

12:34:42 1

THE TRIBUNAL RESUMED AS FOLLOWS ON TUESDAY

2

21ST OCTOBER 2008 AT 2 PM:

3

4

MS. DILLON: Good afternoon, Sir. I understand there are three parties

14:04:20 5

who will cross examine Mr. O'Callaghan this afternoon; Mr. John

6

O'Halloran, Ms. Mary O'Rourke and I think counsel on behalf of Tom Hand

7

deceased. I understand the order will be Mr. Ronan Prendergast, barrister

8

on behalf of Mr. John O'Halloran, instructed by John O Tuathail of Cullen

9

solicitors will go first. Then counsel on behalf of Mrs. O'Rourke

14:04:43 10

followed by counsel on behalf of Mr. Tom Hand deceased.

11

12

Mr. O'Callaghan please.

13

14

CHAIRMAN: All right. That's fine.

14:04:51 15

16

MR. OWEN O'CALLAGHAN IS CROSS EXAMINED BY

17

MR. PRENDERGAST AS FOLLOWS:

18

19

CHAIRMAN: Good afternoon. Now, Mr. Prendergast, you can sit down if you

14:05:15 20

wish.

21

Q. 1 Good afternoon, Mr. O'Callaghan.

22

A. Afternoon.

23

Q. 2 Mr. O'Callaghan, I will be quite short, what I want to put to you,

24

something --

14:05:25 25

CHAIRMAN: Sorry, Mr. Prendergast, could you just pull the microphone

26

down.

27

Q. 3 I apologise. In relation to the statement that you gave, Mr. O'Callaghan,

28

on the 3rd day of May 2000, you say something in relation to

29

Mr. O'Halloran that on the 9th November 1993, that you made a payment to

14:05:44 30

him, a payment of 5,000 pounds at the time, and that, this is the

14:05:50 1 particular point with Mr. O'Halloran takes issue, that he approached you
2 for this payment.

3
4 You say that he stated that due to his support for Quarryvale, this is
14:06:01 5 indeed what you said, that Mr. O'Halloran was asked to leave the party and
6 on these circumstances he was out of party and without having any
7 financial support. You further stated that at that time you were fully
8 conscious that not only of the assistance that Mr. O'Halloran provided to
9 Quarryvale but also the immense amount of work which he had done and
10 continues to do for the local community and it was in these circumstances
11 that you provided him with the cheque of 5,000 pounds.

12
13 Now, what I am putting to you is that you are mistaken, not insofar as
14 provided him with the cheque, but insofar as it is in fact you that
14:06:37 15 approached him in relation to that.

16 A. Yes.

17 Q. 4 Can you provide the Tribunal with, could you be mistaken in relation to
18 that, could it have been the case that in fact you had approached him?

19 A. No, I'm sorry. John O'Halloran approached me.

14:06:55 20 Q. 5 Well, Mr. O'Halloran is quite specific in his recollection or in fact that
21 he can't recall approaching you for that money and in fact you had
22 telephoned him and arranged to meet him for the purpose of providing him
23 with that cheque?

24 A. No, I'm afraid that is not correct. As I said in my statement, John
14:07:15 25 O'Halloran was probably the best supporter Quarryvale ever had and
26 probably still is. When he lost the party whip in '93 he approached me
27 and asked me, told me that he was going to stand as an independent
28 councillor, he was going to stand independently or remain in politics,
29 which I certainly hoped that he would. And he asked me if I could support
14:07:38 30 him and I was delighted to do it actually in that particular case, I can

14:07:42 1 assure you. He actually said that, he asked me for at the time, he
2 mentioned that he would like support of 5,000 pounds to help him get
3 himself organised as an independent or to continue in politics and I
4 provided that to him, I did that gladly.

14:07:58 5 Q. 6 Well, Mr. O'Halloran does accept that he has approached you on previous
6 occasions for monies but not for a personal political purpose in respect
7 of certain charitable societies that he was involved with. I put it to
8 you again that you are mistaken in that he ever approached you for monies
9 in his own capacity for his political movements?

14:08:19 10 A. No I'm sorry, I'm not mistaken.

11 Q. 7 And further, you say that in terms of he had been, he left the Labour
12 Party at this point, but he hadn't, you will accept that he wouldn't
13 receive any financial assistance from the Labour Party in that his removal
14 from the party wouldn't be a reason for him to come to you?

14:08:37 15 A. Well, I'm not sure about that, I don't know why -- I'm not sure about his
16 situation with the Labour Party, but all I can say to you is that yes, he
17 did approach me.

18 Q. 8 Again, I will put it to you that his recollection is quite different to
19 you in that, but I have no further questions.

14:08:50 20 A. Sorry to disagree with you I'm afraid, that's the case.

21

22 CHAIRMAN: All right. Thank you Mr. Prendergast. Mr. McCann

23

24 **THE WITNESS WAS CROSS-EXAMINED BY MR. McCANN**

14:09:00 25

26 Q. 9 Thank you, Chairman. I should say I appear for Mary O'Rourke, instructed
27 by Hugh Campbell & Co. Mrs. O'Rourke was granted representation in the
28 context of Quarryvale I, some time back.

29

14:09:11 30 Mr. O'Callaghan, I just have a couple of very brief questions for you

14:09:14 1 arising out of the evidence that you gave to the Tribunal on day 899, that
2 was the 19th September. I will just, perhaps if I just read what you said
3 in answer to questions from the Tribunal at that stage.
4

14:09:28 5 This is in relation to the Golden Island Shopping Centre in Athlone, you
6 said: "Tom Diskin was the man who was together with Michael Tiernan --
7

8 MR. LUCEY: I wonder if that could be put up, Sir. On the particular
9 reference and date, day 899 for Mr. O'Callaghan's benefit?

14:09:46 10
11 CHAIRMAN: What's the page number?

12 MR. McCANN: 57, day 899.
13

14 CHAIRMAN: All right. Can we put that up?

14:10:00 15 MR. McCANN: Just at line 18 you will see the evidence that you gave, you
16 said "Tom Diskin was the man who was together with Michael Tiernan were my
17 two partners in Athlone."
18

19 CHAIRMAN: Is it up?

14:10:15 20 A. Yes, Sir, it's here.

21 Q. 10 MR. McCANN: You have that, Mr. O'Callaghan?

22 "Yes. I believe and I'm not witness to this, but I believe that there are
23 various versions of the story that because Mary O'Rourke was against the
24 actual Athlone development itself, in particular because it's in the wrong
14:10:31 25 side of Athlone, it's not in her section. I am not 100 per cent certain
26 of this but apparently there is a Leinster section of Athlone and there is
27 a Connaught section of Athlone and we were putting the shopping centre in
28 the section that Mary O'Rourke was not in and I think it was in the
29 Connaught section, and because of that she didn't favour what we are
14:10:48 30 doing".

14:10:48 1 Now, Mr. O'Callaghan, also O'Rourke has given a statement to the Tribunal
2 where she set out the reason why she was against the location was because
3 it was not in the centre of the town, it was away from what was then the
4 centre of the town, I don't know if you are aware of that.

14:11:02 5 A. No, I'm not aware of that. It wasn't, it was as close to the centre of
6 the town as it possibly could be for any new development.

7 Q. 11 But in fact in her statement she said that that was the reason why she was
8 opposed to, not for any electoral or other purpose?

9 A. Well, in fairness, she never told me the reason, but I was told locally
14:11:18 10 that the reason she was against it was because we are on the wrong section
11 of the actual town, I don't fully understand the demarcation lines in
12 Athlone.

13 Q. 12 I have to suggest to you, Mr. O'Callaghan, that can't be right, because
14 there is no demarcation in Athlone, it is one town for electoral purposes,
14:11:33 15 there is no for electoral purposes, Connaught section or Leinster section?

16 A. That's not what I was told I'm afraid.

17 Q. 13 That in fact is not correct. Even if there were, even if the river could
18 have been said to divide the town, the Golden Island Shopping Centre is in
19 the Leinster section, even if you take the age-old distinction of the
14:11:52 20 river being the gap. So in both circumstances I suggest to you that the
21 information that you were given couldn't have been correct in that regard.

22 A. Well, I can tell you for definite that before this happened at all
23 actually, that when I made a presentation about Quarryvale in the Green
24 Isle Hotel, probably six or seven months before Golden Island started,
14:12:15 25 making a presentation to the Clondalkin Chamber of Commerce and present at
26 that presentation was Mary O'Rourke and Pat Rabbitte both were there
27 together. And after the presentation Mary O'Rourke asked me why, or had I
28 any intention of coming to Athlone to do something similar in Athlone, I
29 said yes we were already about to do it and we purchased a site in
14:12:33 30 Athlone. When I told her where the site was she actually walked away from

- 14:12:37 1 me saying it was in the wrong location.
- 2 Q. 14 Yes, that may be so, but the reason why it was in the wrong location was
- 3 she disagreed with locating it away from what was then the Main Street,
- 4 the main shopping district.
- 14:12:47 5 A. I can't agree with that, because it's as close as you could possibly get
- 6 to the Main Street that location, all I can do is I repeat to you that I
- 7 believe, even though it's not an official demarcation line, there is an
- 8 imaginary line in Athlone dividing it in two sections as far as Mary
- 9 O'Rourke was concerned we were in the wrong section.
- 14:13:04 10 Q. 15 That is not in fact the case, because she has represented the entire of
- 11 the town for many years and there is no demarcation.
- 12 A. That's not what I was told I'm afraid.
- 13 Q. 16 You weren't -- the information that you gave, perhaps if we just move on
- 14 to the next page, page 58, there is a story that I think you said at the
- 14:13:33 15 top of the page, line three:
- 16
- 17 "I believe I have heard the story", this is the story in relation to
- 18 Mr. Diskin going out to Mrs. O'Rourke's house, you didn't actually hear
- 19 that story from Mr. Diskin, isn't that right?
- 14:13:41 20 A. That's correct.
- 21 Q. 17 You weren't present when this incident apparently took place?
- 22 A. That's correct.
- 23 Q. 18 And I don't want to go into it in too much detail because Mr. Diskin is no
- 24 longer with us.
- 14:13:51 25 A. Yes.
- 26 Q. 19 But she has again given a statement to the Tribunal in which she has set
- 27 out the circumstances surrounding that, I have to suggest to you that it's
- 28 not quite as benign as the information that you have given to the Tribunal
- 29 and that you heard.
- 14:14:05 30 A. Yes, well I am just quoting what was said locally and I believe it was

14:14:10 1 also in the newspapers.
2 Q. 20 You didn't hear that either from Mr. Diskin or from anybody else, is that
3 right?

4 A. Not from Mr. Diskin no, never discussed it with Mr. Diskin.

14:14:19 5 Q. 21 I see. Thanks, Mr. O'Callaghan.

6

7 CHAIRMAN: All right. Thank you. Mr. O'Dulachain?

8

9 **THE WITNESS WAS CROSS-EXAMINED BY MR. O'DULACHAIN**

14:14:29 10
11 Q. 22 I appear with David Burke, instructed by Vivian Matthews for the late Tom
12 Hand and his family.

13

14 Mr. O'Callaghan, there are one or two areas which I have been asked to ask

14:14:40 15 some questions of you and principally it concerns your recollection of a
16 meeting of the 6th October 1992 and your account of what had transpired at
17 that meeting. You might recollect it's said to have been a meeting at
18 that took place in Frank Dunlop's office.

19 A. Yes.

14:15:02 20 Q. 23 And it is said by you and Mr. Dunlop that Mr. Hand had made an approach
21 and was seeking 250,000 pounds from you in respect of support for
22 Quarryvale.

23 A. Yes.

24 Q. 24 Can I just bring you back to that time and to the situation immediately
14:15:26 25 before that meeting, which would be at the end of September 1992 and as I
26 understand it from the evidence that has been given, that by the end of
27 September 1992 there was something in the region of 12 million pounds in
28 advances by Allied Irish Bank?

29 A. Advances to who?

14:15:53 30 Q. 25 For the development of Quarryvale.

- 14:15:56 1 A. That's possible, I can't recollect that.
- 2 Q. 26 All right. And in addition to that, that there was two and a half million
3 of interest which wasn't being added to the account, but was effectively
4 being rolled over.
- 14:16:12 5 A. I can't confirm or otherwise on that point right now.
- 6 Q. 27 And that by the end of September, the documentation it appears in the
7 memos from the bank, in September going into October/November, that the
8 liabilities were in the region of 14 and a half million?
- 9 A. That's possible, yes.
- 14:16:33 10 Q. 28 And that the interest rate, certainly on part of that was something in the
11 region of 13 and a half per cent?
- 12 A. Interest rate at the time.
- 13 Q. 29 At the time.
- 14 A. Possible.
- 14:16:46 15 Q. 30 So would it be fair to say that coming into October the financial status
16 of the Quarryvale development was a matter that was continuously being
17 monitored by the bank?
- 18 A. Oh, yes.
- 19 Q. 31 And if zoning wasn't obtained then there would be serious financial
20 consequences.
- 14:17:11 21 A. Yes.
- 22 Q. 32 For the parties involved.
- 23 A. Yes.
- 24 Q. 33 Including yourself.
- 14:17:17 25 A. Yes.
- 26 Q. 34 Yes. And coming in then into October for the previous year, from the time
27 of the 1991 elections and through the rest of '91 into 1992, the public
28 display, the matter of the zoning of Quarryvale was a matter of
29 considerable public debate?
- 14:17:39 30 A. Yes, it was.

- 14:17:41 1 Q. 35 And effectively Green Properties who were promoting Blanchardstown had
2 been very active throughout 1992 and previous in 1991, in mounting a
3 campaign against Quarryvale.
- 4 A. Yes.
- 14:17:57 5 Q. 36 So again coming into October, there was an uncertainty as to the outcome
6 of the zoning.
- 7 A. Yes.
- 8 Q. 37 Would you accept that?
- 9 A. Oh, yes.
- 14:18:12 10 Q. 38 And particularly in relation to Green Properties, they had organised
11 public meetings, they had organised petitions, they had made videos,
12 circulated documents, there was political lobbying on their part.
- 13 A. Yeah, indeed.
- 14 Q. 39 And we see later in October that they were even writing to your own bank
15 complaining about assertions you were making in respect of various
16 matters.
- 17 A. I'm not sure about that.
- 18 Q. 40 But one way or another, Green Properties were a major adversary in
19 relation to, an opponent to the zoning of Quarryvale?
- 14:18:53 20 A. Oh absolutely.
- 21 Q. 41 And on the 6th October when this meeting is said to have taken place, the
22 date for the vote had not yet been fixed.
- 23 A. Yes.
- 24 Q. 42 It could have been in November.
- 14:19:10 25 A. Correct.
- 26 Q. 43 So it might have been four, six weeks away?
- 27 A. Yes.
- 28 Q. 44 And your assertion and that of Mr. Dunlop is that with a vote maybe four
29 to six weeks away, that Mr. Hand mentions the fact that he had an approach
14:19:35 30 from Green Property offering 100,000 if he had's vote against Quarryvale?

- 14:19:46 1 A. Yes.
- 2 Q. 45 Right. And I think in your evidence you describe that the meeting lasting
- 3 a matter of minutes, two minutes?
- 4 A. About two minutes, that's correct, yes.
- 14:19:52 5 Q. 46 Without any exploration by you of the circumstances in which Mr. Hand was
- 6 asserting that he had been approached?
- 7 A. Yes.
- 8 Q. 47 So it didn't concern you as to where or when or by whom?
- 9 A. Yes.
- 14:20:17 10 Q. 48 And does that not appear unusual in the circumstances?
- 11 A. No, not really, as you said, and as I said myself, the meeting lasted
- 12 about two minutes. I did not organise this meeting, it was Frank Dunlop
- 13 organised this meeting actually and asked me to, I wasn't quite sure that
- 14 I was meeting Tom Hand he was in the office when I arrived from Cork. And
- 14:20:47 15 he, Frank introduced him again and he immediately mentioned that figure to
- 16 me, within seconds and I'm not sure if my microphone is on actually?
- 17
- 18 CHAIRMAN: I think it is, it is, yes.
- 19 A. Sorry and I just -- I just couldn't believe what I heard. I wasn't
- 14:21:08 20 interested in having any further conversation really.
- 21 Q. 49 MR. O'DULACHAIN: In the circumstances, are you saying that the meeting
- 22 hadn't been pre planned?
- 23 A. No, it had not. Frank Dunlop says it had, but not with me. Frank I
- 24 believe organised the meeting and I arrived from Cork and he told me that
- 14:21:29 25 he wanted me to meet Tom Hand, which I did immediately, he was in his
- 26 office waiting for me.
- 27 Q. 50 So insofar as Mr. Dunlop's diary has an entry for the 6th October, I think
- 28 it's on page 8179, your evidence at the time, whenever that entry was made
- 29 it didn't refer to a proposed meeting involving you?
- 14:22:01 30 A. No, I think Frank Dunlop organised the meeting off his own bat. He knew I

- 14:22:06 1 was coming to town on that particular date and he arranged for the late
2 Tom Hand to be there.
- 3 Q. 51 And there is another reference to a meeting shortly thereafter, do you
4 remember that meeting in relation to Quarryvale?
- 14:22:24 5 A. I don't know who that is.
- 6 Q. 52 In fact is there any document to confirm that you had in fact a meeting
7 with Tom Hand on the 6th October?
- 8 A. I'm not sure. I don't have a document, if there is I don't have one, and
9 I didn't discover one.
- 14:22:36 10 Q. 53 And how do you put it on the 6th October at all?
- 11 A. Well, it was in Frank Dunlop's diary, I'm not saying they were always
12 correct, but I do know I met Tom Hand, Frank Dunlop's diary says that was
13 the date, so I believe that is the date.
- 14 Q. 54 All Tom Hand -- all Mr. Dunlop's diary refers to is a meeting with Tom
15 Hand.
- 14:22:56 16 A. That's right.
- 17 Q. 55 And there are other entries on other days in relation to a meeting with
18 Tom Hand?
- 19 A. Yes.
- 14:23:07 20 Q. 56 And how do you distinguish between which one you were at?
- 21 A. Oh I can't actually, I can't distinguish that. All I am saying to you is
22 that it wasn't, as far as I was concerned it was not a very important
23 meeting because it wasn't pre planned for me or pre planned by me. Quite
24 simply, as I said to you, I arrived in the office and Frank Dunlop told me
14:23:27 25 Tom Hand was there and he wanted me to meet him. In fact I wasn't even
26 quite sure why I was supposed to meet him, I really did not know Tom Hand.
27 And if it's there in Frank Dunlop's diary on that date, I must assume
28 that's the date we met, all I can confirm is that yes I did meet him and
29 that conversation did take place.
- 14:23:49 30 Q. 57 Would you accept that in this period then, if it wasn't the 6th October,

14:23:54 1 if it was at some stage prior to the vote on Quarryvale?

2 A. Oh, yes it was.

3 Q. 58 That at that stage every vote was important to you.

4 A. Oh, yes.

14:24:06 5 Q. 59 And in fact if it was later in October there were other matters that were

6 impinging, that arose during October?

7 A. Sorry, for example?

8 Q. 60 Well, Tom Gilmartin's bankruptcy came to the fore in that period.

9 A. Yes.

14:24:28 10 Q. 61 The Green Property campaign was intensifying.

11 A. That was intensified, that was going for the whole year.

12 Q. 62 But it was a matter which you were reporting in September and October to

13 the bank as being a matter that needed to be addressed.

14 A. Yes, but that campaign started in September, started in June '91.

14:24:47 15 Q. 63 And it was a matter you were reporting to the bank in October and

16 November, as one of the reasons why you had to drawdown further monies for

17 professional fees.

18 A. Oh, yes.

19 Q. 64 So effectively the closer you became to the vote, the number of issues or

14:25:08 20 tilts that might go against you were increasing.

21 A. Well, I wouldn't say that, I wouldn't say that specifically, Quarryvale

22 was always a difficult vote.

23 Q. 65 Well you now had one of those who was publicly associated with the matter,

24 Mr. Gilmartin, his bankruptcy becoming a matter, first of all to your

14:25:28 25 private knowledge and then into public knowledge.

26 A. I don't think that became a huge issue actually.

27 Q. 66 Then you had an application for outline planning permission by Mr. Sharkey

28 on the Ronanstown site.

29 A. Which was always there as well, had been there for the past two years.

14:25:48 30 Q. 67 No, the application for outline planning permission hadn't been?

14:25:53 1 A. Oh, yes. He had made an application beforehand. That wasn't his first
2 application.

3 Q. 68 But there was an application in October?

4 A. Yes.

14:25:57 5 Q. 69 And in addition to this, tied to this you were advancing the proposal in
6 relation to the national stadium.

7 A. Yes.

8 Q. 70 And again coming into October, your own consultants were advising you that
9 the burden of developing that was going to be greater than what you had
10 anticipated?

11 A. Developing the stadium.

12 Q. 71 The stadium.

13 A. Yes, our own financial consultants were saying that, yes.

14 Q. 72 So effectively, what I want to put to you is that in all those
15 circumstances, to have simply treated any approach as such as is alleged
16 by Tom Hand in a trite and dismissive manner, doesn't seem real?

17 A. Well, I'm afraid it was.

18 Q. 73 And in relation to Tom Hand, it doesn't seem to be any cooling of contact,
19 or engagement by him with either Mr. Dunlop or with Quarryvale project?

14:27:09 20 A. Well, that is correct, if I understand you properly. I hardly new Tom
21 Hand actually.

22 Q. 74 Sorry.

23 A. I barely knew Tom Hand.

24 Q. 75 But your principal activist Mr. Dunlop --

14:27:22 25 A. Yes.

26 Q. 76 -- remains in consistent contact with him?

27 A. Yes, they knew each other well.

28 Q. 77 And there are further meetings, visits to his home in the period leading
29 up to the vote?

14:27:32 30 A. Well I'm not sure of that, but I do know that Frank Dunlop and Tom Hand

14:27:36 1 met quite a bit, quite often, that's correct.

2 Q. 78 You were in town yourself for blocks of weeks at a time.

3 A. Yes.

4 Q. 79 I think you returned once the election was out of the way, in late

14:27:47 5 November, you returned to Dublin?

6 A. Yes.

7 Q. 80 And you were in Dublin for about two weeks, is that correct?

8 A. Oh indeed, for longer I would say.

9 Q. 81 For longer.

14:27:57 10 A. Mm-hmm.

11 Q. 82 I am sure, I assume there was some division of labour as between yourself

12 and Mr. Dunlop?

13 A. Yes.

14 Q. 83 And you were effectively working out of Mr. Dunlop's office?

14:28:05 15 A. Oh, yes, yes indeed.

16 Q. 84 So insofar as there was contact or calls to the office or visits to Mr.

17 Dunlop by Mr. Dunlop to Mr. Hand, they are matters that you would have

18 been appraised of?

19 A. No not really. As I said to you there were 78 councillors I met 76, of

14:28:25 20 the 76 the one man I met the least would have been Tom Hand, I had very,

21 very little discussion with Tom Hand. He was the first councillor I met

22 in, I think early '91 and I met him again before the '91 vote and the next

23 time I met him was the date we are talking about now actually.

24 Q. 85 Well one would expect that Mr. Dunlop would be reporting back to you, not

14:28:50 25 even in a reporting style, but conversing with you as to what he had done

26 the day before, what he is doing today, what he is planning on doing

27 tomorrow?

28 A. Yes he did indeed, I'm afraid Mr. Hand's name very, very rarely came up.

29 Q. 86 If I bring to you page 8598 and by way of example the 1st December, and

14:29:17 30 there are a number of references in Mr. Dunlop's diary to meetings with

- 14:29:22 1 you, or involving you, earlier in the day, I think at 10.30 and 12.30.
- 2 A. Yes.
- 3 Q. 87 I think one with the County Manager, is that correct?
- 4 A. Yes.
- 14:29:34 5 Q. 88 And then Mr. Dunlop's itinerary for the rest of the day seems to be a
6 meeting with Mr. Hand out at his home, with Sean Gilbride and back to you
7 later in the evening?
- 8 A. Yes.
- 9 Q. 89 Well wouldn't that be the type of circumstances in which there would be
10 dialogue as to who was meeting who, what ongoing contact was going?
- 11 A. Yes, it would seem that way, but as I said to you, the late Tom Hand's
12 name came up very, very rarely, between Frank Dunlop and myself.
- 13 Q. 90 And in essence you were running nearly tally sheets on the councillors as
14 the matter progressed?
- 14:30:13 15 A. Oh, yes.
- 16 Q. 91 As to who was voting which way?
- 17 A. Oh, yes indeed.
- 18 Q. 92 So again in those circumstances if as you say was the case, there was an
19 exchange of words between yourself and Mr. Hand, were you not concerned
14:30:28 20 that Mr. Hand might float away?
- 21 A. Sorry, could you repeat that?
- 22 Q. 93 To the extent that you say that there was an exchange of words between
23 yourself and Mr. Hand at a meeting which may have been on the 6th October,
24 but may have been on some other occasion, were you not afraid that his
14:30:47 25 vote would float away?
- 26 A. I said that to him actually.
- 27 Q. 94 What did you say to him?
- 28 A. I suggested to him because of what he asked me for and what he said I
29 wasn't concerned whether he supported Quarryvale or not.
- 14:30:59 30 Q. 95 He again in the circumstances that every vote was nearly critical at this

- 14:31:03 1 stage?
- 2 A. Oh, yes but in a conversation like that the word critical didn't come into
- 3 it, I just told him how I felt and I suggested I didn't mind whether he
- 4 supported Quarryvale or not.
- 14:31:13 5 Q. 96 In relation to this meeting, Mr. Dunlop's evidence to the Tribunal was
- 6 that in relation to the 1991 vote he paid Mr. Hand 10,000 pounds before
- 7 the vote and 10,000 pounds after the vote?
- 8 A. That's his evidence, is it?
- 9 Q. 97 That's his evidence.
- 14:31:30 10 A. Yes.
- 11 Q. 98 And if that was the case, do you accept it would seem somewhat risky of
- 12 Mr. Dunlop to invite you into an encounter with Mr. Hand where that,
- 13 Mr. Hand might relate that fact to you?
- 14 A. Yes, indeed.
- 14:31:52 15 Q. 99 And do you think Mr. Dunlop was prone to take such risks?
- 16 A. I don't know, in fact you'd have to ask him that question yourself, that
- 17 thought didn't cross my mind, I wasn't aware of any payments made to Tom
- 18 Hand.
- 19 Q. 100 And again, as a matter of conversation or argument, would you not expect
- 14:32:12 20 someone in Mr. Hand's situation, if he was making such an approach, to
- 21 actually refer to the fact, look you have paid me 20 for the last vote,
- 22 what is wrong with 20 for the next?
- 23 A. Well obviously that's a risk Frank Dunlop and Tom Hand took, but that
- 24 never arose and I never really took too much notice of Tom Hand's support
- 14:32:36 25 really.
- 26 Q. 101 And if I might bring you then back to the vote in 1991, Mr. Dunlop's
- 27 evidence as I have just said is 10,000 pounds paid on signing of the
- 28 motion and 10,000 pounds after the vote, that's a sum of 20,000. You
- 29 heard nothing of that from Frank Dunlop?
- 14:33:14 30 A. Absolutely.

- 14:33:16 1 Q. 102 All right. Now, Mr. Dunlop says that the source of those funds involved
2 funds which had been paid by your company to him, to a company called
3 Shefran.
- 4 A. Yes.
- 14:33:28 5 Q. 103 And I think in a short period of time you paid 80,000 pounds.
6 A. Yes, correct.
- 7 Q. 104 And you have been here, questioned in detail about some unusual features
8 relating to those invoices, the invoices weren't found.
9 A. Sorry.
- 14:33:47 10 Q. 105 The original invoices weren't found for many years?
11 A. Yes, they were in Cork, yes.
- 12 Q. 106 And when the auditors were looking for them back in '93 or '92/'93 they
13 are report add as having, not having been produced?
14 A. Yes because as I explained they were in files in my own office, yes.
- 14:34:10 15 Q. 107 And the invoices that are then, that photocopies come into being and then
16 you produce other copies when the module, earlier on in this module, fees
17 on letterhead invoices which are made out in the name of Shefran, S H E F
18 R A N?
19 A. Yes.
- 14:34:32 20 Q. 108 And it's not until some months after the date of those invoices that the
21 company name is actually changed to Shefran?
22 A. Sheafran, Sheafran to Shefran.
- 23 Q. 109 From Sheafran to Shefran?
24 A. Yes.
- 14:34:49 25 Q. 110 So someone at some stage, if the invoices are originals had made out
26 letterheads that didn't match the company name, as it existed in May?
27 A. Yes, the company -- yes, that's correct.
- 28 Q. 111 All right. And the payments you were making were lump sum payments
29 without any VAT?
14:35:07 30 A. Yes.

- 14:35:08 1 Q. 112 And they were being made in respect of professional fees?
- 2 A. These were fees to Frank Dunlop, yes.
- 3 Q. 113 But they were professional fees?
- 4 A. Yes, professional fees to Frank Dunlop, yes.
- 14:35:18 5 Q. 114 And in respect of that, they weren't vatable and insofar as there is any
6 detail in the invoices it's extremely sketchy?
- 7 A. Not really, no.
- 8 Q. 115 Well --
- 9 A. I wouldn't say sketchy by any means.
- 14:35:38 10 Q. 116 I think your evidence is that you have been in the building trade for
11 decades, as a builder?
- 12 A. Yes.
- 13 Q. 117 Right. So I assume as a builder you would effectively know the cost at
14 any particular time, of the various inputs into any building project?
- 14:35:58 15 A. Depends on the size of the company.
- 16 Q. 118 You'd know what 100 doors cost, what roofing materials cost, what --
- 17 A. Depends on the size of the company.
- 18 Q. 119 But these are matters you would be familiar with?
- 19 A. Not at all, not at all.
- 14:36:14 20 Q. 120 That as an experienced builder and developer you'd have an innate
21 knowledge of what things might cost?
- 22 A. Yes, you wouldn't know exactly what things like that cost, you wouldn't be
23 able to control every aspect of it I'm afraid.
- 24 Q. 121 With architects if you were entering into an agreement with an architect,
14:36:34 25 even at the development stage, there would be either some model on which
26 you'd measure payments, or present your development cost?
- 27 A. That totally depends whether you are a developer or a builder I'm afraid
28 there is a huge distinction.
- 29 Q. 122 But in relation to Mr. --
- 14:36:47 30 A. If you are talking as a developer you had a contractor who does all those

- 14:36:52 1 things for you so you don't know what those things cost I'm afraid.
- 2 Q. 123 If it was a design and build?
- 3 A. That would probably make it worse actually.
- 4 Q. 124 In fact you'd be quite familiar with yourself with the approach to costing
- 14:37:05 5 projects?
- 6 A. As a builder yes, but as a developer no.
- 7 Q. 125 Okay. So in relation to Frank Dunlop you set upon a relationship with him
- 8 in which there is no advance quantification of what he is going to be
- 9 paid?
- 14:37:23 10 A. Oh, yes there was.
- 11 Q. 126 Well there is no documentation setting out?
- 12 A. Frank fees were agreed.
- 13 Q. 127 There is no document setting it out.
- 14 A. They were agreed verbally as to what they would be in '91, '92.
- 14:37:38 15 Q. 128 Or agreed how the figures would be measured?
- 16 A. Yes, the figures were agreed.
- 17 Q. 129 But if he did nothing?
- 18 A. Well he wouldn't get paid.
- 19 Q. 130 So effectively we have 80,000 and within a matter of two weeks a second
- 14:37:52 20 payment of 40,000 is made?
- 21 A. Yes. This was a total fee of 80,000 pound for the professional fees to be
- 22 paid to Frank Dunlop up to the '91 election and the balance which was
- 23 95,000 was for right up to after the vote in '92. So these fees could
- 24 have been paid as a lump sum, they could have been paid up front to Frank
- 14:38:13 25 Dunlop or paid in stages to Frank Dunlop, depending on what he chose.
- 26 Q. 131 So one way or another, for whatever purposes, you gave Mr. Dunlop 80,000?
- 27 A. How much sorry?
- 28 Q. 132 You give Mr. Dunlop's company 80,000?
- 29 A. In three staged payments, yes.
- 14:38:29 30 Q. 133 And the Tribunal then has to believe Mr. Dunlop, that out of that sum he

14:38:35 1 gives to one councillor, for one signature, 20,000?

2 A. Well I don't know about that actually.

3 Q. 134 Well he was your partner, he might have --

4 A. He was what?

14:38:47 5 Q. 135 He was your partner?

6 A. No he was not my partner, sorry.

7 Q. 136 Well he was your promotional partner?

8 A. They are his fees, they are just like your fees I wouldn't ask what you

9 did with your fees I'm afraid.

14:39:00 10 Q. 137 There would be VAT on them for starters?

11 A. Could well be, yes.

12 Q. 138 I presume when you pass them to your accounts department they would be

13 familiar, they'd know straightaway that this is not a none VAT item?

14 A. Yes they would very yes but they could also assume that VAT would be paid

14:39:15 15 at the end of the fees when all the fees were paid at the end that the VAT

16 would be paid as one lump sum.

17 Q. 139 So it was a payment on account?

18 A. Yes.

19 Q. 140 Per se?

14:39:24 20 A. Could have been, as far as the accounts department were concerned, that's

21 correct, yes.

22 Q. 141 But not in terms of their obligation to account for the VAT?

23 A. Sorry.

24 Q. 142 Not in terms of the obligation?

14:39:34 25 A. I don't understand you.

26 Q. 143 Well in respect of putting in a VAT claim or a VAT set off?

27 A. Yes, that's a separate issue.

28 Q. 144 So one way or another from your years of dealing with Mr. Dunlop you have

29 no view as to whether he is the type of person who would pay 20,000 for

14:39:57 30 one vote?

- 14:39:59 1 A. No I'm not, I would have no knowledge of that, of course.
- 2 Q. 145 I know you have kind of dismissed the 100,000 pounds that Mr. Hand
3 referred to in relation to the Green Property, did it not come into your
4 mind to use this as a --
- 14:40:41 5 A. You see I'm not sure, I don't like using the word dismiss with the late
6 Tom Hand because the man is not with us any more. I'm not quite sure that
7 he actually mentioned the word, that he mentioned 100,000 pounds to me at
8 that two minute meeting. I'm not quite sure, maybe it was Frank Dunlop
9 said it to me afterwards.
- 14:41:01 10 Q. 146 And can I -- one aspect that Mr. Dunlop has averted to was and I think you
11 averted to it, that this was a matter you were going to take up with the
12 Fine Gael party?
- 13 A. No I wasn't, I asked Frank Dunlop what should we do about this and he
14 suggested he would take it up with the leader of the Fine Gael party and
15 that's where it was left.
- 14:41:21 16 Q. 147 Well the Fine Gael headquarters were what, 20 yards across the road from
17 where the meeting took place?
- 18 A. Yes.
- 19 Q. 148 And I think on the day, on the 6th October Mr. Dunlop was meeting
14:41:45 20 Ms. Ridge, who was the vice-chairman of Dublin City, Dublin County
21 Council?
- 22 A. I'm not sure of that, it could have been yes, you could be right, I'm not
23 sure.
- 24 Q. 149 And I think, without going through the diaries, there is quite a bit of
14:42:00 25 engagement with a whole range of Fine Gael politicians on the days that
26 follow?
- 27 A. Oh, yes, yes there would have been, yes.
- 28 Q. 150 Senior Fine Gael politicians, Nora Owen?
- 29 A. Well I'm not sure of that.
- 14:42:19 30 Q. 151 And councillors that would have more influence on the council or in the

14:42:23 1 Dail, Sean Barrett, Donal Marren?

2 A. Yes.

3 Q. 152 And there is no major issue made?

4 A. Yes.

14:42:39 5 Q. 153 Does that surprise you?

6 A. Not really, because I think what Frank Dunlop decided he would do and I

7 left it to him I'm afraid, was that he would speak to I think he said the

8 leader of the party, so it was John Bruton he was going to speak to. I'm

9 not quite sure but he might have mentioned it to somebody else in the

14:42:57 10 meantime, I can't speak for that, for him.

11 Q. 154 Thank you, Mr. O'Callaghan.

12

13 MS. DILLON: I understand that that concludes the cross-examination for

14 today and Mr. Sreenan and Mr. Cush tomorrow morning.

14:43:16 15

16 CHAIRMAN: Tomorrow morning at half past ten.

17

18 MS. DILLON: At 10 o'clock. I think to facilitate Mr. Cush I think, I

19 think that's the position? Yes. 10 o'clock tomorrow for counsel for

14:43:29 20 Mr. Albert Reynolds.

21

22 CHAIRMAN: All right. Thank you Mr. O'Callaghan.

23

24 **THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING DAY,**

14:43:46 25 **WEDNESDAY 22ND OCTOBER 2008 AT 10 AM.**

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