election
2 comes up, the next election comes up, if he wanted a contribution to help
3 him get elected could he approach me, I said of course he could, that was
4 the extent of the conversation. I walked back into the council chamber,
10:52:12 5 depressed he wouldn't support Quarryvale but that was the extent it, that
6 was his right, he was doing what he felt he had to do.

7 Q. 84 So you disagree with Mr. Dunlop's evidence that in the first instance you
8 were angry when came back from your walk around the block?

9 A. Yes.

10:52:28 10 Q. 85 And you disagree with Mr. Dunlop's interpretation of your reaction when
11 you came back, which was that he believed that you had been asked for
12 money by Councillor Hanrahan?

13 A. Oh completely, yes. Completely disagree with that.

14 Q. 86 Right. It is however, correct to say that in the course of that walk
10:52:44 15 around the block you did discuss money with Councillor Hanrahan insofar as
16 Councillor Hanrahan at the end of the meeting asked would you support him
17 in the future in an election, is that right?

18 A. Yes, indeed.

19 Q. 87 Right. Did Councillor Hanrahan give you any indication of the level of
10:53:00 20 support that he would have considered appropriate?

21 A. No, and the reality of that is that he never even followed it up, he never
22 even asked me when election time came up, he never even asked me when the
23 election came up, for support.

24 Q. 88 Right. Prior to that, had you had any discussion with Councillor Hanrahan
10:53:17 25 involving money?

26 A. No.

27 Q. 89 Right.

28 A. Never, never.

29 Q. 90 You would have been aware of course from the day that you introduced
10:53:25 30 Councillor Hanrahan to Mr. Gilmartin, following your conversation on the

10:53:29 1 street with Mr. Gilmartin of Mr. Gilmartin's allegation that Councillor
2 Hanrahan had looked for 100,000 pounds, isn't that right?
3 A. Yes, indeed.
4 Q. 91 That was something that Mr. Gilmartin told you within minutes of his
10:53:41 5 meeting with Councillor Hanrahan ending, isn't that right?
6 A. That's correct.
7 Q. 92 And he indicated to you the level of funds that he said that Mr. Hanrahan
8 or Councillor Hanrahan had looked for, isn't that right?
9 A. That's right.
10:53:55 10 Q. 93 In the course of your discussion either in October of 1992 or in December
11 of 1992 with Councillor Hanrahan, was that topic ever raised by you with
12 him?
13 A. That's the topic, the Gilmartin topic?
14 Q. 94 Yes.
10:54:08 15 A. No.
16 Q. 95 If Mr. Gilmartin was right in what he told you, and if he was accurately
17 telling what you he had just discussed with Councillor Hanrahan at that
18 meeting in Buswell's hotel?
19 A. Yes.
10:54:20 20 Q. 96 You would have known from that moment that Councillor Hanrahan was a
21 person who would take money, isn't that right?
22 A. If Mr. Gilmartin was accurate.
23 Q. 97 If Mr. Gilmartin was accurate.
24 A. Correct.
10:54:32 25 Q. 98 Isn't that right?
26 A. Yes.
27 Q. 99 So you would have known that if you offered money to Councillor Hanrahan,
28 Councillor Hanrahan was a person to who if Mr. Gilmartin was correct would
29 take it, isn't that right?
10:54:43 30 A. Yes.

- 10:54:43 1 Q. 100 Now, in the course of your walk around the block with Councillor Hanrahan
2 on the 17th December, what you were looking for was for Councillor
3 Hanrahan to withdraw his opposition best case scenario to Quarryvale,
4 isn't that right?
- 10:54:57 5 A. Yes.
- 6 Q. 101 Or alternatively to abstain or not vote against what you wanted, isn't
7 that right?
- 8 A. That's correct.
- 9 Q. 102 Now, did you suggest to Councillor Hanrahan in the course of that
10 discussion, in view of what you knew about him from what Mr. Gilmartin had
11 told you, that there would be money available for him if he were to do
12 what you wanted him to do?
- 13 A. Of course I did not.
- 14 Q. 103 Yes. And did you in anyway advert, in the course of that meeting with
10:55:24 15 Councillor Hanrahan or your earlier meeting in October '92 with Councillor
16 Hanrahan about what Mr. Gilmartin had told you about him?
- 17 A. No.
- 18 Q. 104 Right. And can I ask you, would you not have thought, Mr. O'Callaghan,
19 that this was something that the man should have been told about in any
10:55:42 20 event that somebody had said this truly dreadful thing about him, isn't
21 that right?
- 22 A. Yes.
- 23 Q. 105 And you had known Councillor Hanrahan, isn't that right, prior to your
24 introduction to Mr. Gilmartin insofar as you knew him well enough to
10:55:56 25 introduce him?
- 26 A. I wouldn't -- I just knew him, yes.
- 27 Q. 106 But you had described him as a supporter of yours, isn't that right,
28 although at that stage you hadn't met him?
- 29 A. Supporter of Cooldrinagh, yes.
- 10:56:05 30 Q. 107 You had known him well enough to introduce Mr. Gilmartin to him, isn't

10:56:08 1 that right?

2 A. Yes.

3 Q. 108 Is you had had to in fact put Mr. Gilmartin with Councillor Hanrahan and
4 point out Councillor Hanrahan to Mr. Gilmartin, isn't that right?

10:56:16 5 A. Yes.

6 Q. 109 Also when Mr. Hanrahan was seeking support in relation to the Senate
7 elections, isn't that right?

8 A. Yes.

9 Q. 110 He had come to Cork to you as a person who could help him get support from
10:56:26 10 councillors in Cork, you had helped him, isn't that right?

11 A. Yes.

12 Q. 111 So he wasn't somebody with whom you had no relationship, isn't that right?

13 A. That's correct, yes.

14 Q. 112 And in the context of, leaving aside now any question of what Mr. Hanrahan
10:56:39 15 might or might not or could or would have done in relation to Quarryvale,
16 did you ever think, Mr. O'Callaghan, that in view of your relationship
17 with Mr. Hanrahan, that you owed it to Mr. Hanrahan to tell him what
18 Mr. Gilmartin had said about him?

19 A. I wouldn't insult him.

10:56:55 20 Q. 113 No, I'm saying in order to arm Mr. Hanrahan to defend himself against
21 these matters?

22 A. First of all, I wouldn't know him well enough, and I probably had met
23 Finbar Hanrahan five times in total since 1989 or 1988. I wouldn't dare
24 make that statement to any man to anybody, thirdly I didn't believe what
10:57:15 25 Tom Gilmartin said to me.

26 Q. 114 You misunderstand me again, Mr. O'Callaghan, I am not asking you whether
27 you believed it or not, I am asking you did you not consider, in view of
28 the relationship you had with Mr. Hanrahan, that the least you could do
29 was warn him, on a friendly basis, about the allegations that were made
10:57:35 30 about him, which you didn't believe, but which if Mr. Gilmartin was making

- 10:57:39 1 them, were in the ether somewhere in Dublin, isn't that right?
- 2 A. Well, I don't know how you can say that, first of all I didn't know him
- 3 well enough but even if I did know him well enough, I wouldn't ask him
- 4 that question, I just couldn't do that. That's not something you do.
- 10:57:52 5 Q. 115 You misunderstand me, Mr. O'Callaghan, I am not suggesting you should have
- 6 asked Mr. Hanrahan whether or not it was true or whether or not he had
- 7 asked Mr. Gilmartin for money. What I am suggesting to you is if you had
- 8 Mr. Hanrahan's interests at heart, and if you wanted to assist him as you
- 9 clearly did when you helped him with the Senate elections, then you should
- 10:58:13 10 have told him about what Mr. Gilmartin was saying about him, that this
- 11 allegation was in the ether in Dublin. That he was somebody who had
- 12 looked for 100,000 pounds to support a particular development?
- 13 A. I don't know how you can say that, I wouldn't dare say that to the man, I
- 14 just couldn't, I don't understand that at all, I don't understand your
- 10:58:36 15 question even.
- 16 Q. 116 You may not understand it, Mr. O'Callaghan, so I will make it simpler for
- 17 you, if an allegation was being made about Councillor Hanrahan that he had
- 18 bribed somebody or that he would take a bribe, and Mr. Hanrahan was
- 19 unaware of it, but you knew it, I am suggesting to you, in view of the
- 10:58:52 20 fact that you went so far as to assist him in trying to get him elected to
- 21 the Senate you could have taken an additional step and simply warning him
- 22 of what was being said about him, that's all?
- 23 A. I would classify that as an insult if I said that to him.
- 24 Q. 117 I am not suggesting that you would suggest to Councillor Hanrahan that he
- 10:59:11 25 took a bribe or that he asked for a bribe, what I am suggesting to him, to
- 26 you is that you could have warned him about matters that you believe to be
- 27 untrue but which were being said about him, isn't that right?
- 28 A. It's a topic I never discussed, I wouldn't have said that to him at all,
- 29 not in a million years.
- 10:59:26 30 Q. 118 So is it fair to say then in all of your discussions with Mr. Hanrahan,

- 10:59:31 1 notwithstanding what you had been told by Mr. Gilmartin and which you
2 didn't believe, you never raised the topic, either of money with
3 Councillor Hanrahan or the fact that the allegation had been made by
4 Mr. Gilmartin about him?
- 10:59:43 5 A. That is correct, and I would just say it, all my discussions consisted of
6 just a few discussions with Finbar Hanrahan, he is a man as I said I
7 probably met four or five times in total, in the past 15 years.
- 8 Q. 119 And on the 7th October I think there is no dispute on this,
9 Mr. O'Callaghan, at 8222 please, Mr. Gilmartin was declared a bankrupt,
11:00:05 10 isn't that right? You see there the date of the bankruptcy order that was
11 made against Mr. Gilmartin, and I think that within a short period of
12 time, and certainly by the 13th October '92 at 8264, in the second
13 paragraph of this attendance on Mr. Gilmartin by Ms. Basquille on the 13th
14 October '92, Mr. Gilmartin confirmed that a bankruptcy order had been
11:00:34 15 made, he having previously I think telephoned the bank to tell them?
- 16 A. Yes.
- 17 Q. 120 I think it would be fair to say that within a short period of time you
18 would have known, as indeed Mr. Deane has confirmed he knew and wasn't
19 surprised by the fact that the order had been made?
- 11:00:50 20 A. Yes.
- 21 Q. 121 Is that right? So from this date you know now, for an absolute fact of
22 Mr. Gilmartin's circumstances. I think Mr. Deane told the Tribunal it was
23 no surprise to him eventually when the order was made, would you agree
24 with that?
- 11:01:02 25 A. Yes.
- 26 Q. 122 Yes. So you would have had an inkling or a suspicion that this was going
27 happen, by virtue of Mr. Gilmartin's financial position in England, is
28 that right?
- 29 A. Yes.
- 11:01:12 30 Q. 123 All right. Now, at this time I think, Mr. O'Callaghan, in late September

- 11:01:19 1 of 199 --
- 2 A. Sorry for interrupting you sorry, just back on Tom Gilmartin's bankruptcy,
- 3 I would have known of his financial situation that it wasn't great. I
- 4 certainly didn't know how serious it was. I didn't know that he was on
- 11:01:33 5 the edge of bankruptcy. I'm not too sure if John Deane knew that either
- 6 actually.
- 7 Q. 124 Yes. I think there is an attendance which Ms. O'Raw will find for me in
- 8 which the bank record Mr. Deane of this and they record Mr. Deane as not
- 9 being surprised by the fact that Mr. Gilmartin has been made a bankrupt?
- 11:01:51 10 A. I have seen that, I wouldn't have been that casual about it.
- 11 Q. 125 I think that in his evidence, Mr. Deane confirmed that this was an
- 12 accurate attendance?
- 13 A. Yes, I believe so.
- 14 Q. 126 So even if you weren't aware of the nature of Mr. Gilmartin's difficulties
- 11:02:03 15 in England, Mr. Deane does not dispute what the bank had recorded?
- 16 A. Yes, that's right. That's correct, yes.
- 17 Q. 127 And would you agree with me that it's unlikely that Mr. Deane would have
- 18 known something and you would have been unaware of it?
- 19 A. Most unlikely.
- 11:02:17 20 Q. 128 What I wanted to ask you about then, Mr. O'Callaghan, was an entry at 8031
- 21 please; this is an entry on the 18th September in Mr. Dunlop's diary.
- 22 Now, you will be aware that there has been evidence from Mr. Dunlop in
- 23 relation to what has been described here, the obliterations in his diary,
- 24 isn't that right?
- 11:02:43 25 A. Yes.
- 26 Q. 129 And a number of those obliterations, Mr. O'Callaghan, appear to relate to
- 27 you, some of them relate to other developers, and some of them seem to
- 28 relate to financial transactions or records of financial transactions?
- 29 A. Yes.
- 11:03:01 30 Q. 130 Now, initially when this matter came before the Tribunal there hadn't been

- 11:03:07 1 any forensic examination of what was written beneath these entries, but
2 the Tribunal had, and I am sure you are aware of it, these diaries
3 analysed.
- 4 A. Yes.
- 11:03:16 5 Q. 131 And while it doesn't appear so in all cases, in a lot of cases what was
6 beneath the entries have been extracted, Mr. Dunlop has agreed with a lot
7 of what has been taken from beneath the entries, do you understand?
- 8 A. Yes.
- 9 Q. 132 Now, insofar as this entry is concerned, which is September 1992, the
11:03:40 10 record or the results of the forensic examination which I think was
11 described by Mr. Aidan Redmond, counsel for Mr. Dunlop as the Jackson
12 Pollock, at 25628 remain relatively unclear.
- 13
14 Now, some parts of this can be extracted, but the sense of what is
11:04:06 15 recorded there, Mr. O'Callaghan, can't be put forward in any meaningful
16 way. When Mr. Dunlop was here I, after we had reviewed the balance of
17 them, I put to Mr. Dunlop that this entry, in all likelihood related to
18 you and probably recorded financial information, and I think Mr. Dunlop
19 says, agrees that it's probably a financial matter, but he doesn't know
11:04:34 20 what it relates to?
- 21 A. Yes.
- 22 Q. 133 Now, if Mr. Dunlop is correct that this records some financial transaction
23 or agreement between you and he, can you recollect in September 1992,
24 whether you made any separate financial arrangement with Mr. Dunlop?
- 11:04:55 25 A. September 1992?
- 26 Q. 134 Yes.
- 27 A. No.
- 28 Q. 135 This would be prior to the vote obviously, in December 1992, isn't that
29 right?
- 11:05:09 30 A. Yes. The only arrangement I would ever have made, separate arrangement I

- 11:05:13 1 would have made with Frank Dunlop would have been the success fee which
2 was in, we discussed it for the first time in early '93.
- 3 Q. 136 Well this is September '92?
4 A. '92.
- 11:05:23 5 Q. 137 Isn't that right?
6 A. I can't remember anything, any arrangement we had, there was no reason for
7 it, no need for it.
- 8 Q. 138 If we look at 8031, you will see that the obliterated entry is beneath an
9 entry that relates to you, isn't that right, it describes "letters
11:05:47 10 brochures, all councillors, re Quarryvale, consult with OOC"?
11 A. Yes.
- 12 Q. 139 Right. And then there is a line that is obliterated and beneath that then
13 there is an entry, isn't that right?
14 A. Yes.
- 11:05:59 15 Q. 140 Mr. Dunlop agreed at the end of the day when the forensic examination had
16 been complete and the material had been extracted, that most of these
17 obliterated entries related to a record of financial transactions,
18 including financial transactions with you, Mr. O'Callaghan, but relating
19 to other developers as well, that was Mr. Dunlop's evidence when the
11:06:22 20 diaries were analysed?
21 A. Yes.
- 22 Q. 141 And in fairness to yourself, I propose to take you through what appears to
23 be other obliterated entries that relate to you, and before I do that, I
24 just want to take you briefly through the "big one" entries that are
11:06:38 25 recorded and that we have already looked at. If we look at 9133 please,
26 which is January '91, you will see that on the 27th January '93 at 4
27 o'clock it says "OOC re "big one", isn't that right?
28 A. Yes.
- 29 Q. 142 There is no detail given there, isn't that the position?
11:06:58 30 A. Correct.

- 11:06:59 1 Q. 143 On the 16th March '93 at 9343, you will see an entry OOC to revert re "big
2 one"?
- 3 A. Yes.
- 4 Q. 144 That would suggest that you were to come back to Mr. Dunlop by that date,
11:07:17 5 isn't that right?
- 6 A. Yes.
- 7 Q. 145 On the 29th July at 9916, there is an entry "spoke to OOC re "big one"
8 again, YES YES".
- 9 A. Sorry haven't got that.
- 11:07:32 10 Q. 146 Thursday 29th July?
- 11 A. Yes, I have it, yes.
- 12 Q. 147 On the 3rd August of '93 at 14218, there is an entry "spoke to OOC re "big
13 one" again!! Yes, yes". Do you see that one?
- 14 A. Yes.
- 11:07:53 15 Q. 148 And on the 30th September '93 at 10174, Mr. Dunlop has recorded "OOO
16 report re "big one"" suggesting that he expected to you come back to him
17 by that date in connection with "big one", isn't that right?
- 18 A. Yes.
- 19 Q. 149 And then at 10548 on the 13th December '93, and you have already given
11:08:23 20 your evidence in relation to this entry, on the 13th December '93 it
21 records "OOO and LL, discussion re "big one", when? If deal comes through
22 then "Private" deal, when? Leave it to FD", you weren't, I think it's
23 fair to say, able to assist the Tribunal in any meaningful way,
24 Mr. O'Callaghan, as to what that's a record of?
- 11:08:50 25 A. That's correct. Yes.
- 26 Q. 150 Then at 11042, on the 1st of the 6th '94, that is the 1st June 1994 in Mr.
27 Dunlop's diary "OOO in FDA's spoke re "big one". OOO said he hoped to
28 have the whole situation fixed up by the end of the month". Is that
29 right?
- 11:09:11 30 A. Yes.

11:09:12 1 Q. 151 Now, do you agree insofar as the global picture about the "big one"
2 entries are concerned, Mr. O'Callaghan, that Mr. Dunlop has recorded a
3 series of matters that relate, in the first instance to you and in the
4 second instance to some arrangement that Mr. Dunlop believed he had with
11:09:27 5 you, which he described as "big one"?
6 A. Which he describes as "big one", yes.
7 Q. 152 And regardless of Mr. Dunlop's description of it, the record contained in
8 Mr. Dunlop's diary suggests a running review of some significant matter
9 throughout 1993 between yourself and Mr. Dunlop, isn't that right?
11:09:49 10 A. Yes.
11 Q. 153 And he has noted dates in which you are to revert to him and to come back
12 to him, isn't that right?
13 A. Mm-hmm.
14 Q. 154 And would you agree with me that that, in view of the way it is described
11:09:59 15 by Mr. Dunlop is likely to have been in connection with some financial
16 matter?
17 A. Yes.
18 Q. 155 Yes. And looking at that series, and dealing with those now, one after
19 the other, does that assist you, Mr. O'Callaghan, in recollecting what
11:10:14 20 agreement you had made with Mr. Dunlop in 1993?
21 A. It can only be the success fee, because first of all, and you know, I
22 don't understand this at all actually because the two words "big one" were
23 never mentioned to me. I don't know why he has got it in his diary so
24 many times I don't understand it, unless he was dreaming about it or
11:10:38 25 something, I just don't understand. Obviously it was very much on his
26 mind when it's in the diary so much. But the only arrangement that I
27 would have made with Frank Dunlop in '93 was that, because as far as he
28 was concerned the whole Quarryvale thing were his point of view was
29 finished and he was interested in a success fee, as he said to me on a few
11:10:58 30 occasion, the whole project would be built and everybody would be happy

11:11:02 1 with it and he would be left sitting there, forgotten about. And that if
2 the cap was lifted he wanted to be paid a success fee and that discussion
3 took place probably two or three times in total, and I agreed with him
4 that there would be, the figure was never, never agreed, never agreed. I
11:11:21 5 don't understand why he is putting this in the diary, it doesn't make
6 sense to me at all.

7 Q. 156 Certainly what --

8 A. I never heard the words "big one". I have only come across that one
9 recently.

11:11:29 10 Q. 157 If you leave aside the words "big one" which causes you such difficulty,
11 Mr. O'Callaghan, and concentrate on the fact that however it's described,
12 Mr. Dunlop appears to be recording a series of discussions between you and
13 he which involve a significant financial matter, do you agree with that?

14 A. Yes, I do.

11:11:46 15 Q. 158 Right. Now, will you tell the Tribunal the detail of the discussions that
16 you had with Mr. Dunlop in relation to any significant financial matters
17 which would benefit Mr. Dunlop in 1993?

18 A. The only one was the success fee.

19 Q. 159 Now, how much --

11:12:02 20 A. That's the extent of it.

21 Q. 160 Right. How much money was being discussed between yourself and Mr. Dunlop
22 in relation to the success fee?

23 A. We never discussed the figure. Maybe that is why he it's in the diary so
24 many times, trying to establish that. We didn't discuss it, we never even
11:12:17 25 sat down to discuss it actually, a figure was never mentioned.

26 Q. 161 Do you describe these entries or records by Mr. Dunlop in his diary as a
27 fantasy?

28 A. I do, yes, I do.

29 Q. 162 All right.

11:12:27 30 A. Either that or it was very much on his mind, must have been very much on

- 11:12:31 1 his mind.
- 2 Q. 163 Mr. Dunlop, in these entries appears to have been recording the fact that
- 3 he spoke to you in relation to this financial matter and that you reported
- 4 on occasion to him in relation to this financial matter, isn't that what
- 11:12:45 5 Mr. Dunlop has recorded?
- 6 A. That's right, I actually think that he put it in his diary, reminding him
- 7 to speak to me about it, but those conversations did not take place, the
- 8 maximum amount of discussion about that is I said three or four
- 9 discussions in total. A final figure was never agreed until -- to this
- 11:13:03 10 day, a figure has never been agreed actually.
- 11 Q. 164 We will come to deal with the success fee money that is you paid, but if
- 12 we look now at the balance of the obliterations after the "big one"
- 13 entries, Mr. O'Callaghan, that appear to relate to you.
- 14
- 11:13:16 15 And in August of 1995 at 11925, you will see that there is an obliteration
- 16 made by Mr. Dunlop in relation to an entry on the 1st September 1995,
- 17 isn't that right?
- 18 A. Yes.
- 19 Q. 165 You agree that it's not possible to decipher what's beneath it, isn't that
- 11:13:39 20 right?
- 21 A. Yes.
- 22 Q. 166 Yes. If we look then at the forensic examination at 25648, you will see
- 23 that what was obliterated by Mr. Dunlop prior to him giving the diaries to
- 24 the Tribunal were the words "OOC to deliver" do you agree first of all
- 11:14:01 25 that's likely to be a reference to you?
- 26 A. Yes.
- 27 Q. 167 And do you agree also it must refer to some financial matter that Mr.
- 28 Dunlop believed you were going to deliver to him?
- 29 A. Yes, yes.
- 11:14:10 30 Q. 168 That would suggest that by the 1st September 1995, you had progressed

- 11:14:14 1 matters in relation to "big one" or some financial arrangement with Mr.
2 Dunlop and he believed that at this stage in September 1995 you were going
3 to pay up, is that fair?
- 4 A. Yes.
- 11:14:26 5 Q. 169 What was the financial arrangement you had made with Mr. Dunlop by
6 September 1995 and on foot of which you were to deliver?
- 7 A. It can only be exactly what I said, a success fee.
- 8 Q. 170 Right. And insofar as Mr. Dunlop appears to have recorded a belief would
9 you deliver that by the 1st September 1995, what were you going to
11:14:45 10 deliver, Mr. O'Callaghan?
- 11 A. I wasn't, because the figure wasn't even agreed. That's what I am saying,
12 he keeps writing this in his diary to remind me and I presume keep it in
13 his own mind that this is going happen at some stage, but we never even
14 got around to agreeing a figure.
- 11:15:00 15 Q. 171 But you had agreed, if your evidence is correct, he would be entitled to a
16 success fee?
- 17 A. Oh, yes. Absolutely.
- 18 Q. 172 And that success fee because you agreed pay it you say in January of 1993,
19 isn't that right?
- 11:15:12 20 A. I agreed that it would be paid and that date we agreed to pay it but
21 without fixing a date.
- 22 Q. 173 By September of 1995 it hasn't been paid, isn't that right?
- 23 A. No but I don't think the cap has been lifted by then.
- 24 Q. 174 But your agreement was to pay him once the cap was lifted?
- 11:15:26 25 A. Yes and in the meantime, as I said, a figure was not even agreed.
- 26 Q. 175 At 11949 on the 15th September 1995, Mr. Dunlop has an entry "Spoke by
27 phone to OOC" and the balance of the entry is obliterated, isn't that
28 right?
- 29 A. Yes.
- 11:15:48 30 Q. 176 At the very bottom.

11:15:50 1 A. Yes.

2 Q. 177 And you will see there that Mr. Dunlop was at pains to over-write what had
3 been contained, isn't that right?

4 A. Yes.

11:15:58 5 Q. 178 And beneath that, if you look at page 25650, Mr. Dunlop now agrees with
6 the benefit of the forensic examination that what he obliterated and what
7 was recorded are the following "Spoke by phone to OOC. He reiterated his
8 commitments to fulfilling his obligations absolutely".

9 A. Yes.

11:16:29 10 Q. 179 Right. Now, does that confirm again to you, Mr. O'Callaghan, that Mr.
11 Dunlop is here recording a financial agreement with you?

12 A. Yes.

13 Q. 180 Right. The detail of which is not actually recorded at this point in
14 time, isn't that right?

11:16:42 15 A. Yes.

16 Q. 181 But he is having a discussion with you which he is recording obviously for
17 his purposes, that he is having a discussion with you and you are
18 confirming to him that you will deliver or you will fulfil your
19 obligations?

11:16:55 20 A. Yes, this is the success fee, yes.

21 Q. 182 Had you agreed at this stage a figure?

22 A. No.

23 Q. 183 Right.

24 A. This is Frank Dunlop saying to me, this is him saying -- this is 1995,
11:17:05 25 Quarryvale is moving on, we have anchors in place, we were going in for
26 planning, the whole thing seems to be that it might be a success and he is
27 being more or less forgotten about if you like, or dropped off the scene
28 because we are not dealing all that much with him, he is not essential to
29 the whole thing any more, he is just reminding me of his success fee.

11:17:24 30 Q. 184 Yes. In fact at this stage it would be fair to say, Mr. O'Callaghan, I

11:17:28 1 think you have already agreed Mr. Dunlop's company was on a monthly
2 retainer, isn't that right?

3 A. Oh, yes.

4 Q. 185 I think by the stage the amount of the retainer was 6,050 pounds a month,
11:17:38 5 isn't that right?

6 A. No it wasn't, sorry including VAT, it was 5,000 pounds.

7 Q. 186 Isn't that right? By this stage?

8 A. Sorry, yes, yes. At '95, yes it would have been.

9 Q. 187 Isn't that right? Yes, I think that's the position I am sure Ms. O'Raw
11:17:51 10 will check it, if I am wrong I will let you know.

11 A. A retainer varied up and down quite a bit.

12 Q. 188 Yes but initially in 1994 there were almost no payments to Mr. Dunlop
13 other than two payments that arose from invoices in '93?

14 A. That's correct.

11:18:04 15 Q. 189 I think in the following year, in '95 the retainers commenced, isn't that
16 right?

17 A. The retainers commenced in January '93 really but we only ever paid them
18 on some occasions, they were dropped out, that's another figure that came
19 up afterwards, but probably it got to 5,000 a month by that stage.

11:18:27 20 Q. 190 Yes. So Mr. Dunlop is being paid a retainer at the time you are having
21 this conversation, so it's not the retainer that you are discussing with
22 Mr. Dunlop, isn't that the position?

23 A. Oh, no, no.

24 Q. 191 Now, again if you look at 12568 on the 14th June 1996, at the very bottom
11:18:38 25 of that page you will see there is a very small entry that reads "A
26 arrange new retainer for FDA, B agree and pay success to FD and then all
27 in 10 to 14 days" is that right? If you look at the very bottom, on the
28 bottom of the other page that is beside it, 13th please, if you go across
29 you see "Met OOC at FDA and he undertook to A arrange new retainer for
11:19:12 30 FDA, B agree and pay success fee to FD" item C is obliterated, isn't that

11:19:21 1 right?

2 A. Yes.

3 Q. 192 Now, what was the third matter that you discussed with Mr. Dunlop on the

4 13th June 1996?

11:19:30 5 A. I don't know.

6 Q. 193 Did you agree a figure by that stage?

7 A. No.

8 Q. 194 All right.

9 A. To this day a figure has not been agreed.

11:19:37 10 Q. 195 And that obliteration, Mr. O'Callaghan, cannot be read and the Tribunal

11 does not know what it is was the third part of the matter that you had

12 discussed and apparently agreed with Mr. Dunlop on the 13th June 1996, and

13 you can't assist if I understand you correctly?

14 A. Sorry I can't no, because to the best of my knowledge that was it, it

11:19:57 15 wasn't any else, I haven't a notion what that was.

16 Q. 196 Do you agree however that it is likely that the matter that's been

17 obliterated by Mr. Dunlop relates to some financial matter?

18 A. Well yes, I presume so, yes.

19 Q. 197 All of these obliterations, Mr. O'Callaghan, appear to relate to financial

11:20:14 20 matters or Mr. Dunlop's private record of financial matters, isn't that

21 right?

22 A. Yes, yes.

23 Q. 198 Is it possible that there might be a record there of the payments say that

24 Mr. Dunlop had made on your behalf?

11:20:27 25 A. Sorry, how do you mean?

26 Q. 199 That Mr. Dunlop might have paid a substantial sum of money out on your

27 behalf and there is a record of it?

28 A. No, not at all.

29 Q. 200 Mr. Dunlop didn't obliterate the financial information in relation to the

11:20:42 30 retainer, he didn't obliterate the information in relation to the success

11:20:47 1 fee, isn't that right?

2 A. Yes, yes.

3 Q. 201 But he obliterated the third matter so, this was obviously the most

4 significant part of the discussion because it is the, that part of the

11:20:58 5 discussion that he tried to conceal from the Tribunal, isn't that right?

6 A. Yes, that's correct.

7 Q. 202 That would make sense, isn't that right?

8 A. That's right.

9 Q. 203 So it must have been some very important matter that Mr. Dunlop had

11:21:08 10 recorded, isn't that right?

11 A. Must have been something else to do with a success fee, but I don't know

12 what it is.

13 Q. 204 Yes. It can't be the success fee unless it's the amount, you say the

14 amount wasn't agreed?

11:21:22 15 A. Yes. The amount was not agreed.

16 Q. 205 Right. So if it's not the amount of the success fee, Mr. O'Callaghan, and

17 not the success fee itself because that's referred to at item B it has to

18 relate to something else, isn't that right?

19 A. Yes.

11:21:33 20 Q. 206 It has to relate it something else and has to be a financial matter, isn't

21 that right?

22 A. Yes.

23 Q. 207 Now, you are the only other person who is at this discussion with Mr.

24 Dunlop, isn't that the case?

11:21:42 25 A. Correct.

26 Q. 208 And this matter is so significant that Mr. Dunlop is at pains to make sure

27 the Tribunal never gets to the bottom of it, isn't that right?

28 A. Yes.

29 Q. 209 Now, and you yourself now as I understand it, say you can't help as to

11:21:55 30 what is written beneath that?

- 11:21:57 1 A. That's because I can't, of course I haven't a notion.
- 2 Q. 210 That is way why in the absence of your recollection and Mr. Dunlop's
3 concealment that I am putting to you, Mr. O'Callaghan, that is it possible
4 that what is recorded there by Mr. Dunlop is a record of a payment that
11:22:12 5 Mr. Dunlop may have made on your behalf?
- 6 A. Certainly not to my knowledge, certainly not to my knowledge.
- 7 Q. 211 Can you speculate, Mr. O'Callaghan, as to what it was that Mr. Dunlop was
8 at such pains to conceal, arising out of his agreement with you, that is
9 recorded in his diary on the 13th June '96?
- 11:22:34 10 A. Not a notion, I can't -- I would like to help if I can because I know it's
11 very important, I'm sorry but I can't, I haven't a notion what that's
12 about, and I wouldn't. I don't know why he crossed it out I just don't
13 understand it, I can assure you that it's not anything that I asked him to
14 do.
- 11:22:52 15 Q. 212 No I am not suggesting that it might be anything that you asked him to do,
16 I am -- I was wondering, Mr. O'Callaghan, whether it was a record by
17 Mr. Dunlop of something he had done for example?
- 18 A. Not to my knowledge.
- 19 Q. 213 Not to your knowledge. And other than accepting that it probably relates
11:23:13 20 to something financial and that it was something Mr. Dunlop wanted to
21 conceal from the Tribunal, you can't assist because you have no
22 recollection?
- 23 A. I would like to but sorry I can't assist. I'm sorry.
- 24
- 11:23:20 25 JUDGE FAHERTY: Mr. O'Callaghan, obviously the manner which it is set out
26 there, Ms. Dillon has led you through it, the A, B and C, we can't see the
27 C obviously, it appears to be Mr. Dunlop recording the fruits of a
28 discussion with you.
- 29 A. Yes.
- 11:23:33 30

11:23:34 1 JUDGE FAHERTY: Or the results of a discussion, you'd accept that?

2 A. Yes.

3

4 JUDGE FAHERTY: Whatever the last portion of it is, Mr. Dunlop has gone

11:23:41 5 through extraordinary pains to certainly conceal it.

6 A. Yes, yes. Yes, he has.

7

8 JUDGE FAHERTY: And as the Chairman reminds me, he is right, you see the

9 manner in which it is depicted there on the diary, that all of it was to

11:23:58 10 happen within 10 to 14 days.

11 A. Yes.

12

13 JUDGE FAHERTY: So whatever is concealed by Mr. Dunlop was to happen within

14 10 to 14 days, according to Mr. Dunlop

11:24:12 15 A. Yes, sorry, Judge, I haven't a notion. I can't even think of anything

16 that would be put down there. The only discussion I ever had with Frank

17 Dunlop outside of a normal discussion was a success fee, that's it. I

18 can't think of anything else, if I could I would certainly tell you. I

19 just haven't a notion. Unless maybe something else, outside of financial

11:24:40 20 altogether.

21

22 Q. 214 MS. DILLON: I suggest to you, Mr. O'Callaghan, that that's unlikely

23 because all of the other obliterations we have seen --

24 A. Were financial.

11:24:50 25 Q. 215 -- were financial?

26 A. Yes I agree.

27 Q. 216 At this time, Mr. O'Callaghan, June 1996, in the months prior to that you

28 were involved in the buy out, isn't that right, of Mr. Gilmartin from the

29 Quarryvale endeavour?

11:25:01 30 A. Yes.

- 11:25:01 1 Q. 217 Isn't that right? And Mr. Noel Smyth I think at this stage was
2 negotiating on behalf of Mr. Gilmartin and a concluded agreement had been
3 made in the weeks I think preceding this entry by Mr. Dunlop?
4 A. What date is this?
- 11:25:19 5 Q. 218 This is June of 1996, if you look at the full page please?
6 A. Oh, yes.
7 Q. 219 12568.
8 A. Yes.
9 Q. 220 I think the 31st May 1996 was the date of the concluded agreement --
11:25:32 10 A. Yes, that's correct.
11 Q. 221 -- with Mr. Gilmartin?
12 A. Yes, that's correct.
13 Q. 222 Subject to correction on that. And I think that the agreement in effect
14 paid for a sum of the order of 7 million pounds, isn't that right, we will
11:25:42 15 come to deal with that?
16 A. 7.8 million.
17 Q. 223 Yes. Mr. Deane has dealt comprehensively with that, I assume you don't
18 disagree with Mr. Deane's evidence in relation to it?
19 A. That would be correct.
- 11:25:52 20 Q. 224 Does that context, Mr. O'Callaghan, assist you in trying to recollect what
21 it was that you were discussing with Mr. Dunlop that was so secret that
22 Mr. Dunlop having left the other two entries obliterated, the third
23 element of this?
24 A. Mr. Dunlop had nothing at all to do with the Gilmartin buy out, he wasn't
11:26:11 25 involved, he would hardly have known about it actually. He certainly
26 wouldn't have known about the financial situation of the Gilmartin buy
27 out.
28 Q. 225 So this can have nothing to do with --
29 A. No.
- 11:26:22 30 Q. 226 Was there anything else happening in Quarryvale or the stadium around this

- 11:26:25 1 time, Mr. O'Callaghan, that could be connected to this?
- 2 A. Well the stadium had stopped at that stage, to the best of my knowledge, I
- 3 can't think of anything else. The stadium had stopped, Frank Dunlop would
- 4 have had nothing to do with the Quarryvale, the Gilmartin buy out, he
- 11:26:50 5 would have known it happened but that's about it.
- 6 Q. 227 I see. Can you think of anything, Mr. O'Callaghan, that Mr. Dunlop would
- 7 have concealed in this fashion from the Tribunal?
- 8 A. No.
- 9 Q. 228 Okay --
- 11:27:05 10 A. Nothing arose, I can't think of anything.
- 11 Q. 229 Well, do you agree with me the following; it is likely that Mr. Dunlop
- 12 would only have concealed something that was adverse to his own interests,
- 13 do you agree with me there?
- 14 A. Yes.
- 11:27:18 15 Q. 230 In other words, whatever is contained beneath that entry which involves
- 16 you and which involves him is something that Mr. Dunlop when he made the
- 17 concealment regarded as being adverse or that could react badly insofar as
- 18 he was concerned, do you agree with that?
- 19 A. Yes.
- 11:27:32 20 Q. 231 If it's something that was adverse to Mr. Dunlop's interests, would you
- 21 agree with me it's likely also to have been adverse to your interests?
- 22 A. I wouldn't think so, it could have -- again I don't know.
- 23 Q. 232 If for example there was a record contained there of a payment of a sum of
- 24 money to a politician on behalf of Quarryvale, insofar as it might be
- 11:27:55 25 adverse to Mr. Dunlop's interests equally it would be adverse to you?
- 26 A. That would be so.
- 27 Q. 233 Isn't that right?
- 28 A. Yes.
- 29 Q. 234 So do you agree then that it's likely because both of you are involved in
- 11:28:03 30 the discussion that leads to this, that insofar as one element of this

- 11:28:13 1 discussion is being deliberately concealed it is only something that is
2 being concealed because to reveal it will harm either Mr. Dunlop or
3 yourself?
- 4 A. Yes.
- 11:28:15 5 Q. 235 All right. Does that assist you, Mr. O'Callaghan, as to it was you were
6 discussing with Mr. Dunlop on the 13th June 1996 which the publication of
7 which to anybody could have harmed either yourself or Mr. Dunlop?
- 8 A. I'm afraid it doesn't.
9
- 11:28:33 10 JUDGE FAHERTY: Or a politician?
- 11 Q. 236 MS. DILLON: Or a politician sorry, a third party?
- 12 A. I can certainly say this for definite, there was no discussion about money
13 to any politician, that I am 100 per cent positive of, that is it, a
14 certainty, no question about that. As to what else it is, I just don't
11:28:50 15 know, there was nothing important, the only thing being discussed
16 financially was a success fee, nothing do with politicians, that I can
17 assure you from my point of view, absolutely not.
- 18 Q. 237 If you are correct in that, Mr. O'Callaghan, then is it not the position
19 that what is being concealed here is something that could harm either
11:29:09 20 yourself or Mr. Dunlop, if it was published to anybody, and in particular
21 if it was published to the Tribunal, isn't that right?
- 22 A. Why else would he have it deleted like that.
- 23 Q. 238 Exactly. Isn't that correct?
- 24 A. Yes.
- 11:29:25 25 Q. 239 So looking at it now in the context of this Tribunal, because these
26 obliterations were made by Mr. Dunlop prior to furnishing the diaries to
27 the Tribunal, can you think what it was that Mr. Dunlop and yourself were
28 involved in discussing in June of 1996, that both yourself and Mr. Dunlop
29 would have had an interest in ensuring that the Tribunal didn't see it?
- 11:29:48 30 A. I am sorry I can't, I am certain of that actually, I just cannot recall, I

11:29:52 1 don't remember anything developing at that stage except as I say the
2 success fee, there was nothing else, couldn't have been, if it is deleted
3 like that, if I cannot remember it or recollect it, it is probably nothing
4 to do with me.

11:30:06 5 Q. 240 Isn't that unlikely, Mr. O'Callaghan?
6 A. Otherwise I would think of it because it seems to be quite important.

7 Q. 241 If you look at the entirety of the entry, the entry records a meeting from
8 5.15 to 6.45 which is an hour and a half meeting with Mr. Dunlop the time
9 of which he has entered he records "Met OOC at FDA and he undertook to A
10 and B, then as a C", Mr. O'Callaghan, which is deleted, and I suggest to
11 you that it is unreal to suggest to the Tribunal that item C which is
12 obliterated couldn't relate to you, isn't that right?
13 A. Well, absolutely but otherwise if it was that important I would remember
14 it surely.

11:30:45 15
16 JUDGE KEYS: Mr. O'Callaghan, do you remember at any stage discussing the
17 retainer with Mr. Dunlop?
18 A. Yes, I did discuss the retainer with Mr. Dunlop on a few occasions.
19

11:30:57 20 JUDGE KEYS: So you remember that?
21 A. Yes.
22

23 JUDGE KEYS: Do you remember then discussing with him the success fee and
24 agreeing the success fee within a certain period of time?
11:31:11 25 A. I remember sussing a success fee with him.
26
27 JUDGE KEYS: Yes.
28 A. But not agreeing the amount of the success fee.
29

11:31:18 30 JUDGE KEYS: Do you remember agreeing, okay the success fee, the retainer

11:31:22 1 and that that was all to be completed or implemented within a period of 14
2 days?
3 A. No, I don't, I don't. The 14 days has me stumped.
4

11:31:36 5 JUDGE KEYS: Well a period of time then let's not say 14 days, but that
6 within a certain period of time?
7 A. Yes the success fee.
8

9 JUDGE KEYS: In a certain period of time.
11:31:45 10 A. In a period of time, yes.
11

12 JUDGE KEYS: Now, do you remember anything else being discussed at that
13 meeting that discussed both of those items?
14 A. Well, Judge, I'm afraid I cannot remember anything else.
11:31:56 15

16 JUDGE KEYS: Because it appears to me if they are interlinked the other
17 matter discussed was C, which we don't know what it's about at the moment.
18 A. Yes.
19

11:32:05 20 JUDGE KEYS: I mean, did Mr. Dunlop ever ask for an interest in Quarryvale
21 from you?
22 A. No.
23

24 JUDGE KEYS: That his input was such that the success fee was such that he
11:32:16 25 had achieved the goal which was your goal, that he was also asking or
26 contemplating asking you for a share in Quarryvale?
27 A. No, never.
28

29 JUDGE KEYS: You are absolutely sure about that?
11:32:30 30 A. Absolutely positive, yes.

11:32:36 1 JUDGE KEYS: And you can't remember anything more about that meeting other
2 than A and B?
3 A. Sorry, I am totally surprised and I can't even think of what else there
4 would be because the extent of our financial conversations would have been
11:32:47 5 based around a success fee and that was it.
6
7 JUDGE KEYS: Thank you.
8 Q. 242 MS. DILLON: Is it possible, Mr. O'Callaghan, what's recorded there was
9 the amount of the success fee?
11:32:59 10 A. No because it wasn't agreed.
11 Q. 243 Right.
12 A. Unless he put a figure down there in his mind, but I have never seen it,
13 but maybe you have something. Maybe it's a figure that he hoped to
14 achieve, maybe that's what it is.
11:33:14 15 Q. 244 But you say no figure was agreed?
16 A. Oh no, no, no, but maybe that's what C is, maybe he put a figure down that
17 he hoped to achieve as a success fee.
18 Q. 245 But there would have been no reason for him, if it was an aspirational
19 figure to exclude it from the Tribunal, isn't that right?
11:33:30 20 A. Well, if it was a very large figure maybe he would.
21 Q. 246 But if Mr. Dunlop had put down that he hoped to achieve a success fee of 5
22 million as an aspirational figure, there would be no reason for him to
23 exclude that from the Tribunal, is my point to you, Mr. O'Callaghan?
24 A. I think there would, you could think it was too high too extensive, too
11:33:50 25 large, maybe that's what it is.
26 Q. 247 Are you satisfied, Mr. O'Callaghan, that that entry can have nothing to do
27 with meeting politicians or paying politicians?
28 A. I am 100 per cent certain of that.
29 Q. 248 You would have been aware from the statement of Mr. Ahern for example that
11:34:07 30 Mr. Ahern told the Tribunal that he would have had a meeting with you in

- 11:34:12 1 early 1996, isn't that right?
- 2 A. Yes, I met him in 1996, that's correct.
- 3 Q. 249 And on the 18th June 1996 at 12592, Mr. Dunlop has an entry in his diary
- 4 for "Bertie LH", suggesting Mr. Ahern Leinster House, is that right?
- 11:34:38 5 A. I can't see that.
- 6 Q. 250 And that entry in Mr. Dunlop's diary on the 18th June 1996 takes place
- 7 four days after you have your private discussion with Mr. Dunlop on the
- 8 14th, I beg your pardon on the 13th June 1996, isn't that right?
- 9 A. Yes, yes.
- 11:34:54 10 Q. 251 Does that assist you, Mr. O'Callaghan, with any recollection in relation
- 11 to the subject matter of your discussion with Mr. Dunlop that's recorded
- 12 in Mr. Dunlop's diary of the 13th June 1996?
- 13 A. Absolutely not, no.
- 14 Q. 252 If I skip back slightly, Mr. O'Callaghan, to an obliteration I should have
- 11:35:15 15 put to you, at 4280 please, on the 8th June 1990, Mr. O'Callaghan, Mr.
- 16 Dunlop has an entry in his diary for "O O'Callaghan at 10 o'clock"?
- 17 A. Yes.
- 18 Q. 253 Mr. Dunlop can't explain why it was he entered what he agreed is your name
- 19 in his diary in June of 1990, in circumstances of which he says he did not
- 11:35:41 20 meet you until early 1991, and I think you agree with Mr. Dunlop's
- 21 evidence as to the date of the meeting being early 1991?
- 22 A. That is correct, yes.
- 23 Q. 254 And your evidence has been that you did not meet Mr. Dunlop at this time?
- 24 A. That is correct.
- 11:35:56 25 Q. 255 What I wanted to put to you is that beneath your name, Mr. O'Callaghan,
- 26 there is an obliteration, do you see that?
- 27 A. Yes, I do.
- 28 Q. 256 And the obliteration can be seen at 25587 and that obliteration is "G and
- 29 M" do you see that?
- 11:36:17 30 A. Yes.

11:36:17 1 Q. 257 That is an abbreviation used by Mr. Dunlop to refer to Guinness and Mahon
2 Bank?
3 A. Yes.
4 Q. 258 And Mr. Dunlop was asked to explain why it was he had obliterated that
11:36:27 5 entry and Mr. Dunlop couldn't provide any explanation to the Tribunal as
6 to why it was he had obliterated an entry in relation to Guinness and
7 Mahon.
8 A. Yes.
9 Q. 259 Are you aware of any relationship in the first instance between Mr. Dunlop
11:36:40 10 and Guinness and Mahon?
11 A. No.
12 Q. 260 Right. Were you aware of any banking relationship between Guinness and
13 Mahon and any politician?
14 A. No.
11:36:51 15 Q. 261 Were you ever asked for example to pay money to Guinness and Mahon on
16 behalf of any politician?
17 A. No.
18 Q. 262 All right. Were you aware that Mr. Dunlop had any connection to Guinness
19 and Mahon, whether it was professional or banking?
11:37:04 20 A. Absolutely not, no.
21 Q. 263 Can you think of any reason why Mr. Dunlop at 4280 please, would have been
22 happy to leave what he says is an incorrect entry in relation to your name
23 in his diary, in his diary, but to obliterate the banking connection that
24 was written beneath your name?
11:37:26 25 A. I wouldn't have a notion.
26 Q. 264 You can't assist the Tribunal in relation to that?
27 A. Can I just say to you that I think the reason why my name is there, this
28 was long before I met, months before I met Frank Dunlop was that he
29 probably heard, I think the explanation to my name being there is the late
11:37:41 30 Liam Lawlor told him that I was involved in a project in Dublin, that was

11:37:44 1 the Balgaddy site that's how my name got into the diary actually.

2 Q. 265 You think the late Mr. Lawlor?

3 A. Would have told him.

4 Q. 266 For the purposes of you either meeting with him?

11:37:55 5 A. At a future date.

6 Q. 267 Yes but you will note the time beside your name on the diary, Mr.

7 O'Callaghan is "10 o'clock" there by suggesting an arrangement had been

8 made to meet Owen O'Callaghan face-to-face, isn't that right?

9 A. That's right.

11:38:12 10 Q. 268 If you are correct in relation to your evidence to the Tribunal as to when

11 you first met with or were introduced to Mr. Dunlop, then that entry is an

12 unexplained entry, isn't that right?

13 A. Absolutely I am trying to come up with a reason for it.

14 Q. 269 Yes. But your reason, Mr. O'Callaghan, which is that it may have been

11:38:24 15 Mr. Lawlor's efforts can't be correct because the diary records suggests a

16 face-to-face meeting between yourself and Mr. Dunlop because of the time,

17 is that right?

18 A. Which never happened.

19 Q. 270 So your evidence is then even if Mr. Dunlop put this entry in his diary or

11:38:39 20 hoped for a meeting with you no such meeting took place, is that right?

21 A. Absolutely. Yes.

22 Q. 271 And you can't assist the Tribunal as to why it was Mr. Dunlop deleted the

23 banking reference that's contained beneath your name on that occasion?

24 A. All I can say is that it's nothing to do with me.

11:38:53 25 Q. 272 Now, by November at 13043, Mr. O'Callaghan, of 1997, which is the

26 following year, on the 13th of November 1997, you will see there is again

27 an obliteration, isn't that right you, do you agree with that?

28 A. Yes.

29 Q. 273 And if you look at 25687, Mr. O'Callaghan, you will see beneath the

11:39:17 30 obliteration the words "OOC, D day". Do you see that?

- 11:39:22 1 A. Yes.
- 2 Q. 274 And Mr. Dunlop has confirmed that that is what he had written there and
3 which was obliterated, isn't that right?
- 4 A. Yes.
- 11:39:28 5 Q. 275 That would suggest that Mr. Dunlop anticipated that by that date, the 13th
6 November 1997 he was going to be, he was going to receive whatever he was
7 going to receive from you you, isn't that right?
- 8 A. I would say, yes that's what it sounds like. I would say that he was
9 expecting that he probably put that in his diary as a note that we should
11:39:50 10 agree what the success fee should be, I think, I am only guessing now.
- 11 Q. 276 Yes. I would suggest to you "OOC D day" means delivery day,
12 Mr. O'Callaghan, and that rather than it being a note which we'll see Mr.
13 Dunlop had made to carry forward, in other words, to make it simple, Mr.
14 Dunlop records later in his diary a forward planning to be discussed by
11:40:12 15 such a date. This entry I suggest to you relates to an expectation that
16 something would be delivered to him by that date?
- 17 A. Except the figure wasn't even agreed.
- 18 Q. 277 You say the figure wasn't agreed and if the success fee wasn't agreed,
19 Mr. O'Callaghan, what was Mr. Dunlop was expecting delivery, of what?
- 11:40:34 20 A. I don't know, I'm just saying -- that's why I am saying to you, that I
21 think that probably, again I am guessing, I don't know why he put all
22 these entries in his diary. I think he is just, that's just saying in his
23 own mind to remind himself that he wants to agree the figure by that day,
24 I would say, to agree the success fee figure.
- 11:40:52 25 Q. 278 Yes at 13152, in May of 1998, Mr. O'Callaghan, there is this entry in Mr.
26 Dunlop's diary and if you look first of all at the initial entry, which is
27 on the 22nd May of 1998, isn't that right?
- 28 A. Yes.
- 29 Q. 279 And the first entry is "OOC at Citywest", isn't that right?
- 11:41:16 30 A. Yes.

- 11:41:17 1 Q. 280 And then beneath that there is an entry in relation to Eamon Duignan?
- 2 A. Yes.
- 3 Q. 281 "In office today to finalise matters as agreed on Wednesday, no Jack to
- 4 deal with it". Which was a reference to a solicitor I think, isn't that
- 11:41:32 5 right, you wouldn't necessarily know that?
- 6 A. I wouldn't know that.
- 7 Q. 282 When Mr. Dunlop gave evidence on the first occasion dealing with this
- 8 diary entry, his evidence to the Tribunal was that the obliterated entry
- 9 which is contained on the 23rd May 1998 related to the Duignan entry, that
- 11:41:49 10 was Mr. Dunlop's initial evidence?
- 11 A. Yes.
- 12 Q. 283 Subsequent to the forensic analysis Mr. Dunlop accepted that in fact it
- 13 was a record of a discussion he had with you in Citywest?
- 14 A. Yes.
- 11:42:05 15 Q. 284 Now, can you remember what it was that you discussed with Mr. Dunlop in
- 16 Citywest on the 22nd May 1998?
- 17 A. No, I can't.
- 18 Q. 285 All right. In order to assist you, Mr. O'Callaghan, we'll do the best we
- 19 can with what's beneath that document at 25062, and if we increase this.
- 11:42:32 20 And the first line of that, Mr. O'Callaghan, I will give you a hard copy
- 21 of it and we'll see if we can work through it, I will put to you what Mr.
- 22 Dunlop agreed. The first line could read either "Clearance to issue" or
- 23 "Cheque to issue" do you agree with that?
- 24 A. Yeah, could be.
- 11:43:07 25 Q. 286 And beneath that "At once for 600K" or 100,000 pounds, do you agree with
- 26 that?
- 27 A. Yes.
- 28 Q. 287 Right. Beneath that "Remainder to be discussed on 1 September 98".
- 29 A. Yes.
- 11:43:38 30 Q. 288 And beneath that there is another figure "300K" beside a word that could

11:43:39 1 be either "planning" or "remaining".

2 A. Yes.

3 Q. 289 Now, that is doing the best we can with the, what's written beneath the

4 document you understand, Mr. O'Callaghan, it's open to you to suggest any

11:43:56 5 other interpretation of the document that you wish.

6 A. No that's okay, yes.

7 Q. 290 All right. If that is correct and if Mr. Dunlop is recording this

8 correctly, what he had recorded and obliterated appears to be an agreement

9 for in the first instance a cheque for either 100,000 or 600,000, isn't

11:44:16 10 that right?

11 A. Yes.

12 Q. 291 Followed by the remainder to be discussed on the 1st September '98, isn't

13 that right?

14 A. Yes.

11:44:25 15 Q. 292 And if we look at the 1st September '98, Mr. O'Callaghan, at 13239, on the

16 1st September '98 Mr. Dunlop recorded "Ring OOC re discussion of Friday

17 22nd May '98 re remainder" do you see that entry?

18 A. Yes.

19 Q. 293 Now, do you agree with me the following, Mr. Dunlop is writing forward in

11:44:58 20 his diary for September the 1st 1998 to remind himself to ring you about

21 the discussion he had had on the 22nd May '98?

22 A. Yes.

23 Q. 294 And that that confirms that on the 22nd May 1998, Mr. Dunlop had a

24 discussion with you which was recorded in his diary on the 23rd May 1998,

11:45:22 25 and which was obliterated by him prior to providing it to the Tribunal, do

26 you agree with that?

27 A. Yes.

28 Q. 295 All right. Now, to go back then to what is written beneath the entry at

29 25062, do you agree at this stage that the document appears to record that

11:45:44 30 that point in time a cheque was to issue for 100,000 or 600,000?

- 11:45:49 1 A. That's what it says, yes. I think that's what it says, yes.
- 2 Q. 296 Yes. It is the case I think, Mr. O'Callaghan, subject to correction that
- 3 within a week of that discussion with Mr. Dunlop or within a week and a
- 4 half, a cheque issued I think on the 4th June 1998, in the sum of 1,000
- 11:46:09 5 pounds -- 100,000 pounds?
- 6 A. I can't remember, yes, sorry what date?
- 7 Q. 297 I think it's the 4th June 1998, Ms. O'Raw is going to get me up the
- 8 document in relation to it, but I think you will find that a payment was
- 9 made of 100,000 pounds by your company on the 4th June 1998, or a date
- 11:46:32 10 around that time, do you agree with that?
- 11 A. Yes.
- 12 Q. 298 I will show you the document and the cheque in a second. Assume for a
- 13 moment that I am correct as to the amount and that it was paid within two
- 14 weeks of your discussion?
- 11:46:44 15 A. Yes.
- 16 Q. 299 Does that assist you in recollecting what it was that you had agreed with
- 17 Mr. Dunlop on the 22nd May of 1998?
- 18 A. No, I don't remember agreeing that at all, I don't remember this meeting
- 19 at all actually, this Citywest meeting.
- 11:46:59 20 Q. 300 Yes.
- 21 A. And these figures don't make any sense to me actually.
- 22 Q. 301 They don't make any sense to you?
- 23 A. Not to me, no, no.
- 24 Q. 302 Well, if it is the case that 100,000 pounds was paid to Mr. Dunlop within
- 11:47:11 25 two weeks of this meeting, would you agree that that would support the
- 26 fact that you had concluded an agreement with Mr. Dunlop on the 22nd May
- 27 of 1998?
- 28 A. Well I did. His retainer was paid, that 100,000 pounds, the balance of
- 29 the retainer was paid in 1998 to him.
- 11:47:30 30 Q. 303 What retainer, Mr. O'Callaghan?

- 11:47:33 1 A. This retainer that basically from '93 on Frank Dunlop should have been on
2 a retainer of 5,000 pounds per month, and as you can see from the
3 documentation there he was paid some months he wasn't paid at all, other
4 months he was paid 2,000 pounds, other months he was paid 1,000 pounds.
11:47:53 5 So I agreed with Frank Dunlop that I would pay him his retainer, his
6 outstanding retainer, which came to I think 169,000 -- 160 something
7 thousand pounds, and instead of giving him the full 160 it was discounted
8 to 100,000 pounds.
- 9 Q. 304 Are you saying this 100,000 pounds that's debited including VAT from the
11:48:16 10 account of Riga on the 4th June 1998 relates to paying Mr. Dunlop the
11 unpaid balance of his retainer?
- 12 A. Top up retainer, yes.
- 13 Q. 305 Right. So it has nothing to do with a success fee, is that right?
- 14 A. No, nothing at all.
- 11:48:31 15 Q. 306 Right and Mr. Dunlop's invoice which is dated 22nd May '98 at 13156, is in
16 respect of professional services in the sum of 100,000 pounds plus VAT is
17 that right?
- 18 A. What date is that, that's the top up retainer fee, yes.
- 19 Q. 307 That is the same date as you have the discussion in Citywest with Mr.
11:48:53 20 Dunlop?
- 21 A. Possibly, I don't remember the discussion in Citywest, but I do know that
22 Frank Dunlop asked me to repay -- as agreed always, Frank Dunlop was on a
23 retainer of 5,000 pounds from January '93 on, which we didn't pay to him.
24 He was paid different retainers this probably has never been explained he
11:49:12 25 was paid different retainer figures of 1,000, 2,000 pounds, two and a half
26 thousand pounds and sometimes not paid at all. And that retainer was for
27 the use of his office and his staff and the whole lot from '93 on, until I
28 think 1997/'98, and it should have been 5,000 pounds a month which we were
29 not in a position to pay on some occasions, so we left him short.
11:49:36 30

- 11:49:36 1 When you took the duration of time for that top up retainer payment, it
2 came to 160 something thousand pounds, I agreed to pay him 100,000 pounds,
3 that's what that 100,000 pounds and that invoice is there.
- 4 Q. 308 All right. This then not the success fee, Mr. O'Callaghan?
- 11:49:52 5 A. Totally separate issue.
- 6 Q. 309 That's a separate issue. These are arrears of retainer, is that correct?
- 7 A. Yes, yes.
- 8 Q. 310 Right. The 100,000 pounds that is debited to the Riga account on the 4th
9 June relates to arrears of retainer, is that the position?
- 11:50:07 10 A. That's it, yes.
- 11 Q. 311 Right. Now, Mr. Dunlop unfortunately in his evidence to the Tribunal,
12 Mr. O'Callaghan, described that payment of 100,000 pounds as being the
13 first payment of his success fee?
- 14 A. Yes, I know that, yes. That is incorrect.
- 11:50:22 15 Q. 312 Mr. Dunlop is incorrect when he tells the Tribunal that that payment of
16 100,000 pounds was the first payment in the success fee?
- 17 A. Yes, I have read that and seen that and he has that incorrect, that's
18 wrong.
- 19 Q. 313 All right. In fact what Mr. Dunlop should have told the Tribunal in his
11:50:37 20 recollection of the discussion on the 22nd of May 1998, that the reason
21 for the payment of 100,000 pounds was arrears of retainers. Is that
22 right?
- 23 A. Yes, retainer due to him. The figure should have been 160 something and
24 we agreed 100,000.
- 11:50:54 25 Q. 314 Okay. So go back to 13152, Mr. O'Callaghan, and we look at the second
26 part of the, sorry I beg your pardon, 25062, we look at the second part of
27 the entry that's made on this date, and do you agree with me that it
28 records "Remainder to be discussed on the 1st September 1998"?
- 29 A. Yeah okay, if that's -- I am not sure what it reads.
- 11:51:28 30 Q. 315 Well, do you agree first of all the date there is 1/9/98?

- 11:51:32 1 A. Yes, that's correct.
- 2 Q. 316 You have seen the entry in Mr. Dunlop's diary which was a note to himself
3 to discuss the remainder with you, isn't that right?
- 4 A. Yes.
- 11:51:41 5 Q. 317 13239, and what Mr. Dunlop has recorded is a note that he is to discuss
6 the remainder with you, isn't that right?
- 7 A. Yes.
- 8 Q. 318 So that has to be the remainder of the payment that is made on the 4th
9 June 1998, do you agree with that?
- 11:51:58 10 A. Yes.
- 11 Q. 319 So there had to be a remainder to be paid to Mr. Dunlop of unpaid
12 retainers, isn't that right?
- 13 A. No all the retainers -- yes, well the retainer was paid in full at that
14 time, the retainer that was, that had not been paid to him was paid in
11:52:12 15 full in that payment of 100,000 pounds.
- 16 Q. 320 There can't have been any remainder to discuss, isn't that right?
- 17 A. No there wasn't. No.
- 18 Q. 321 If we go back to what Mr. Dunlop recorded 25062 and you will see that he
19 has written beneath the date on which he is to discuss this matter with
11:52:31 20 you the figure of 300,000, it's 300K, isn't that right?
- 21 A. Yes.
- 22 Q. 322 And then beside it the words either "planning" or "remaining" and
23 initialled FD, isn't that right?
- 24 A. Yes.
- 11:52:43 25 Q. 323 Now, what arrangement had you with Mr. Dunlop for a payment of 300,000
26 unpaid retainers that were to be paid to Mr. Dunlop arising from this
27 agreement?
- 28 A. No that wasn't unpaid retainers. The retainers had been paid at this
29 stage now. The 100,000 pounds finalised the retainer.
- 11:53:03 30 Q. 324 Then you say that the note made by Mr. Dunlop in his diary is inaccurate

11:53:07 1 when he talk abouts discussing the remainder with you on the 1st
2 September?

3 A. Yes that's wrong, that's not correct.

4 Q. 325 Are you saying that Mr. Dunlop didn't understand the nature of the
11:53:16 5 discussion and agreement that you had with him on the 22nd of May of 1998?

6 A. Well that's, that is possible, but what I am saying to you there is that
7 the retainer was paid and was agreed to be paid in full, that's where that
8 100,000 pounds came from. Now, the total retainer should have been 160
9 something thousand pounds but we agreed settle on 100,000 pounds that was
11:53:38 10 paid, that's the payment you have just shown there on the screen. I don't
11 know what he is saying, what he is talking about with the 300,000 pounds I
12 don't know what that means.

13 Q. 326 Did you subsequently pay a sum of 300,000 pounds to Mr. Dunlop?

14 A. Yes, we did that was the balance, sorry there I go -- that was as far as I
11:53:54 15 was concerned the success fee, 300,000 pounds.

16 Q. 327 Was that a sum that you paid to Mr. Dunlop in October of 1998?

17 A. That's right, well in 1998, yes.

18 Q. 328 Was that a sum that you paid to Mr. Dunlop after Mr. Dunlop and yourself
19 both became involved in this Tribunal?

11:54:18 20 A. I'm not sure what date we got involved in the Tribunal.

21 Q. 329 Do you know why Mr. Dunlop had a requirement for 300,000 pounds in October
22 of 1998?

23 A. Yes I do, his revenue, that's how that came up actually. He owed the
24 revenue -- well approximately 300,000 pounds.

11:54:39 25 Q. 330 And do you know how it was that Mr. Dunlop came to make disclosure to the
26 revenue in September of 1998, and what he disclosed to the revenue?

27 A. I'm not sure.

28 Q. 331 Are you aware that Mr. Dunlop disclosed initially to his accountant and
29 later to the revenue the receipt of income that he had received through
11:55:02 30 Shefran, including the payments totalling 175,000 pounds that had been

- 11:55:06 1 paid by you?
- 2 A. Yes.
- 3 Q. 332 Isn't that right?
- 4 A. Yes.
- 11:55:08 5 Q. 333 And when Mr. Dunlop made disclosure to the revenue in relation to those
6 payments and the unexplained income, he disclosed all of the Shefran
7 payments to the Revenue Commissioners in September, initially verbally and
8 subsequently in writing, in September and October of 1998, isn't that
9 right?
- 11:55:24 10 A. Yes.
- 11 Q. 334 Did you have a discussion with Mr. Dunlop about his potential exposure
12 with the Revenue Commissioners in relation to the monies that you had paid
13 to him in 1991 and 1992 that were paid through Shefran?
- 14 A. I don't think I had that discussion with him, the only discussion I had
11:55:41 15 with Frank Dunlop about revenue that was that he told me he had a bill for
16 300,000 approximately from the revenue and he was not a position to pay it
17 and at that stage he asked me for his success fee, that brought it to a
18 head and that 300,000 pounds plus VAT was paid to him. As far as I am
19 concerned that's the success fee paid, and he gave that money to the
11:56:04 20 revenue I believe.
- 21 Q. 335 When Mr. Dunlop told that you he had difficulties with the revenue, did
22 you raise with him whether or not any of those difficulties might have
23 related to the payment that is were made to Shefran which you had made and
24 which were paid to Mr. Dunlop's company and which did not contain any
11:56:18 25 element of VAT?
- 26 A. I can't remember that.
- 27 Q. 336 Did you ask him whether you had any potential exposure in relation to Mr.
28 Dunlop's dealings with the revenue in September and October of 1998?
- 29 A. If I had any exposure.
- 11:56:31 30 Q. 337 Yes or your companies?

- 11:56:33 1 A. I don't think so I wasn't aware of any exposure.
- 2 Q. 338 Did you have any concern arising out of Mr. Dunlop's dealings with the
3 revenue at that time?
- 4 A. No.
- 11:56:40 5 Q. 339 All right. Now, at that time that you make this arrangement with Mr.
6 Dunlop you had not, as I understand it, agreed a success fee with Mr.
7 Dunlop, is that correct?
- 8 A. At what time are we talking about?
- 9 Q. 340 May of 1998?
- 11:56:55 10 A. That's what date?
- 11 Q. 341 When you have your discussion with Mr. Dunlop on the 22nd May 1998?
- 12 A. Is this the one that's supposed to be in Citywest?
- 13 Q. 342 Yes.
- 14 A. Yes. No, at that meeting as far as I am concerned and I only vaguely
11:57:09 15 remember that meeting, the figure that was agreed was the actual top up
16 retainer to be paid to him.
- 17 Q. 343 Yes.
- 18 A. Which was 100,000 pounds.
- 19 Q. 344 So where did Mr. Dunlop get the figure that he wrote in his diary on the
11:57:21 20 23rd May of 300,000?
- 21 A. I don't know, that's the bit I can't understand, I don't know.
- 22 Q. 345 Right. It was a lucky guess on Mr. Dunlop's part that in fact he was
23 going to receive 300,000 pounds from you as he did in fact receive in
24 October?
- 11:57:35 25 A. Either that -- I am not sure, either that or he knew at that stage that he
26 was going to have a revenue bill for 300,000 pounds I'm not sure of that,
27 I don't know where that figure came from. I can explain the 100,000
28 pounds. It's a coincidence that the 300,000 pounds was the amount of
29 money that he owed the revenue and that he asked me then for that and that
11:57:54 30 was his success fee.

- 11:57:56 1 Q. 346 Is that the entire of his success fee, Mr. O'Callaghan?
- 2 A. Yes.
- 3 Q. 347 Did you ever agree a figure of 300,000 pounds with Mr. Dunlop as a success
- 4 fee?
- 11:58:05 5 A. What I said when that was paid, when I paid the revenue figure to him I
- 6 said that that was his success fee paid, I am not too sure if he was fully
- 7 with that but as far as I was concerned that is it.
- 8 Q. 348 And you don't agree with Mr. Dunlop that the payment you made on the 4th
- 9 June was in fact the first payment in relation to the success fee?
- 11:58:21 10 A. No he is wrong there, I have seen where he got that wrong, that is
- 11 incorrect.
- 12
- 13 CHAIRMAN: Right Ms. Dillon we are just going take a break.
- 14
- 11:58:33 15 MS. DILLON: Yes.
- 16
- 17 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**
- 18 **AND RESUMED AGAIN AS FOLLOWS:**
- 19
- 12:17:13 20 MS. DILLON: Mr. O'Callaghan, please.
- 21
- 22 CHAIRMAN: Good afternoon, Mr. O'Callaghan.
- 23 Q. 349 MS. DILLON: Mr. O'Callaghan, when you paid Mr. Dunlop the 300,000 pounds
- 24 in October of 1998 you told him that was the success fee, is that right?
- 12:17:39 25 A. Oh, yes.
- 26 Q. 350 Yes. And that was the end of the matter as far as you were concerned?
- 27 A. Yes, yes.
- 28 Q. 351 You had fulfilled all of your obligations to Mr. Dunlop?
- 29 A. Yes.
- 12:17:48 30 Q. 352 Was it at that stage when Mr. Dunlop approached you for the money in

12:17:51 1 relation to the success fee that you for the first time quantified the
2 success fee?
3 A. Yes.
4 Q. 353 And was it when you gave him the payment for 300,000 pounds that you said
12:18:00 5 to him that's the success fee?
6 A. Yes.
7 Q. 354 And is it your evidence that Mr. Dunlop took the money, but didn't appear
8 to be in agreement that that was the extent or the full amount of the
9 success fee?
12:18:10 10 A. Yes.
11 Q. 355 Right. Now, in July of 1999, Mr. O'Callaghan, at 13630 there is an entry
12 in Mr. Dunlop's diary that again is heavily over-written, isn't that
13 right?
14 A. Yes.
12:18:30 15 Q. 356 And this appears to relate to a conversation or discussion that he had
16 with you, do you have any recollection of a conversation or discussion
17 with Mr. Dunlop about money or a fees contribution in July of 1999?
18 A. No.
19 Q. 357 No. The -- Mr. Dunlop initially I think couldn't assist in relation to
12:18:52 20 it, but the matter was examined and if we look at 25784, the document
21 appears to record as follows it records a conversation that commences at
22 10 o'clock and finishes some time later, the first line "Spoke at length
23 with OOC" do you agree with that?
24 A. Yes.
12:19:19 25 Q. 358 Beneath that it says "Re fees 300 contribution" do you see that?
26 A. Yes.
27 Q. 359 Beneath that "Asked to talk after 16/9/99" do you see that?
28 A. Yes.
29 Q. 360 And beneath that "Re payment" or it could read "O/S payment" do you agree
12:19:48 30 with that?

12:19:49 1 A. Yes.

2 Q. 361 Can you suggest any other interpretation, Mr. O'Callaghan?

3 A. No, all I can say -- no, I can't really.

4 Q. 362 That would suggest that in July 1999 you continued to discuss money in

12:20:02 5 some way with Mr. Dunlop, do you agree with that?

6 A. Yes. I would say he was never happy, I don't think he has accepted to

7 this day that the success fee has been paid in full.

8 Q. 363 He records there a discussion about the 300 contribution, isn't that

9 right?

12:20:20 10 A. Yes.

11 Q. 364 Re fees 300 contributions, isn't that right?

12 A. Yes.

13 Q. 365 Right. That would suggest that you had both had a suggestion where a

14 figure of 300,000 as a contribution or a figure of 300 as a contribution

12:20:34 15 was discussed?

16 A. Yes, that's possible, yes.

17 Q. 366 Right. Is it possible that this discussion took place with Mr. Dunlop in

18 the context of his increasing involvement with the Tribunal?

19 A. Oh no.

12:20:52 20 Q. 367 Did Mr. Dunlop subsequently discuss with you the financial pressure he was

21 coming under in relation to his involvement in the Tribunal?

22 A. Oh, he would have said that, of course, yes.

23 Q. 368 Did you have a discussion with Mr. Dunlop about the payment of legal fees

24 for Mr. Dunlop?

12:21:08 25 A. Oh, yes.

26 Q. 369 Is it possible that this discussion, as is recorded in Mr. Dunlop's diary

27 and which was obliterated, of the 30th July 1999, might have related to a

28 discussion about payment of legal fees on behalf of Mr. Dunlop?

29 A. It's possible, I'm not sure I can't say for definite but yes, he could

12:21:29 30 have certainly suggested, discussed the legal fees.

- 12:21:32 1 Q. 370 Is it possible insofar as it refers to 300 contribution that Mr. Dunlop
2 might have been of the view that he was entitled to a figure of a million
3 pound for a success fee for example?
4 A. It's possible, yeah.
- 12:21:43 5 Q. 371 Did Mr. Dunlop ever indicate to you that he felt he was entitled to a sum
6 of a million pounds?
7 A. No.
- 8 Q. 372 Did Mr. Dunlop ever make a case to you, Mr. O'Callaghan, that in view of
9 the fact that the stadium had fallen through that he was entitled to a
10 bigger share?
11 A. No.
- 12 Q. 373 All right. And insofar as these entries in their totality are concerned,
13 can you agree with me in relation to the following, the entries that we
14 have discussed this morning relate to records of discussions between
15 yourself and Mr. Dunlop?
16 A. Yes.
- 17 Q. 374 You don't dispute that discussions took place, is that correct?
18 A. Yes.
- 19 Q. 375 In the majority of cases you cannot recollect the substance of the
20 discussion, is that fair?
21 A. Yes. I just put a slight rider to that because it appears much more often
22 in his diary than we had discussions, so I don't understand it.
- 23 Q. 376 Yes. Insofar as Mr. Dunlop has recorded what he describes as the
24 substance of the discussion and which has now been revealed by the
25 forensic examination, you don't necessarily agree with what Mr. Dunlop has
26 recorded, is that fair?
27 A. Yes.
- 28 Q. 377 Right. Insofar as there are obliterations made by Mr. Dunlop in relation
29 to these conversations, you agree I think that those obliterations were
30 made in order to conceal the material from the Tribunal?
- 12:22:56

- 12:22:59 1 A. Yes.
- 2 Q. 378 Right. Do you agree then that because they relate to conversations
3 between yourself and Mr. Dunlop that the concealment had to be in the
4 first instance for the benefits of Mr. Dunlop?
- 12:23:11 5 A. Yes.
- 6 Q. 379 And in the second instance to your benefit?
- 7 A. Well, I'm not too sure about me because I am not too sure what it had to
8 do with me.
- 9 Q. 380 I thought you had agreed with me in relation to one entry that if Mr.
12:23:22 10 Dunlop was concealing something from the Tribunal which he clearly was,
11 that that had to be something he didn't want revealed, isn't that right?
- 12 A. Yes.
- 13 Q. 381 Therefore it had to be something that wouldn't really stand up to
14 scrutiny, isn't that right, Mr. O'Callaghan?
- 12:23:35 15 A. Yes.
- 16 Q. 382 If it wouldn't stand up to scrutiny in the context of this Tribunal, which
17 is the context in which the obliterations are made, it must relate to
18 material that would be of interest to the Tribunal, would you agree with
19 that?
- 12:23:46 20 A. Yes.
- 21 Q. 383 And you can't assist the Tribunal, if I understand you correctly, in
22 relation to these matters as to what material Mr. Dunlop obliterated that
23 might have been of interest to this Tribunal, is that right?
- 24 A. Yes.
- 12:24:01 25 Q. 384 But do you agree that if there was a matter that was adverse to Mr.
26 Dunlop's interest and which was of interest to this Tribunal, equally it
27 would follow, it was likely to have been adverse to your interests also?
- 28 A. That's debatable.
- 29 Q. 385 That's debatable. If for example there was a record contained beneath one
12:24:17 30 of the obliterations that the Tribunal has been unable to decipher, of a

- 12:24:21 1 payment made by Mr. Dunlop to a senior politician on your behalf, that is
2 a matter which you would have had an interest?
- 3 A. Yes.
- 4 Q. 386 Isn't that right?
- 12:24:29 5 A. Yes.
- 6 Q. 387 All right. I am not suggesting that that is so, Mr. O'Callaghan, you
7 understand?
- 8 A. Certainly, it's not.
- 9 Q. 388 Okay, fine, but you are satisfied in any event that in all of your
12:24:39 10 discussions with Mr. Dunlop in relation to these matters, there was never
11 a mention of any payments to politicians?
- 12 A. Absolutely not.
- 13 Q. 389 I will have to return to that for a very brief period when we look at the
14 events in 1997 and 1998, Mr. O'Callaghan, but can I go back to where this
12:24:58 15 started really, in September and October '92, and moving on to November
16 1992, at 24721. Do you agree that this summary of the telephone contacts
17 and meetings show an increase in contact between the councillors and
18 yourself and -- sorry in the first instance Mr. Dunlop?
- 19 A. Yes.
- 12:25:19 20 Q. 390 Right. And I think that by this stage in November 1992 while you had
21 originally believed in October '92 that, or that the matter would be dealt
22 within November '92, you now know that it's going to be dealt with in
23 December, isn't that right?
- 24 A. That's correct.
- 12:25:35 25 Q. 391 Now, I think also in November 1992 an election was called, isn't that
26 right?
- 27 A. Yes.
- 28 Q. 392 Isn't that the case?
- 29 A. Yes.
- 12:25:45 30 Q. 393 I think this was the election that arose at 3738 by Mr. Dessie O'Malley

- 12:25:52 1 leaving government, isn't that right?
- 2 A. Yes.
- 3 Q. 394 The election is called on the 5th November of 1992 and the election takes
- 4 place on the 25th November 1992?
- 12:26:14 5 A. Yes.
- 6 Q. 395 I think if I show you 3749, Mr. O'Callaghan, you will see that
- 7 Mr. Reynolds is Taoiseach and Mr. Des O'Malley is recorded as Minister for
- 8 Industry and Commerce who resigned on the 4th November 1992?
- 9 A. Yes.
- 12:26:26 10 Q. 396 I think it was that event and surrounding events that precipitated the
- 11 election, is that right?
- 12 A. Yes.
- 13 Q. 397 It possibly was to do with the Beef Tribunal report, subject again to
- 14 direction correction on that?
- 12:26:40 15 A. Yes.
- 16 Q. 398 Do you recollect that?
- 17 A. Yes.
- 18 Q. 399 It therefore again affidavits sudden election, is that right?
- 19 A. Yes.
- 12:26:45 20 Q. 400 Now, I think, on the 5th November, Mr. O'Callaghan, you were in the bank
- 21 with Mr. Deane at 8411, at a meeting between yourself and Mr. Deane and
- 22 also Mr. O'Farrell and Ms. Basquille, is that right?
- 23 A. Mary Basquille, yes.
- 24 Q. 401 Isn't that right? Now, at 8412 under the heading "Barkhill", if that
- 12:27:07 25 could be increased please, dealing with the issue in relation to fees, in
- 26 the third paragraph you record, it is recorded that you -- and you must be
- 27 the person who provided this information to the bank because Mr. Deane had
- 28 left the meeting, do you see that at the top?
- 29 A. Yes.
- 12:27:29 30 Q. 402 So that you are the person who is providing this information to the bank

12:27:29 1 do you agree with that?

2 A. Yes.

3 Q. 403 So what is recorded is the following "The council vote on zoning should

4 take place within the first ten days of December and substantial

12:27:37 5 additional costs are likely to arise before then. It was indicated that

6 AIB would have difficulty advancing more fund as we are already drawn in

7 excess of agreed limits. Owen then asked if we were prepared for the

8 consequences of the votes not going through due to stopping the campaign

9 now. We agreed to consider the implications of this and revert to him

12:27:56 10 within a day or two. He indicated that if AIB could provide some funds,

11 O'Callaghan Properties would cover some outlay from it's deposits of

12 200,000". Isn't that right?

13 A. Yes.

14 Q. 404 Now, can I suggest there that you are telling the bank two things. You

12:28:13 15 are telling the bank that substantial additional costs will arise before

16 the vote, do you agree with that?

17 A. Yes.

18 Q. 405 And you are telling the bank that if they don't fund those costs that

19 there is a danger to the vote not going through, if the campaign is

12:28:28 20 stopped, isn't that right?

21 A. Yes.

22 Q. 406 So would it be fair to say that you are tying together the lobbying

23 exercise and the cost of it with the money that you need to get from the

24 bank?

12:28:40 25 A. Yes.

26 Q. 407 In other words, what you are looking for is money to continue your

27 campaign?

28 A. Continue our work, yes continue working, yes.

29 Q. 408 All right. And you tell the bank that substantial additional costs will

12:28:49 30 arise before the vote in December?

- 12:28:51 1 A. Yes, that's right.
- 2 Q. 409 What costs were you talking about?
- 3 A. Whatever invoices were going to be issued by Frank Dunlop or by Ambrose
- 4 Kelly.
- 12:28:59 5 Q. 410 What costs could Mr. Kelly have incurred as the architect, in relation to
- 6 the zoning, Mr. O'Callaghan?
- 7 A. We were -- he was continuously producing various sketch plans, little
- 8 brochures, little pamphlets etcetera that were couriered and delivered to
- 9 the various councillors, both in Blanchardstown and both in Quarryvale,
- 12:29:20 10 the whole campaign was very hot at this stage.
- 11 Q. 411 And did he in fact put in any invoice between --
- 12 A. I can't remember but I am sure he did.
- 13 Q. 412 Between this date and the vote on the 17th December, can you remember?
- 14 A. I can't remember, but he was working, he was quite capable of putting one
- 12:29:35 15 in that's for sure.
- 16 Q. 413 Is there any possibility, Mr. O'Callaghan, that what you were looking for
- 17 or what you were referring to when you talked about the substantial
- 18 additional costs was monies that might have to be paid to Dublin County
- 19 Councillors in return for their support?
- 12:29:48 20 A. Not at all.
- 21 Q. 414 All right.
- 22 A. In fact that's a misfortunate phrase the way it's put in there,
- 23 "additional cost" doesn't sound right. That's a typical one of these
- 24 memos again.
- 12:29:58 25 Q. 415 Yes, but you don't dispute that you made that case to Mr. O'Farrell and
- 26 that you gave as your reason for the substantial additional costs that it
- 27 would be dangerous to stop the campaign then, is that right?
- 28 A. Oh yeah, we wanted our bills paid. If I got invoices from Frank Dunlop
- 29 whose office I was using six days a week and his staff etcetera, you know,
- 12:30:16 30 I have said it all before, the same with Kelly, if I stopped this, if I

- 12:30:20 1 went back and said we are not going to pay any more invoices, I am not
2 saying it would stop but it could stop.
- 3 Q. 416 But certainly what you are telling the bank there is that you need money
4 to continue the campaign, which was lobbying of councillors?
- 12:30:32 5 A. I need any invoices that are due, that are submitted by architects and
6 Frank Dunlop's office to be paid.
- 7 Q. 417 Now, did you give a breakdown of those substantial additional costs?
- 8 A. I'm not sure, I'm not sure.
- 9 Q. 418 Yes. They couldn't relate to any invoices you had already received up to
12:30:46 10 that point in time, isn't that right, Mr. O'Callaghan, because they are
11 additional costs?
- 12 A. Additional costs, yes.
- 13 Q. 419 Right. So it is some other costs that are going to arise from the 5th
14 November to the date of the vote, isn't that right?
- 12:30:58 15 A. That was about five or six weeks.
- 16 Q. 420 Yes, all right and did you have in your mind at that stage the fact that
17 the election had been called that day, Mr. O'Callaghan, as a factor into
18 which you might have had to inject additional costs?
- 19 A. I don't know, I can't say.
- 12:31:14 20 Q. 421 All right. It is none the less a factor that you would have had in your
21 own mind at that time?
- 22 A. Oh, yes. If there was an election called of course, yes.
- 23 Q. 422 And the election as we have seen was called on the 5th November 1992,
24 isn't that right?
- 12:31:24 25 A. I would have been very conscious of that, yes.
- 26 Q. 423 Yes. Now, I think that on the 9th November 1992 at 8438, Mr. O'Farrell
27 rang you in relation to the Barkhill fees and he advised you that they
28 were prepared to allow a further drawdown of 30,000 pounds maximum from
29 the Barkhill account in relation to fees. This was on the basis of his
30 proposal that O'Callaghan Properties would use the IR deposit monies to

- 12:31:54 1 fund fees also.
- 2 A. Yes.
- 3 Q. 424 I outlined clearly to him this was the absolute bottom line position and
- 4 no further drawdowns would be allowed from the loan. Is that right?
- 12:32:04 5 A. Yes.
- 6 Q. 425 So what you were being told on the 9th November was they would pay an
- 7 additional 30,000 pounds, isn't that right?
- 8 A. Yes.
- 9 Q. 426 And that apart from that, you could rely upon your deposits of 200,000
- 10 pounds that was the O'Callaghan Properties deposits, is that right?
- 11 A. Yes.
- 12 Q. 427 Was Mr. O'Farrell there suggesting that it was open to you to spend your
- 13 200,000 pound deposit on the additional fees yourself?
- 14 A. I am sure he was, yes.
- 12:32:31 15 Q. 428 Right. Now, I think that Mr. --
- 16 A. Sorry can I just, when this actually arose now that I see this, it was
- 17 five or six weeks before the vote and there we were working six days week
- 18 and the banks quite casually said look that's your problem, we have no
- 19 more money, that's where all that came about.
- 12:32:47 20 Q. 429 But the focus, your focus at this stage and that of your team is the
- 21 councillors and lobbying exercise, isn't that right?
- 22 A. Oh yes.
- 23 Q. 430 What you are looking for is funding in order to progress what you
- 24 described as your campaign, isn't that the position?
- 12:33:01 25 A. Yes.
- 26 Q. 431 What the bank said to you is they will give you an increase of 30,000
- 27 pound but you have 200,000 in O'Callaghan Properties to use if you want
- 28 to?
- 29 A. Yes.
- 12:33:10 30 Q. 432 You were aggrieved by that because you felt the bank should bear equally

12:33:15 1 with you the cost of this campaign, isn't that right?

2 A. Yes.

3 Q. 433 But what the bank is telling you is that they will fund to the tune of

4 30,000, but the rest of the money you have to come up with, isn't that

12:33:23 5 right?

6 A. Yes.

7 Q. 434 All right. Now, I think that on the 7th November, Mr. O'Callaghan, you

8 made a payment to Mr. Batt O'Keefe who was then a Senator in the sum of

9 10,000 pounds, isn't that right?

12:33:36 10 A. Yes.

11 Q. 435 You say that is not a donation, that was asked of you or solicited from

12 you, isn't that right?

13 A. No it wasn't asked.

14 Q. 436 Okay, you just outline to the Tribunal the circumstances in which you came

12:33:48 15 to pay then Senator Batt O'Keefe 10,000 pounds?

16 A. Well, as you mentioned yourself, he was then a Senator and there was a

17 hope that there were two Senators would probably get elected he was one

18 and GV Wright was the other one, in this election. And I knew Batt

19 O'Keefe quite well. He was a local TD and I suggested I would do the best

12:34:08 20 I could to help him get elected and I made the contribution to him.

21 Q. 437 You made a contribution to him?

22 A. Yes.

23 Q. 438 And was that paid out of the Bank of Ireland account of Riga, is that

24 right?

12:34:19 25 A. I think it was, yes.

26 Q. 439 I think in the first instance you paid it out and it was reimbursed by the

27 Bank of Ireland account of Riga, is that right?

28 A. Yes, I think so, yes.

29 Q. 440 Now when that payment was made, Mr. O'Callaghan, was that originally

12:34:33 30 written up to Barkhill?

- 12:34:38 1 A. I think by mistake it was, yes.
- 2 Q. 441 In other words, when the payment was made it was treated with in Riga as a
3 payment being made on behalf of Barkhill, is that right?
- 4 A. That was a mistake that was made, yes.
- 12:34:49 5 Q. 442 That is as you say a mistake and it shouldn't have happened, is that
6 right?
- 7 A. That's correct, yes.
- 8 Q. 443 And I think your accountant picked up on it when your accountant was doing
9 the year end April '93 audit, is that right?
- 12:35:02 10 A. Yes.
- 11 Q. 444 At 28803, item number 7 is under the "queries list" or "items to complete"
12 Owen O'Callaghan 10,000 pounds Batt O'Keefe FF Westpark? Refundable? And
13 then subscriptions Riga?
- 14 A. Yes, that's correct.
- 12:35:24 15 Q. 445 And it was after your auditor picked up on the fact that the payment of
16 10,000 pounds was made to you, was in fact a payment to Mr. Batt O'Keefe
17 that the change took place, isn't that right?
- 18 A. That's correct.
- 19 Q. 446 It was no longer attributed to Barkhill?
- 12:35:40 20 A. That's correct.
- 21 Q. 447 But when it was made originally it was written up as a Barkhill expense,
22 isn't that right?
- 23 A. In error, yes.
- 24 Q. 448 That would mean that somebody had to tell the person who made the entry
12:35:49 25 that this was a payment in connection with Dublin, is that right?
- 26 A. The person just did it themselves, the irony of this is the person who
27 entered the payment in the ledger didn't know who the politician was.
- 28 Q. 449 Yes.
- 29 A. Assumed it was a Dublin politician.
- 12:36:03 30 Q. 450 In fact the entry in relation to Riga in the cheque payments book,

- 12:36:09 1 Mr. O'Callaghan, is slightly more detailed than that, I suggest to you,
2 because at 8427 the entry in the cheque payments book is a payment to you?
- 3 A. Yes.
- 4 Q. 451 It's not a payment to Batt O'Keefe, is that right?
- 12:36:27 5 A. Yes.
- 6 Q. 452 And isn't that because the cheque that was used to pay Batt O'Keefe was a
7 cheque drawn on your personal account?
- 8 A. Yes.
- 9 Q. 453 And what one is looking at there is the reimbursement of you?
- 12:36:38 10 A. Yes.
- 11 Q. 454 Isn't that right?
- 12 A. Yes.
- 13 Q. 455 That is what is written up, isn't that right?
- 14 A. Yes.
- 12:36:42 15 Q. 456 So Mr. Batt O'Keefe's name doesn't appear on it at all, isn't that right?
- 16 A. That's right, it was taken off and kept off until we told our accountant
17 who it was.
- 18 Q. 457 So your suggestion that the person didn't know who Batt O'Keefe was can't
19 be correct because Batt O'Keefe, there was never an entry in the cheque
12:37:00 20 payments book in relation to Batt O'Keefe?
- 21 A. I think there is an additional one of those wasn't there.
- 22 Q. 458 There is an analysis of sundry payments at 8429 which is made by your
23 auditor?
- 24 A. Yes but prior to that, I think there was a reference as well to Batt
12:37:13 25 O'Keefe in one of the entries.
- 26 Q. 459 Is this the document you are referring to which is the analysis of sundry
27 payments halfway down the page it records Owen O'Callaghan 10,000 pounds
28 and then Batt O'Keefe above it?
- 29 A. That's right, yes.
- 12:37:26 30 Q. 460 This is an audit paper Y9, that would have been completed by your auditor

- 12:37:30 1 in the analysis ever sundries when she did the audit?
- 2 A. Yes.
- 3 Q. 461 In other words, it wouldn't have been an entry that was made at the time
- 4 that the payment was made?
- 12:37:38 5 A. No, I can't answer you there, but I do know that Batt O'Keefe's name was
- 6 mentioned earlier on in some document.
- 7 Q. 462 Yes. Mr. Dunlop told the Tribunal that he had been told, possibly by you,
- 8 that the payment you made to Mr. GV Wright was a payment that Mr. Batt
- 9 O'Keefe advised to you make, you are familiar with that?
- 12:38:02 10 A. Yes, I am, yes.
- 11 Q. 463 Do you, first of all did Mr. O'Keefe give you any such advice in relation
- 12 to Mr. GV Wright?
- 13 A. No.
- 14 Q. 464 Where do you think Mr. Dunlop came up with the idea that the payment to
- 12:38:13 15 Mr. GV Wright was advised to you by Mr. Batt O'Keefe?
- 16 A. I don't know, I genuinely don't know.
- 17 Q. 465 If Mr. Batt O'Keefe was advising you in relation to payments to Dublin
- 18 politicians, then he was giving you advice or had an interest in relation
- 19 to Barkhill and Quarryvale, isn't that right?
- 12:38:31 20 A. No, no.
- 21 Q. 466 None?
- 22 A. Absolutely not.
- 23 Q. 467 Can you assist as all as to where Mr. Dunlop would have come up with the
- 24 idea that it was on the advice of Mr. Batt O'Keefe who was then a Senator
- 12:38:42 25 that his Fianna Fail colleague, who was also a Senator should be supported
- 26 by you?
- 27 A. No, I can't help you at all, except I can tell you this, that GV Wright
- 28 and Batt O'Keefe were very friendly, maybe that's got something to do with
- 29 it, they were very close.
- 12:38:58 30 Q. 468 But do you say Mr. O'Keefe never advised you or recommended to you that

- 12:39:02 1 you make a payment to GV Wright?
- 2 A. No absolutely not.
- 3 Q. 469 Did you know GV Wright?
- 4 A. Yes.
- 12:39:07 5 Q. 470 In what capacity did you know him, Mr. O'Callaghan?
- 6 A. I met him a few times actually with Batt O'Keefe here in Dublin.
- 7 Q. 471 Would you have known that he was the leader of the Fianna Fail group in
- 8 Dublin County Council?
- 9 A. Yes.
- 12:39:19 10 Q. 472 Would you have known that he was standing in the general election having
- 11 been a Senator at this stage?
- 12 A. Oh, yes, very much, yes.
- 13 Q. 473 Did you have any discussion with Mr. Dunlop about Mr. GV Wright?
- 14 A. Yes, I did.
- 12:39:30 15 Q. 474 What was the nature of that?
- 16 A. I asked Mr. Dunlop if I should make a contribution to GV Wright.
- 17 Q. 475 And was that in the context of Quarryvale, Mr. O'Callaghan?
- 18 A. In the context of getting him elected. As I said at the outset, there
- 19 were two Senators who had a good chance of getting elected one of them was
- 12:39:48 20 Batt O'Keefe the other was GV Wright, they were people that -- well,
- 21 political rumour had that both could become TDs if they were properly
- 22 organised and ran a proper campaign. One of them did, one of did not.
- 23
- 24 I asked Frank Dunlop if it would be advisable to support GV Wright to help
- 12:40:07 25 him get elected, had he a possibility of getting elected, would it be a
- 26 good thing to support him, he said yes and I did. I knew him as well of
- 27 course.
- 28 Q. 476 Would you have known that he was a supporter of Quarryvale?
- 29 A. Yes, I would.
- 12:40:19 30 Q. 477 And the leader of the Fine Gael group or senior member of the Fianna Fail

- 12:40:22 1 group?
- 2 A. Senior member, not sure about the leader but very senior member. Yes.
- 3 Q. 478 Right. Did you have a discussion with Mr. Dunlop been the amount of
- 4 donation you should pay to Mr. GV Wright?
- 12:40:33 5 A. No, not at all.
- 6 Q. 479 Right this was a decision you were able to make yourself?
- 7 A. Oh, yes.
- 8 Q. 480 And did you arrange to meet Mr. G V Wright with Mr. Dunlop?
- 9 A. Yes, I did.
- 12:40:52 10 Q. 481 Did you travel from the city centre out to Mr. GV Wright's constituency
- 11 office in Malahide?
- 12 A. Yes, I did.
- 13 Q. 482 Can you remember whether -- the discussion you had on that car journey
- 14 with Mr. Dunlop?
- 12:41:01 15 A. I'd say we talked about a lot of things actually, I suppose we spoke in
- 16 particular about Quarryvale and the possibility of getting it through, was
- 17 probably the main topic.
- 18 Q. 483 All right. Can I suggest to you that you would have discussed as would be
- 19 normal, the purpose of your visit to Mr. GV Wright?
- 12:41:21 20 A. Oh, yes.
- 21 Q. 484 Right. Now, the purpose of your visit to Mr. GV Wright is to pay him a
- 22 political donation?
- 23 A. Yes.
- 24 Q. 485 Did you discuss that with Mr. Dunlop?
- 12:41:28 25 A. Well that's, I told in advance I asked him, in advance, should I, would it
- 26 be advisable to make a contribution to GV Wright and he said yes, then he
- 27 drove me out, we discussed it, we knew where we were going.
- 28 Q. 486 Yes. You knew why you were going?
- 29 A. Oh, yes.
- 12:41:44 30 Q. 487 Why you were going was to make a payment to Mr. GV Wright?

- 12:41:47 1 A. Yes.
- 2 Q. 488 All right. Now, did you discuss the amount of that payment?
- 3 A. No.
- 4 Q. 489 Why not?
- 12:41:51 5 A. Why should I? I never discussed these amounts with anybody.
- 6 Q. 490 It's the most natural, did Mr. Dunlop ask you how much are you going to --
- 7 A. He didn't ask me, he wouldn't ask me and I wouldn't ask him, we didn't
- 8 discuss these things.
- 9 Q. 491 Did Mr. Dunlop indicate to you he was going make a donation?
- 12:42:07 10 A. No, I didn't know that.
- 11 Q. 492 You didn't know that Mr. Dunlop was going to make a payment?
- 12 A. No.
- 13 Q. 493 And you didn't know that Mr. Dunlop had 5,000 pounds in cash in an
- 14 envelope in his pocket?
- 12:42:14 15 A. No, I certainly did not.
- 16 Q. 494 Which he was going to give to Mr. GV Wright?
- 17 A. Certainly did not, and I didn't even see him do it afterwards.
- 18 Q. 495 So you travel from the city centre, Mr. Dunlop's office in Mount Street,
- 19 out to Malahide to meet Senator GV Wright, is that correct?
- 12:42:30 20 A. That's correct.
- 21 Q. 496 You have 5,000 pounds in cash?
- 22 A. No I haven't, I have a cheque.
- 23 Q. 497 5,000 pounds in a cheque, Mr. O'Callaghan, in your pocket, is that right?
- 24 A. Yes.
- 12:42:37 25 Q. 498 Mr. Dunlop has 5,000 pounds in cash in his pocket, isn't that right?
- 26 A. Which I wasn't aware of.
- 27 Q. 499 Yes. You discuss the payment to GV Wright but not the amount of the
- 28 payment and you are not asked by Mr. Dunlop how much you are going to pay,
- 29 isn't that right?
- 12:42:53 30 A. Correct right.

12:42:54 1 Q. 500 And did Mr. Dunlop give you any advice about the amount you should pay to
2 Mr. GV Wright before you went on this journey?
3 A. No.
4 Q. 501 Right. Was there some sort of natural reticence on your part and that of
12:43:08 5 Mr. Dunlop to discuss the money that in fact was going to be paid to
6 Mr. GV Wright?
7 A. In all cases, we never discussed anything.
8 Q. 502 You were unaware of the fact that Mr. Dunlop was himself going to make a
9 donation or a payment to Mr. GV Wright?
12:43:22 10 A. I was unaware of that, yes.
11 Q. 503 When you arrived at Mr. GV Wright's office was there somebody else
12 present?
13 A. There was somebody in his office.
14 Q. 504 Was that person a developer?
12:43:32 15 A. Yes.
16 Q. 505 Right. A developer who was known to you I think?
17 A. Yes.
18 Q. 506 Is that right and would have been known to Mr. Dunlop, is that right?
19 A. Yes.
12:43:39 20 Q. 507 And did that person leave?
21 A. Yes.
22 Q. 508 And after that person left, Mr. O'Callaghan, what happened?
23 A. Both Frank and myself discussed with GV Wright the election mainly because
24 that's what GV Wright was mainly interested that was his total concern at
12:43:56 25 the time. He was very excited about it and we also mentioned Quarryvale
26 it came up, just came up in the discussion, that should be okay, there was
27 good support for it. Then I handed him my political contribution and
28 wished him the best and left. Frank left with me and Frank went back in
29 again to say something to him, obviously he went back in to give him the
12:44:17 30 money himself, I was unaware of that. And then we left, the whole thing

- 12:44:22 1 took maybe six or seven or eight minutes.
- 2 Q. 509 And on the trip back to Mr. Dunlop's office, Mr. O'Callaghan, was there
- 3 any discussion between yourself and Mr. Dunlop about what had transpired
- 4 in Mr. GV Wright's office?
- 12:44:36 5 A. No.
- 6 Q. 510 Did you have any discussion --
- 7 A. We spoke about his prospects of course, his prospects ever getting elected
- 8 which at the time were pretty good.
- 9 Q. 511 Did you have any discussion about the other developer who was there and
- 12:44:47 10 whether for example he was on the same endeavour as yourself?
- 11 A. No, except did I mention to Frank that I knew him, yes.
- 12 Q. 512 I mean, it wouldn't have been unreasonable for you to have discussed with
- 13 Mr. Dunlop I wonder was Mr. X who was also there, there for the same
- 14 purposes as ourselves or indeed in your case as yourself, isn't that
- 12:45:06 15 right?
- 16 A. No, I didn't because I think he was, I wouldn't have -- that didn't come
- 17 up because I think the same individual that we are talking about was
- 18 helping GV Wright in his fundraising.
- 19 Q. 513 All right. But in any event you waited until that person left before you
- 12:45:28 20 handed over the envelope?
- 21 A. Oh, yes.
- 22 Q. 514 And you had a discussion with Mr. GV Wright about the prospects of success
- 23 for Quarryvale in the course of your conversation?
- 24 A. It came up in conversation of course, yes.
- 12:45:31 25 Q. 515 You would have known I assume, Mr. O'Callaghan, that Mr. GV Wright was a
- 26 supporter of Quarryvale?
- 27 A. Yes.
- 28 Q. 516 And you would have known that from your own conversations with him, is
- 29 that right?
- 12:45:40 30 A. Yes.

- 12:45:40 1 Q. 517 Right. Did Mr. GV Wright ever give you a receipt in respect of that
2 payment?
- 3 A. No.
- 4 Q. 518 Did Mr. Batt O'Keefe ever give you a receipt in respect of his payment?
- 12:45:51 5 A. No.
- 6 Q. 519 Right. Was that your general experience, Mr. O'Callaghan, can I ask you
7 in relation to payments to individual politicians, that receipts didn't
8 issue?
- 9 A. That's correct.
- 12:46:02 10 Q. 520 But when you made a donation to the party that a receipt did issue?
- 11 A. Yes.
- 12 Q. 521 Is that fair?
- 13 A. Yes.
- 14 Q. 522 Yes. Now, at this time also I think, Mr. O'Callaghan, and I think we have
12:46:14 15 canvassed it at some lengths and there is no need to go through the detail
16 of it, you paid a sum of 70,000 pounds to Mr. Dunlop, isn't that right?
- 17 A. Yes.
- 18 Q. 523 And you did so on foot of an invoice that had issued in July of that year,
19 in relation to the stadium and which you say had remained unpaid, isn't
12:46:33 20 that the position?
- 21 A. That is correct.
- 22 Q. 524 That invoice was paid I think on the 10th November of 1992, isn't that
23 right?
- 24 A. Yes.
- 12:46:42 25 Q. 525 And if I can summarise the position as I understand it. Initially it had
26 been intended to give Mr. Dunlop a cheque but Mr. Dunlop required the
27 funds immediately or urgently and a credit transfer was arranged through
28 Mr. Lucey and an assistant of his in the office, to transfer the money
29 directly to Dublin, isn't that right?
- 12:47:03 30 A. Yes.

12:47:03 1 Q. 526 And I think Mr. Dunlop got the money, I think on the 10th of November
2 1992, isn't that right?
3 A. Yes, well same day.
4 Q. 527 The same day value for the money, isn't that right?
12:47:21 5 A. Yes, yes.
6 Q. 528 And at 8449 you see, if we can just turn that please that is correct Mr.
7 Dunlop debited on that day a sum of 55,000 pounds from that account, isn't
8 that right?
9 A. Yes.
12:47:39 10 Q. 529 And that is money that Mr. Dunlop and Mr. Ahern, his manager, have told
11 the Tribunal that he took out in Allied Irish Banks in College Street, in
12 cash, okay, do you agree with that?
13 A. Yes.
14 Q. 530 Right. And that is funded primarily from your 70,000 pounds on the same
12:47:57 15 day, Mr. O'Callaghan, would you agree with that?
16 A. Yes, yes.
17 Q. 531 Now, if we just step back a moment to the money Mr. Dunlop had in his
18 hands before he got your 70,000 pounds. From the evidence you will know
19 that on the 9th November '92, Mr. Dunlop was paid 11,000 pounds by the
12:48:15 20 Chris Jones Group and out of that he kept eight and a half thousand pounds
21 in cash were you aware of that?
22 A. No.
23 Q. 532 He was paid a sum of 10,000 pounds to Shefran by way of cheque on the 11th
24 November, 1992, the day after your payment and he cashed it and he kept
12:48:33 25 that money, were you aware of that?
26 A. Yes.
27 Q. 533 You were aware of that?
28 A. Yes, I am aware he was paid, yes.
29 Q. 534 Yes. He was paid between the 9th and the 11th November, a total sum of
12:48:45 30 102,490 pounds, that includes your 70,000 pounds, Mr. Chris Jones' or the

12:48:54 1 Jones Group's 11,000 pounds and I think the money that was paid from Davy
2 Hickey properties, okay? The invoice for Jones Group was 11,490 pounds.
3 Out of that sum Mr. Dunlop kept eight and a half thousand pounds from the
4 Jones Group, 55,000 pounds in cash from your payment and 10,000 pounds
12:49:17 5 from the Davy Hickey properties, were you aware of that?
6 A. No.
7 Q. 535 Right. So in total he had 73,500 pounds in cash available to him between
8 the 9th and the 11th November 1992. That is the documentary evidence with
9 which Mr. Dunlop agrees?
12:49:37 10 A. Okay.
11 Q. 536 All right. That is substantiated, Mr. O'Callaghan, as you will have seen
12 in your own case by the bank records insofar as your 55,000 is concerned,
13 isn't that right?
14 A. Yes.
12:49:48 15 Q. 537 Because you have on screen before you the debit of 55,000 pounds in cash.
16 Now between the 9th and 11th November at a minimum Mr. Dunlop has a sum
17 available to him of 73,500 in cash, isn't that right?
18 A. Yes.
19 Q. 538 Now, the event that was occurring at that time, Mr. O'Callaghan, was the
12:50:07 20 election?
21 A. Yes.
22 Q. 539 Isn't that the position? Did you have any discussion with Mr. Dunlop
23 about the election?
24 A. Oh, yes.
12:50:17 25 Q. 540 Yes. Did Mr. Dunlop indicate to you that he was going to have to make
26 payments?
27 A. Yes.
28 Q. 541 And in that discussion was it because of those discussions that you
29 arranged for the transfer of the 70,000 pounds to Mr. Dunlop because you
12:50:33 30 appreciated that Mr. Dunlop was going to have to make payments in the

- 12:50:35 1 course of the election?
- 2 A. Mr. Dunlop, that cheque was -- that invoice was issued in July of '92, as
- 3 I have said on a few occasions, I held it off as long as I possibly could
- 4 the payment because it was quite extensive and because it was for the
- 12:50:52 5 stadium and the banks were not in favour of paying any stadium fees.
- 6
- 7 When the election was called, prior to this Frank Dunlop had reminded me
- 8 on a few occasions about that 70,000 pounds and I delayed payment as much
- 9 as I possibly could. When the election was called he looked for his
- 12:51:08 10 cheque and demanded it because obviously it was very obvious to me without
- 11 him spelling it out to me, that a person like him who is up front and
- 12 meeting so many politicians on a daily basis was going to be asked for a
- 13 lot of contributions for the election, and I am pretty sure he was asked
- 14 for a lot of contributions to the election. A thousand pounds, 2,000 and
- 12:51:26 15 all this stuff, and he would have to -- any fees that were due to him I
- 16 was sure he was looking for them at that stage to have them there so he
- 17 could make his contributions. If politicians who he knew well asked for a
- 18 political contribution of 1,000 pounds or 2,000 pounds he had no choice I
- 19 think but to give it. So I was aware of that, and that's one of the
- 12:51:45 20 reasons why when he panicked a bit about this I understood his situation.
- 21 Q. 542 And paid him --
- 22 A. When I say panicked when I hadn't a cheque for him on the day I met him,
- 23 he wasn't very nice about it, and I understand that. That's why the
- 24 cheque was sent up for same day value.
- 12:52:01 25 Q. 543 Yes. And in effect what did you was you transferred 70,000 pounds from
- 26 Cork to Mr. Dunlop on the 10th November 1992, isn't that right?
- 27 A. Yes.
- 28 Q. 544 And you felt at that stage you had no choice but to pay it?
- 29 A. Oh, yes.
- 12:52:15 30 Q. 545 Right. And you had in your mind at the time that you made that payment

12:52:18 1 Mr. O'Callaghan, than Mr. Dunlop was going to have to make disbursements
2 to politicians in the context of a general election?
3 A. Yes.
4 Q. 546 And therefore who Mr. Dunlop would be paying would have to be people who
12:52:29 5 were running for the Dail, isn't that correct?
6 A. Yes.
7 Q. 547 Because the Seanad election wouldn't kick in until sometime later, isn't
8 that right?
9 A. Yes.
12:52:37 10 Q. 548 And the Seanad people would only become known when they had failed in main
11 cases to achieve a Dail seat, isn't that right?
12 A. That's correct.
13 Q. 549 So what you had in your contemplation as indeed had Mr. Dunlop if you are
14 correct, was payments that would have to be made to national politicians?
12:52:52 15 A. Yes.
16 Q. 550 By Mr. Dunlop?
17 A. Yes.
18 Q. 551 And on foot of that concern to you as expressed by Mr. Dunlop you sent or
19 arranged to have the 70,000 pounds transferred to Mr. Dunlop's Rathfarnham
12:53:03 20 account on the 10th November 1992?
21 A. Yes, it was five months overdue at that time as well, that's probably the
22 most significant point.
23 Q. 552 But the motivating factor that compelled you to make the payment in
24 November of 1992, as opposed to September or October, was Mr. Dunlop's
12:53:19 25 need for this monies which were predicated upon monies he would have to
26 pay in the course of general election?
27 A. Yes, I am sure Mr. Dunlop would have called in any fees due to him at that
28 particular time.
29 Q. 553 Because you would have appreciated that Mr. Dunlop was going to have to
12:53:33 30 make payments to politicians, and they would be national politicians,

- 12:53:37 1 isn't that right?
- 2 A. Yes.
- 3 Q. 554 Now, you travel subsequently to the 10th of November 1992,
4 Mr. O'Callaghan, you travel with Mr. Dunlop on the 11th November or later,
12:53:51 5 out to Mr. GV Wright's house to make a payment to Mr. Wright, isn't that
6 right?
- 7 A. Yes.
- 8 Q. 555 Because if you look at 8467, on the day following it, or some other day
9 after the 11th November 1992, you travel out with Mr. Dunlop to pay Mr. GV
12:54:10 10 Wright, isn't that right?
- 11 A. Yes.
- 12 Q. 556 Now, Mr. GV Wright is standing in the national election, isn't that right?
- 13 A. Yes.
- 14 Q. 557 And Mr. GV Wright is a person that Mr. Dunlop has recommended that you
12:54:20 15 should make a payment to, isn't that right?
- 16 A. I would agree myself as well I just asked his advice.
- 17 Q. 558 You have, the day before you write this cheque for Mr. GV Wright, sent up
18 70,000 pounds, effectively in cash, from Cork to Mr. Dunlop and the
19 motivating factor in you doing so was an appreciation on your part that
12:54:37 20 Mr. Dunlop was going to have to pay national politicians, is that right?
- 21 A. Yes but -- sorry.
- 22 Q. 559 I said, is that right?
- 23 A. That is right except the 70,000 pounds were Mr. Dunlop's fees due to him
24 for five months.
- 12:54:50 25 Q. 560 In view of your appreciation that Mr. Dunlop was going to have to make
26 payments or would make payments to politicians in the course of the
27 election, when you were travelling out with Mr. Dunlop to meet with Mr. GV
28 Wright did you have any discussion Mr. Dunlop about the fact that he, was
29 he making a payment to Mr. GV Wright or a donation to Mr. GV Wright?
- 12:55:11 30 A. No, I did not, no.

- 12:55:12 1 Q. 561 All right. Notwithstanding the reason for the payment that you had made
2 the previous day?
3 A. Yes.
- 4 Q. 562 Right. Now, Mr. O'Callaghan, that payment of 70,000 pounds was funded out
12:55:25 5 of the Bank of Ireland account held by Riga, isn't that right?
6 A. Yes.
- 7 Q. 563 And if you look at 8427, if you look at the third column down, November
8 1992 there are three payments recorded there, isn't that right?
9 A. Yes.
- 12:55:43 10 Q. 564 The Owen O'Callaghan payment with cheque number 60 of 10,000 pounds with a
11 reference 5098 is the payment to Mr. Batt O'Keefe?
12 A. Correct.
- 13 Q. 565 The Frank Dunlop 70,000 pounds is the 70,000 pounds same day transfer on
14 the 10th of November 1992 to Mr. Dunlop, isn't that right?
12:56:01 15 A. Yes.
- 16 Q. 566 And the third matter there is the cheque for 5,000 pounds to Mr. GV Wright
17 which you brought out to him on the 11th November '92 or some date
18 subsequent to that, isn't that right.
19 A. Yes.
- 12:56:14 20 Q. 567 Right. Those three transactions total 85,000 pounds, isn't that right?
21 A. Yes.
- 22 Q. 568 Did you subsequently tell the bank that you had injected 85,000 pounds
23 into the lobbying of Dublin County Council in relation to your Quarryvale
24 project?
12:56:32 25 A. I said to the bank that we had paid a sum of 85,000 pounds, I think that
26 we contributed that during the past couple of days or couple of weeks,
27 couple of days I think actually, and that would have included those
28 figures, yes. And one of those figures which is probably the most, by far
29 the largest figure was a figure that we had to pay for the stadium which
12:56:55 30 was fees due for over five months, that's where that 70,000 pounds, that

12:57:00 1 statement from the bank came from.

2 Q. 569 Do you agree first of all you did tell the bank you had paid 85,000

3 pounds?

4 A. I -- I think so, I am almost certain, in fact I haven't seen it but I'm

12:57:08 5 certain I did.

6 Q. 570 864?

7 A. Can I see it please?

8 Q. 571 Yes, 8648 please it's a memo of a meeting with you at the Bank Centre on

9 the 1st December 1992 and it records as follows "Date for the Quarryvale

12:57:28 10 vote has been set for the 17th and 18th December. He is confident a

11 decision will be made one way or the other on that date. It is very

12 tight.

13

14 In response to my query he confirmed that the officials are thinking in

12:57:38 15 terms of a compromise at this stage which will involve the Mansfield

16 Clondalkin Centre and a smaller centre for Quarryvale of approximately

17 250,000 square feet. The position will obviously be clear in about two

18 weeks.

19

12:57:51 20 His lobbying continues and he indicated that he had injected 85,000 pounds

21 into the situation from O'Callaghan Properties."

22 A. That's why I wanted to see if that's correct but that does not say that

23 70,000 pound of that was actually fees paid to Frank Dunlop for five

24 months overdue works on the stadium.

12:58:10 25 Q. 572 Yes. If we just take in stages then, Mr. O'Callaghan, do you agree you

26 mentioned a figure of 85,000 pounds to the bank?

27 A. Yes, indeed.

28 Q. 573 And do you agree that figure is comprised of 70,000 pounds stadium fees

29 that you paid to Mr. Dunlop?

12:58:21 30 A. Stadium fees, yes.

- 12:58:22 1 Q. 574 The 10,000 pounds that you paid to Mr. Batt O'Keefe?
- 2 A. Yes.
- 3 Q. 575 And the 5,000 pounds that you paid to Mr. GV Wright?
- 4 A. Yes.
- 12:58:29 5 Q. 576 And what you are telling the bank there, if it's accurately recorded is
- 6 that you had injected 85,000 pounds into the lobbying situation in
- 7 relation to Quarryvale?
- 8 A. Yes.
- 9 Q. 577 And that would mean that your payment to Mr. Batt O'Keefe was being
- 12:58:44 10 regarded by you as a payment that is made to advance Quarryvale, do you
- 11 agree with that?
- 12 A. Well, yes it looks that way there actually yeah, that's correct.
- 13 Q. 578 And that similarly the 70,000 pounds that you transferred to Mr. Dunlop on
- 14 the 10th November 1992, was money that you paid to advance your lobbying
- 12:59:02 15 position in relation to Quarryvale?
- 16 A. No, can't agree with that.
- 17 Q. 579 Isn't that what is recorded there?
- 18 A. Yes of course that's what's recorded, that is a bank memo and that is what
- 19 I mean by slants on bank memos.
- 12:59:15 20 Q. 580 Yes. The figure of 85,000 pounds is not a figure the bank could have
- 21 pluck from the air, isn't that right?
- 22 A. Oh I gave them the figure, yeah.
- 23 Q. 581 You gave them the figure and the figure is comprised of the payment to GV
- 24 Wright, the payment to Batt O'Keefe and the 70,000 pounds you sent up to
- 12:59:29 25 Mr. Dunlop, isn't that right?
- 26 A. Yes but I have also explained when I spoke them I am pretty sure, what the
- 27 70,000 pound was for, fees for the stadium etcetera, and it just all ended
- 28 up in one sentence there. I don't think it's fair to produce memos like
- 29 that out of context in a lot of cases.
- 12:59:45 30 Q. 582 Is a different context, Mr. O'Callaghan, for this memo and if there is

12:59:50 1 would you explain to the Tribunal?

2 A. Yes. I would, I would like to have seen that instead of it properly
3 recorded like, that 70,000 pounds was fees towards the stadium which I
4 paid to Frank Dunlop.

12:59:59 5 Q. 583 When you complain about improper context, Mr. O'Callaghan, are you saying
6 the bank failed to record the proper content not that the document is
7 being produced to you now in an improper --

8 A. Oh bank I am talking about sorry, sorry. Very simple to put a statement
9 like that in to a memo, you know.

13:00:14 10 Q. 584 But do you agree, Mr. O'Callaghan, that for whatever reason the
11 contemporaneous record that was made by Mr. O'Farrell of what you told him
12 on the 1st December attributed the 85,000 pounds as being an injection
13 into the lobbying situation by O'Callaghan Properties.
14

13:00:30 15 MR. LUCEY: I am not sure, Sir, that actually is what is record it says
16 "His lobbying continues and he indicated that he had injected 85,000
17 pounds into the situation from O'Callaghan Properties" rather than into
18 the lobbying situation.
19

13:00:43 20 CHAIRMAN: It depends how you term the situation.
21

22 MR. LUCEY: I agree. I think it's being put to Mr. O'Callaghan it was
23 into the lobby situation. There are a number of other possible
24 connotations to it.

13:00:53 25 Q. 585 MS. DILLON: What other possible connotation or interpretation, Mr.
26 O'Callaghan, do you put on that sentence, other than the one that I put to
27 you?

28 A. I am not saying what you put is not correct, but the person who wrote that
29 didn't expect you were going to come along and decipher it like you have
13:01:05 30 just done. The correct thing there would have been say that it should

13:01:09 1 have been described properly and that 70,000 pounds was actually fees for
2 the stadium, instead it turns out there as if it's strictly fees for Frank
3 Dunlop for paying politicians, it's just not correct.

4 Q. 586 Even if you are correct, Mr. O'Callaghan, in relation to that, that would
13:01:24 5 mean that the payment to Mr. GV Wright and the payment to Mr. Batt O'Keefe
6 would remain as monies paid by you in connection with the lobbying
7 situation for Quarryvale?

8 A. Yes, yes.

9 Q. 587 And that would be borne out by the initial attribution in the cheque
13:01:38 10 payments book that the three payments have the number of 5098 beside it,
11 meaning that they were originally considered to be payments in connection
12 with Quarryvale?

13 A. Originally, as I explained to you a while ago the person entering them
14 originally did not know who was who and didn't know what the political
13:01:55 15 situation was.

16 Q. 588 Yes.

17 A. Who the politicians were.

18 Q. 589 If I understand you correctly, you yourself would have no problem with the
19 concept that the payment to Mr. Batt O'Keefe and the payment to Mr. GV
13:02:06 20 Wright were payments that were made in furtherance of the lobbying in
21 connection with Quarryvale?

22 A. Only to GV Wright not to Batt O'Keefe sorry, that's incorrect.

23 Q. 590 But do you agree, Mr. O'Callaghan, that that figure of 85,000 pounds which
24 could only have been told by you to the bank, relates to the 70,000 pounds
13:02:23 25 stadium invoice, the 5,000 pounds to Mr. GV Wright and the 10,000 pounds
26 to Mr. Batt O'Keefe?

27 A. Again I accept that it should have been properly denoted on the actual
28 memo not the way it's all lumped in together there.

29 Q. 591 Right.

13:02:38 30

13:02:38 1 CHAIRMAN: All right it's one o'clock so we'll see Mr. O'Callaghan again
2 on Tuesday at 2 o'clock. We are sitting for Mr. Kenny at 2 o'clock today.

3

4

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

13:03:02 5

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