

09:20:10 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**

2 **6TH APRIL, 2006, AT 10:00 A.M.:**

3
4 CHAIRMAN: Good morning, Mr. Quinn.

10:03:47 5
6 MR. QUINN: Good morning, Sir.

7 Mr. Dunlop, please.

8
9 It is envisaged that Mr. Hayden will continue with his cross-examination of Mr.
10 Dunlop.

11
12 CHAIRMAN: I'm sure he will.

13
14 CHAIRMAN: Good morning, Mr. Dunlop

10:04:04 15 A. Good morning.

16
17 **MR. FRANK DUNLOP HAVING BEEN SWORN, WAS QUESTIONED**

18 **BY MR. HAYDEN AS FOLLOWS:**

19
10:04:07 20 Q. 1 I think on the last occasion I finished with a question in relation to the
21 meeting, that you say occurred on the 30th of May, and that was your diary
22 entry in relation to that. Just apropos that, I just ask you how that occurred
23 when it would appear that Mr. White was in France until at least the day after
24 that.

10:04:30 25
26 I think you have now, might have seen sight of a letter from Palmer and Parker,
27 which is to confirm the following. At page 1290. You see that? The server
28 hasn't come up yet.

10:04:58 30 MR. QUINN: I think we have a a problem with our server. We'll get Mr. Dunlop

10:05:02 1 a copy.

2 A. I have a photocopy.

3 Q. 2 MR. HAYDEN: You see what that says?

4 A. Uh-huh.

10:05:07 5 Q. 3 It seems to be the position that Mr. White had in fact booked a two week
6 holiday in France commencing on the 17th of May. Obviously, if that is
7 correct and if he was there he couldn't have the met you on the 30th?

8 A. Well, I note the conditional context of which you put it, if that is correct.
9 I mean, he is in my diary for Wednesday, May the 30th. And he's not there
10 capriciously. He's there because there was an arrangement. My diary is my
11 diary.

12 Q. 4 Just like your diary was for Mr. Larkin when he was in hospital.

13 A. Mr. Larkin wasn't in the diary.

14 Q. 5 Just like it was at your meeting with Mr. Lydon when he was down in Dun
10:05:57 15 Laoghaire --
16

17 MR. REDMOND: On behalf of Mr. Dunlop, insofar as Mr. Hayden is attempting to
18 suggest that Mr. Dunlop's diary was in contravention of the evidence of Mr.
19 Lydon in relation to his presence in Dun Laoghaire. I think the evidence was
10:06:16 20 quite clear and adduced by Counsel for the Tribunal. He had more than enough
21 to time to get back, if that were the case. That the presence at the Euro
22 Convention which I think it was in Dun Laoghaire, was not one which ran for the
23 entire day. He was a speaker for I think 45 minutes at a particular point in
24 the day and could easily have made his way back to St John of Gods for the
10:06:37 25 meeting which was in Mr. Dunlop's diary.
26

27 Therefore, I think it is inappropriate for Mr. Hayden to put the question in
28 that format in view of the evidence which was adduced.
29

10:06:47 30 CHAIRMAN: I'm sure Mr. Hayden will accept that that is in fact a correct

- 10:06:50 1 account of the evidence in relation to that issue.
2
- 3 Q. 6 MR. HAYDEN: Well I know you take the view that in some form of fashion that
4 the question was conditional.
- 10:07:01 5 I have to put it to you that my client's evidence will be that he was, he had
6 booked and he was in France and that he wasn't, I couldn't have met you on the
7 30th?
- 8 A. Oh no, Mr. Hayden, I'm not trying to adduce something. You actually said if
9 it is correct. And it was on that line. That's why I said I noted the
10 conditional element of which you met the question.
- 11 Q. 7 We'll clarify the conditional element. You are saying that he was there?
- 12 A. I can do no more than to tell you, as I have done before in other modules and
13 obviously will have to do again. That a person is in my diary -- it is not
14 deleted. There is no question mark. There is significance changes in the
15 diary in relation to appointments during the course of that particular week.
16 Mr. Robert White's name persists.
- 17 Q. 8 Tell me, in relation to the diary entries and when you say you first met him.
18 The first time that you say that you met him in May of 1990 is in your
19 statement, your most recent statement. At least, in the sense of any
20 documentation received other than coming up when there's a hearing of this
21 Module.
- 22 A. Yes.
- 23 Q. 9 And just to clarify. Your initial statement in, to the Tribunal.
- 24 A. Yes.
- 10:08:17 25 Q. 10 I think arriving out of both the statements I've already opened to you where
26 you say you met him in late 1990 and 1991.
- 27 A. Yes.
- 28 Q. 11 And that was given in 2000.
- 29 A. Yes.
- 10:08:28 30 Q. 12 And you again in direct testimony say at page 730, if we might have that.

10:08:33 1 Sorry, 728. This is a transcript of your evidence on the 19th of May, 2000.

2 A. That's a letter --

3 Q. 13 728. 728.

4 A. Yes, sorry.

10:09:02 5 Q. 14 And you see there question 16.

6 "Mr. Gallagher. Is that O'Neill?

7 A: No, Tim Rowe is the other man. I was approached by White I think in the

8 latter part of 1990. It was around December 1990."

9 A. Uh-huh.

10:09:15 10 Q. 15 That's your evidence. Your written statement that you furnish in October,

11 says 1990. Late 1990. And I just wonder in that regard, you go again at

12 page 730. At line -- sorry about that. Line I think it's 10 or 11. Sorry,

13 12.

14 "I cannot absolutely say to you whether I got the 5,000. In this particular

10:09:45 15 one the initial contact was late 1990."

16 A. I cannot say that I got more than 5,000 Mr. Hayden. In this particular one --

17 yes.

18 Q. 16 Yes. You see, every where up until we get to here at this time your contact

19 seems to have been at all times. And not just an answer unprepared, in the

10:10:07 20 sense that the statement of the 19th of May, as I understand it. And

21 obviously, I wasn't party to any of this. As I understand it, had flown from

22 an earlier private interview you had with the Tribunal on the 18th of May. At

23 least one private interview on the 18th of May.

24

10:10:26 25 So, obviously when you gave evidence on oath on the 19th of May it wasn't out

26 of the blue that these issues had arisen. And that stage under oath, you had

27 indicated that your view was that the meeting happened in late 1990.

28 A. Yes.

29 Q. 17 So you then gave the statement that I've opened to you already with the

10:10:45 30 attachment, the appendix, which again you say late 1990, isn't that correct?

- 10:10:50 1 A. Correct.
- 2 Q. 18 And I just wonder how, if under oath then it was late 1990 you square that with
3 your present testimony where you now say you met him much earlier?
- 4 A. Well I can't get away from diary entries. And the diary entries are quite
10:11:09 5 clear. And there is documentary evidence by note of a meeting in July, which
6 is not late 1990. And that's all I can say to you.
- 7 Q. 19 May we take it then, that you have no actual recollection of any meetings other
8 than by way of reference to the diary entries?
- 9 A. No, no, no I have recollections of meeting your client in the Shelbourne.
- 10:11:36 10 Q. 20 Well then why is it, Mr. Dunlop, when you gave evidence in 2000. On the 18th
11 and, or 19th of May 2000, why is it on that occasion there is no reference to
12 any of this earlier transactions when the bulk of the meetings, that you now
13 say occurred, are referred to in your more recent statement?
- 14 A. Well the only answer I can give to you, to give to that is that I did meet your
10:12:00 15 client, as he well knows, in 1990. I did meet him in specific locations. I
16 did meet him following one meeting which I had with him in which I formed a
17 view. And as a result I made a note, thankfully. Which is specifically
18 dated and timed, which is in mid 1990. And that was not the first time which
19 I met him.
- 10:12:27 20 Q. 21 Could you just answer the question, Mr. Dunlop. Why, if you had all of these
21 meetings, you didn't say you had these meetings when you were specifically
22 asked by the Tribunal team in a private interview on the 18th of May presumably
23 and certainly in your direct testimony as I have opened on the 19th of May.
24 Did you say -- you were quite specifically, you actually say late 1990, you
10:12:53 25 felt December?
- 26 A. Yeah.
- 27 Q. 22 How is it that you gave that evidence because you also say in that evidence
28 that you have checked, we'll go through it, you have checked to see what
29 details there are?
- 10:13:04 30 A. Uh-huh.

- 10:13:04 1 Q. 23 If you checked in 1990. Sorry, in 2000. Why didn't we hear about the much
2 earlier meetings?
- 3 A. Well in answer to the questions that I was asked both in private and in public
4 session in relation to the substantive matters whether I had a relationship
10:13:21 5 with your client, yes. I said yes. And that I had met him in 1990. I
6 didn't give specific dates. I said, as is evident from the transcript, that I
7 thought it was late 1990. And that is what I said.
- 8 Q. 24 But you went a bit more than that, Mr. Dunlop. Because you go on, on page
9 730, to say in this particular one, "The initial contact was late 1990. This
10:13:41 10 is over ten years ago. I have tried to search every file in every cabinet and
11 haven't traced anything."
- 12 A. Yes.
- 13 Q. 25 So it's clear that by the time you came to give this answer, you will actually
14 had done some inquiry before you came to give evidence?
- 10:14:04 15 A. In 2000.
- 16 Q. 26 Yes.
- 17 A. Yeah.
- 18 Q. 27 I would have thought if your evidence, if you had done that one would have
19 expected to see what you're talking about now, the diary entries?
- 10:14:09 20 A. Well I don't accept that in the circumstances.
- 21 Q. 28 Did you look at the diaries?
- 22 A. I can't say to you that I did. I can't say absolutely to you that I did.
23 There was quite a significant amount of things happening at the time. It's
24 six years ago now, almost to the day. But I keep making the point to you that
10:14:30 25 your client's name is in my diary for specific reasons. I did not know your
26 client until I was introduced to him or I was contacted about him. And I was
27 contacted about him by another person.
- 28 Q. 29 You see, are you telling this Tribunal under oath that you did or you did not
29 check your diaries before you gave that evidence back in 1990?
- 10:14:53 30 A. I'm not -- I cannot absolutely recollect to you as I sit here now. When I was

10:14:58 1 giving evidence in 1990 -- in 2000, sorry. If you use the wrong date
2 Mr. Hayden, I tend to use the wrong date as well.

3 Q. 30 But sure we've seen that.

4 A. No, no, no. You're using 1990, it's 2000. When I gave in evidence 2000, I'm
10:15:18 5 not specifically saying either at the private sessions or in public that I had
6 checked the diaries. No, I'm not. I cannot say absolutely. I've checked
7 as much as I possibly could at the time, within the period of days or weeks
8 that were available. It wasn't until much later when things began to get more
9 detailed that the diaries became important.

10:15:44 10 Q. 31 But, Mr. Dunlop, if it's much later and if you are suggesting that there was
11 some time constraint between when the road map, for want of a phrase that we
12 have seen, we've heard before.

13 A. Uh-huh.

14 Q. 32 And as I understand it, you at that time, I don't wish to delay this module of
10:16:04 15 the Tribunal in relation to the theory of how the road map came into existence,
16 and so forth. I think it's well rehearse. It's not nothing to do with my
17 client.

18 A. No, I suggested the road map. I was the one who suggested the road map.

19 Q. 33 Yes, well, we know how the road map happened. As I understand, you were giving
10:16:19 20 evidence, you then stopped giving evidence on that occasion. Went away to
21 prepare a statement and so forth and the lists. Because it's quite clear when
22 one looks at the transcript of your evidence and being brought through it by
23 Mr. Hanratty. You prepared a handwritten note on each of the occasions. And
24 clearly that wasn't something that came out of your head on the morning. So
10:16:40 25 you obviously had to do some research. I'm not interested in that aspect of
26 the matter for the purposes of the question.

27

28 But you do come to give your statement in October 2000. Which is this, the
29 short section on the Duff lands.

10:16:55 30 A. Uh-huh.

10:16:56 1 Q. 34 Again, repeating the late 1990s, early 1991 contact. So whatever about the
2 time frame between April and May being somewhat short. You now have quite a
3 considerable period of time between that date and when you provided the
4 statement through your solicitors. And one would have expected if you look at
10:17:17 5 the diaries between those two dates. Between the 19th of May 2000 and the
6 furnishing of the statement in October 2000.

7 A. It's a plausible suggestion but I cannot absolutely say to you that I went
8 through the diaries absolutely day by day over a period in relation to your
9 client. There were fairly big issues in relation to other matters. Which
10:17:43 10 was the remit of the Tribunal in the first instance that were at issue. But
11 it's a plausible suggestion but I'm not absolutely saying to you that I did or
12 I didn't.

13 What I'm saying to you quite simply and straight forwardly is that your
14 client's name is in my diary. And he's not there, as I said to you at the
10:18:04 15 outset capriciously. He's there for a reason.

16 Q. 35 Uh-huh.

17 A. On a number of occasions.

18 Q. 36 You see, as you're aware, my client will say that he did meet you in late 1990?

19 A. He did?

10:18:17 20 Q. 37 He did meet you in late 1990.

21 A. Yes.

22 Q. 38 And he has consistently indicated that. And he will say that the relationship
23 ended in early 1991. And that seems now to be the case certainly on the basis
24 of a correction on the diaries.

10:18:29 25 A. March.

26 Q. 39 If your diaries, if your recollection is so clear independently even of the
27 diary entries, Mr. Dunlop, how did it come to pass in preparing your statement
28 that we were going through on the last occasion, that it didn't come to your
29 attention that these dates were entirely wrong, out of sequence. If your
10:18:53 30 recollection is so and it's not just dependent on the diaries --

10:18:54 1 MR. REDMOND: Mr. Chairman, again, before Mr. Dunlop answer that question.
2 The premises put forward by Mr. Hayden is that, Mr. White has consistently said
3 it was in late 1990 he met him. The first statement given by Mr. White to the
4 Tribunal simply says during 1990 I met him. In a subsequent statement a year
10:19:13 5 and a half later he says in late 1990 or early 1991.

6
7 So there has not been a consistent argument put forward on Mr. White in
8 relation to the time of that meeting. I think it would be unfair to allow
9 Mr. Hayden put the question on that premise.

10:19:29 10
11 MR. HAYDEN: I know this is a Tribunal and the normal Rules of Evidence rarely
12 apply. But I don't see how My Friend has any valid grounds to object to my
13 cross-examination on that basis. Other than interfering, in my respectful
14 submission, what I thought was a legitimate inquiry in relation to Mr. Dunlop's
10:19:44 15 recollection. Other than going to his client's aid in that regard. I don't
16 understand how that is a valid objection.

17
18 CHAIRMAN: No, I think you are entitled to proceed. Certainly, if, I mean,
19 you can raise it with Mr. Dunlop later if you wish in your examination of him.
10:20:00 20 I think Mr. Hayden is entitled to put the question he put and I think Mr.
21 Dunlop is well able to deal with it.

22
23 MR. REDMOND: I appreciate that, Chairman, but I am simply querying the fact
24 that insofar as the question is based on the premises that Mr. White has given
10:20:13 25 a consistent time frame. He has not, based on his own statements.

26
27 CHAIRMAN: We can deal with that when Mr. White is giving evidence. Perhaps
28 if you put the question again, Mr. Hayden.

29
10:20:25 30

- 10:20:25 1 Q. 40 MR. HAYDEN: How is it, Mr. Dunlop, that if your memory is such that even
2 independent of the diaries you recollect the events that they refer to, when it
3 came to you preparing your statement it didn't trigger a concern in your mind
4 that hold on, these dates must wrong, they are an entire year out?
- 10:20:45 5 A. It didn't. I had a relationship with your client which I have outlined. The
6 substance of which I have outlined. The reasons for it and in the originals
7 of my diary. And they can be produced. He appears.
- 8 Q. 41 That wasn't the question I asked you. I asked you if you say -- if you are
9 correct in your evidence. A moment ago to me, you say that you have the
10:21:13 10 recollection of the various meetings. Why is it if you have an actual
11 recollection as distinct from an entry in the diary as being the grounds or the
12 basis put forward for identifying it. How is it then, Mr. Dunlop, if you have
13 an actual recollection, that recollection didn't identify to you that it
14 couldn't have been the 7th of December 1991. It couldn't have been the 14th
10:21:34 15 of December 1991. It couldn't have been the dates in November and October
16 1991 or in May of 1991?
- 17 A. The substantive issue is that I had meetings with your client. And they are
18 evidenced from my diary. And that is it. I think we have traversed the
19 issue in relation to the basis on which the statement was made, on foot of the
10:21:58 20 circulation and documentation by the Tribunal. And I went through that the
21 last day and so did my counsel.
22
23 The fact of the matter is, and I keep coming back to this essential point.
24 Your client appears in my diary on specific occasions. He doesn't appear
10:22:18 25 there as I keep saying capriciously. He appears because for a reason.
- 26 Q. 42 Uh-huh. In any event --
- 27 A. Right.
- 28 Q. 43 We can agree that -- well the Tribunal can establish for itself whether you've
29 answered the question or not --
- 10:22:34 30 A. You've made a point, Mr. Hayden, that I'm sure you're going to deal with. But

10:22:40 1 you said late 1990.

2 Q. 44 Are you finished with this?

3 A. Yes, I met your client well before late 1990.

4 Q. 45 Then I'll just continue with the questions.

10:22:55 5 You then indicate and just for this, for the purpose of the record. Again, in

6 199 -- in 2000 on the 19th of May you again give a number of additional items

7 at that hearing. I have identified to you the issue in relation to the

8 approach as you've said then in December.

9 You go on to say as I understand it at least, that on page 729. It comes to

10:23:41 10 this issue of the alleged payment to Mr. Gallagher. Sorry, I won't use the

11 alleged because you will only correct me. It's your contention that there was

12 a payment made to Mr. Gallagher. You see that in question 19?

13 A. Yes.

14 Q. 46 On that occasion. And this flowed from, as I understand it, again, a private

10:24:02 15 interview on the 18th of May where these issues had already been discussed in

16 private with the Tribunal team. Isn't that correct?

17 A. Is this a public session or a private session?

18 Q. 47 This is a public session.

19 A. Right. Yes, okay.

10:24:20 20 Q. 48 On Friday the 19th of May. It starts, as I understand it anyway.

21 A. Yeah.

22 Q. 49 And on that occasion you've had an interview on the 18th. This is on the

23 19th. And can you tell me. You see in the answer there "I went and spoke to

24 Cyril Gallagher. Cyril said that Robert was far too enthusiastic. He thought

10:24:50 25 things were going to happen overnight. That is not the way things were done.

26 They were taking quite a long time. I certainly gave Cyril 2,000 on that

27 occasion."

28 A. Yeah.

29 Q. 50 What date was that occasion?

10:25:00 30 A. I can't give you a specific date.

- 10:25:04 1 Q. 51 Well, you clearly seem to have a direct memory of a meeting with Mr. Gallagher,
2 you say, at which this was discussed, at which you say you gave money to
3 Mr. Gallagher.
- 4 A. Yes.
- 10:25:14 5 Q. 52 And it strikes me as extraordinary, Mr. Dunlop, that you can't in the sequence
6 of events since you are quite specific about it here, identify when that date
7 occurs.
- 8 A. Well, I met Mr. Gallagher. And I think I've gone through this on a number of
9 occasions. I met Mr. Gallagher many times.
- 10:25:32 10 Q. 53 I'm only asking you about that occasion, Mr. Dunlop.
- 11 A. Yes, I have already said that I cannot give you a specific date.
- 12 Q. 54 Is it because it never happened at all?
- 13 A. No, that is not true.
- 14 Q. 55 Well you go on to say, that in the next question. Question 20.
- 10:25:46 15 A. Yes.
- 16 Q. 56 "GV, can you remember anybody else who gave money. GV, I cannot remember the
17 exact amount that I gave but I am certain that it was just 1,000 pounds because
18 I was absolutely certain from the comments that had been made that GV was
19 elsewhere."
- 10:26:04 20 A. Yes.
- 21 Q. 57 So you were absolutely certain on that occasion.
- 22 A. Uh-huh.
- 23 Q. 58 That you gave GV. You have since said that was an error.
- 24 A. Yes, 2003.
- 10:26:14 25 Q. 59 And isn't the difference between Mr. Gallagher and Mr. Wright is that Mr.
26 Wright is here in a position to contradict you. Whereas, Mr. Gallagher isn't.
- 27 A. That's not true. Well it's true, it is 2003. I mean, Mr. Gallagher is not
28 here, I've said that on a number of occasions. Sadly he's not here. But
29 that does not apply.
- 10:26:37 30 Q. 60 Isn't that all the more reason why, if your evidence is to have any shred of

10:26:41 1 credibility, Mr. Dunlop, all the more reason for you to be in a position to
2 help this Tribunal, to say when you say this physical event of handing money to
3 Mr. Gallagher. And the fact you can't seems to me extraordinary. So I'll
4 give you one more opportunity. What month, May, June, July, August,
10:27:01 5 September, October, November, December, January?
6 A. Certainly not. No, I cannot give you a date.
7 Q. 61 But you are absolutely certain on that occasion that you gave money to Mr.
8 Wright.
9 A. Yes.
10:27:12 10 Q. 62 And became even more absolutely certain that you didn't when the matter was
11 looked into even further.
12 A. Yes.
13 Q. 63 How is that the case? How could you have been so absolutely certain, having
14 done the inquiry Mr. Dunlop? Having had the interview with the Tribunal even
10:27:26 15 the day before on this in private session. How is it the case that you could
16 be so absolutely certain and yet, now so absolutely certain you were wrong?
17 A. Well there are so many certainties and absolute certainties in that. I have
18 already said and I'm saying again. Two issues. One, in relation to Cyril
19 Gallagher, which I have answered. I cannot give you a date. And I have said
10:27:50 20 that to his own counsel -- to his own solicitor.
21 Secondly in, relation to GV Wright. Yes, I did say what is there and I did
22 correct it. And I can say no more to you. And will not say any more to you.
23 Q. 64 In relation to the 5,000 you say you got. And as I understand it, that is two
24 occasions; between the 7th and 10th of August as I understand your evidence to
10:28:18 25 be.
26 A. Yes.
27 Q. 65 Can you show me in your accounts where the recording of the receipt of that
28 money is set out, even the 3,000 that's left?
29 A. No.
10:28:32 30 Q. 66 Because it's not, sure it isn't?

- 10:28:34 1 A. No, no, no.
- 2 Q. 67 It's reflected nowhere in any of the records that we have seen in relation to
3 your accounts.
- 4 A. It's cash.
- 10:28:51 5 Q. 68 Sorry, Mr. Dunlop. As I understand, even on your own evidence, you are to be
6 paid 10,000 and VAT plus a success fiat the end. And reference is made to
7 cash, isn't that correct?
- 8 A. That is the note made after the meeting in July with your client.
- 9 Q. 69 Yes. I'll be coming back to that in a minute. Can you tell me where was the
10 3,000 accounted for? If you say you gave the 2,000 to Mr. Gallagher at some
11 stage. Now, as I understand it, it seems you gave it to him before you got
12 the -- sorry, you just don't know.
- 13 Can you tell me where in the accounts the balance is recorded?
- 14 A. It's not. Well I can't.
- 10:29:27 15 Q. 70 And isn't it the case that -- initially as I understood your position to be,
16 you had taken the view that the monies were that you had received were given to
17 both Mr. Wright and Mr. Gallagher?
- 18 A. Uh-huh.
- 19 Q. 71 And wasn't that a convenient way of you being able to explain why these monies
10:29:44 20 were not actually monies kept by you and not recorded? You were going to
21 indicate that you paid them to third parties.
- 22 A. No.
- 23 Q. 72 It seems to reflect the position certainly your initial answering in 2000 was a
24 method of explaining how you say you disposed of funds you say you received
10:30:03 25 from Mr. White, by passing them on to third parties. And isn't the whole
26 reason behind that to give an explanation as to why you are not liable in any
27 form or fashion for that income?
- 28 A. That is not the raison death. The raison death is as laid out in the remit of
29 the Tribunal, to establish whether or not monies were paid to councillors.
- 10:30:27 30 Q. 73 In a note that you annexed to your statement at page, I think it's 291.

10:30:43 1
2 JUDGE FAHERTY: 293, I think, Mr. Hayden. Is that it?
3
4 MR. HAYDEN: Yeah. 293 is the actual. That's correct.

10:30:55 5 Q. 74 When you were preparing your statement, if that note -- you say that note came
6 into existence on the 25th of the 7th 1990?
7 A. Yes, it's dated the 27th -- the 25th of the 7th 1990.

8 Q. 75 And --
9 A. Timed.

10:31:10 10 Q. 76 Yes. It's an independent page separate on -- it's not in any sequence or
11 documents or books or numbered pages, sure it's not? It's just a stand alone
12 page out of some --
13 A. Well it's obviously written on lined notepaper out of a notebook, a note pad.

14 Q. 77 And where was it kept?
10:31:36 15 A. Where was it kept? Um, it was kept at some place in my office. Some filing
16 cabinet, some file in relation to the Duff lands.
17 Q. 78 So it was in some file in the Duff lands?
18 A. It was in some file in the filing cabinet, yes.

19 Q. 79 I just want to be clear on this. Or you're not clear. You can't remember
10:32:02 20 where it was kept?
21 A. I can't give you a specific location where it was kept. It was obviously kept
22 in my office somewhere, yes.

23 Q. 80 Mr. Dunlop, one last time. Was it kept in a file on the Duff lands, was it
24 kept on the top of a filing cabinet, was it kept in a jam jar? I don't mind
10:32:22 25 where --
26 A. I did say filing cabinet already. So I mean it's kept in a filing cabinet
27 somewhere.

28 Q. 81 So we can out rule the jam jar?
29 A. Don't normally keep files in a jam jar, Mr. Hayden.

10:32:35 30 CHAIRMAN: Mr. Dunlop, I mean, was there a file on the Duff lands? I assume

10:32:42 1 if this note was --

2 A. Yes. Yes, there was some documentation available in a file in relation to the

3 Duff lands, Judge, yes. I can't specifically say to you, or to Mr. Hayden,

4 where that file was. It was in a filing cabinet somewhere.

10:32:57 5

6 CHAIRMAN: But would that have been one file or?

7 A. No, not necessarily. But I can't absolutely say to you.

8

9 CHAIRMAN: And what title or name would have been on the file?

10:33:12 10 A. Either "Duff" or "Robert White." I just can't say to you. I've always took

11 the view in relation to the lands that it was the Duff lands and Robert White

12 that was involved. That's the main contact that I had in relation to these

13 lands was with Robert White.

14

10:33:32 15 CHAIRMAN: All right.

16

17 Q. 82 MR. HAYDEN: It's just and it may be just my misunderstanding, my lack of

18 understanding in relation to how the documents were furnished to my solicitors.

19 But there doesn't seem to be a schedule of documents or identified as a file

10:33:48 20 furnished by you?

21 A. Yeah.

22 Q. 83 So what was in -- so there seems to have been a file furnished by you to the

23 Tribunal?

24 A. Well this documentation that, this other documentation in relation to Nosaka

10:34:01 25 Limited. That obviously was in my possession because I discovered it to the

26 Tribunal. So there was, in trying to assist you in relation to your question.

27 There obviously was some documentation available to, in relation to these lands

28 in some occasion in some format in a filing cabinet somewhere in my office.

29 Q. 84 I'm with you on that in relation to, at least insofar as I understand the

10:34:28 30 answer you're giving me.

10:34:29 1 A. Uh-huh.

2 Q. 85 All I'm indicating. It may be just my misunderstanding, sorry, from the
3 Tribunal's point of view. It may be in the booklet that the documents have
4 been incorporated, not in the file format. I just don't know. But I
10:34:42 5 certainly don't have a sequence of documents as constituting a file received
6 from, it may be a thing of nothing but ...
7
8 CHAIRMAN: I think the brief would contain all of the documents that Mr, on
9 Duff, that Mr. Dunlop would have.

10:34:59 10
11 MR. QUINN: Yes, all relevant documents.
12
13 CHAIRMAN: But are they in? I mean, it's not possible to identify from the
14 brief what documents came from Mr. Dunlop in the sense that they might have
10:35:16 15 existed in a file.
16
17 MR. QUINN: No. I mean --
18
19 CHAIRMAN: They would be dealt with in chronological order.

10:35:23 20
21 MR. QUINN: Mr. Dunlop when he provided his statement in 2000, provided that
22 document which is now on screen to the Tribunal as part of that statement and
23 obviously that's included in the brief. And then Mr. Dunlop would have had an
24 order for discovery made against him in relation to these lands. Such of
10:35:43 25 those documents as the Tribunal considered relevant would have been included in
26 the brief.
27
28 CHAIRMAN: So this handwritten document came on its own?
29

10:35:50 30 MR. QUINN: It came with Mr. Dunlop's statement in October 2000.

- 10:35:54 1
- 2 CHAIRMAN: All right.
- 3
- 4 Q. 86 MR. HAYDEN: So that didn't come to the Tribunal in the file that you say that
- 10:36:01 5 you had?
- 6 A. It came in the format when -- on discovery. When I was asked to make a
- 7 statement in.
- 8 Q. 87 October 2000.
- 9 A. October 2000, yes.
- 10:36:14 10 Q. 88 Well if that's the case then.
- 11 A. Yeah.
- 12 Q. 89 So we may take it then at least from the Tribunal's point of view the way they
- 13 get this document is a stand alone statement annexed to your statement, not in
- 14 any file furnished to you subsequently. Isn't that correct?
- 10:36:29 15 A. Yes, I think that's correct, yes.
- 16 Q. 90 And if your evidence is correct in, on the 19th of May 2000, Mr. Dunlop, why is
- 17 it when you answered question 22 on page 730 in relation to when you say the
- 18 contact occurred with Mr. White?
- 19 A. Uh-huh.
- 10:36:49 20 Q. 91 Why is it on that occasion you say the following. "I cannot absolutely say to
- 21 you that I got more than 5,000. In this particular one the initial contact was
- 22 late 1991. This is over ten years ago. I have tried to search every file in
- 23 every cabinet. I haven't traced anything."
- 24 A. Uh-huh. I have already given this. What date are you talking about now.
- 10:37:10 25 Q. 92 That's the point Mr. Dunlop. You haven't already given it. You gave that
- 26 statement on the 19th of May 2000?
- 27 A. Yes.
- 28 Q. 93 You didn't hand over this one page note you say existed until October 2000?
- 29 A. Yes.
- 10:37:24 30 Q. 94 So if it's correct, Mr. Dunlop, why did you not make reference to that document

10:37:29 1 or to that agreement or to that date. Because it's a very detailed date as we
2 can see from the statement on the screen. Why if your evidence is to be
3 credible, Mr. Dunlop, is it the case, that if you say you checked all of the
4 files this wasn't referred to.

10:37:44 5 A. Well I just can't give you an answer to that. Other than the document was
6 discovered when I discovered it.

7 Q. 95 Wasn't it clear it wasn't in the file?

8 A. Well.

9 Q. 96 In May 1990 or some date prior to May 1990?

10:38:00 10 A. It was somewhere in a filing cabinet in relation to these lands. I have
11 already said that to you. I can't actually identify where exactly it was.
12 But it was somewhere.

13 Q. 97 Can't we take you at your word when you say in answer to a question from the
14 Tribunal on the 19th of May 2000. When you say you searched every file.
10:38:20 15 Because it's quite clear what you are identifying there. This is not just an
16 off-the-cuff, off-the-cuff comment. This is the product of an inquiry that
17 you've made where you specifically say you've searched every file.

18 A. Uh-huh.

19 Q. 98 In every filing cabinet.

10:38:35 20 A. Uh-huh.

21 Q. 99 And if you did, if that document existed at that time, you would have seen it,
22 wouldn't you?

23 A. That's ...

24 Q. 100 And you'd have referred it.

10:38:51 25 A. That's quite plausible, yes.

26 Q. 101 And the fact that you don't make mention to it, seems to suggest that this
27 document wasn't in any of those files in relation to this, at least in May
28 1990. Isn't that correct?

29 A. As I just keep repeating what I said in relation to it. I cannot say to you
10:39:06 30 specifically where the document was.

10:39:08 1

2 JUDGE FAHERTY: I think, Mr. Hayden, you meant May 2000.

3 A. Yes, he does. He keeps saying 1990.

4

10:39:17 5 JUDGE FAHERTY: Just for the transcript, obviously it would be important.

6

7 MR. HAYDEN: I keep going back to the wrong decade.

8 A. Homer not, Mr. Hayden.

9

10:39:26 10 CHAIRMAN: Mr. Dunlop, sorry. Where do you -- when you produced this
11 document it was, as it were, a stand alone document insofar as that was the
12 only document you were producing to the Tribunal at the time. This is in
13 October 2000.

14 A. Whatever I -- sorry.

10:39:47 15

16 CHAIRMAN: I'm just wondering where. I mean, was it given to you by your
17 secretary or a member of your family?

18 A. No.

19

10:39:54 20 CHAIRMAN: Or, surely you can recall. It's not that long ago. You can
21 recall approximately how you came across it and because it's a very valid
22 question. If you'd searched the relevant files some months previously and
23 hadn't ...

24 A. Uh-huh.

10:40:11 25

26 CHAIRMAN: Produced this, which would have been a very obvious document if you
27 had searched the files. Then presumably you must have found it else where.
28 And it's strange, it's somewhat strange that only five years or so later, that
29 you have no idea where this document came from.

10:40:31 30 Are we to assume that it was kept separate from the file?

10:40:35 1 A. Well, as I said in response to Mr. Hayden, Judge, I cannot absolutely say to
2 you the exact location of the document. But --

3
4 CHAIRMAN: Well even, I mean, we're not asking you necessarily to say the
10:40:52 5 exact location. But just to, I mean, is it possible for you to explain why it
6 wasn't identified? Can we assume it wasn't in the relevant files that you
7 searched in April of 2000 or before April of 2000. Are we to assume it was
8 kept separate to the files and was it loose in the drawer for example. And if
9 so, why would it be, would it have been that type of location? I mean, you're
10:41:29 10 not being necessarily asked -- well you are -- but obviously you say you can't
11 give it. But leaving aside the term "exact location". Can you give some
12 idea as to where this document was, how you came to locate it in October and so
13 on.

14 A. Yes. Sorry. On the basis of the presumption, Judge, that you have outlined.
10:41:53 15 Yes, certainly, we are to presume. And I am presuming that it wasn't anywhere
16 available to me when I spoke in May 2000. When I came to make my statement in
17 October 2000 obviously the issue -- the document had become available to me in
18 some part of the office. And I supplied it to my solicitor who supplied it to
19 the Tribunal. I cannot say to you and if I could, I would. And I would like
10:42:26 20 to be able to say to you, that it was found in a specific file, in a specific
21 location under a specific heading in a specific filing cabinet.
22 Unfortunately, I can't do that. And I don't want to do that because I can't
23 be absolute about it.

10:42:45 25 CHAIRMAN: All right.

26
27 Q. 102 MR. HAYDEN: The note itself reflects or suggests an attendance at Claddagh
28 House in, on the North Circular Road?

29 A. Yes, that's what it says.

10:42:58 30 Q. 103 So I presume you recollect being there, do you?

- 10:43:01 1 A. Yes, I do.
- 2 Q. 104 And having been there, when you go in, where is the office?
- 3 A. Well it's an ordinary house, it's not an office per se. It was a residential
- 4 unit. It's on the North Circular road. It's very near the corner.
- 10:43:14 5 Q. 105 Yeah.
- 6 A. Um, I -- in some room on the ground floor off -- I can't exactly recall to you
- 7 where exactly the room. But it was on a room on the ground's floor.
- 8 Q. 106 You see Mr. White's position is that he never met you in Claddagh House.
- 9 A. I see.
- 10:43:31 10 Q. 107 So can you tell me where you say you met Mr. White in Claddagh House. Tell me
- 11 the layout of the house that you say you went into. What room did you meet him
- 12 in, where was he room or rooms, whatever you want to call them?
- 13 A. Well, that I can't. All I can say to you is, I met him in that house on the
- 14 date on which I say and I made the note. And it actually specifically says
- 10:44:00 15 the length of the meeting. And no, I cannot say -- I can't say to you.
- 16 Certainly, the only assistance I can give you there, Mr. Hayden, is I met
- 17 Robert there and we met in a room in the house and it's not something that one
- 18 invents. I mean, this was a meeting that took place. The note is dated the
- 19 date of the meeting.
- 10:44:37 20 Q. 108 I didn't use the phrase "invent" Mr. Dunlop.
- 21 A. No but I'm just saying the import of what you were suggesting.
- 22 Q. 109 Well can I ask you. You seem to be able to recollect what corner of the
- 23 Shelbourne you meet somebody in.
- 24 A. Uh-huh.
- 10:44:51 25 Q. 110 You seem to have a very clear recollection of locations when you have met
- 26 people.
- 27 A. Yeah.
- 28 Q. 111 Yet you can't recollect the layout of the location that you say --
- 29 A. This is a location. You are distinguishing now between a layout and location.
- 10:45:05 30 Q. 112 Mr. Dunlop, you know what I'm putting to you.

- 10:45:08 1 A. Yeah.
- 2 Q. 113 If you were in the place. Tell me what the place looks like inside.
- 3 A. It's an ordinary terraced house on the North Circular Road.
- 4 Q. 114 That's obvious from the outside. I said inside.
- 10:45:19 5 A. I mean, I cannot specifically say to you the exact room in which we met him.
- 6 I met him there. And he knows I met him there.
- 7 Q. 115 You were never there, Mr. Dunlop. That will be my client's evidence.
- 8 A. Well
- 9 Q. 116 Can I ask you to explain, what's the idea -- it's just a bit strange. What's
- 10:45:40 10 the idea of timing the time of your signature?
- 11 A. What's the idea of it?
- 12 Q. 117 Does it matter if you sign it had at five to or five past one at midnight. If
- 13 it's an innocent document to reflect any agreement that you reached independent
- 14 of any issue that subsequently arises in relation to you furnishing statements
- 10:46:02 15 to this Tribunal. Can you explain to me the rationale behind putting 1 p.m.
- 16 on the document is?
- 17 A. Obviously I'm being very particular.
- 18 Q. 118 Why?
- 19 A. Well I have formed a view.
- 10:46:18 20 Q. 119 You've formed a view.
- 21 A. I'd formed a view of your client. And that's why the note was made.
- 22 Q. 120 And the view of my client is what?
- 23 A. Well, I ...
- 24 Q. 121 In this innuendo land. What was the view?
- 10:46:31 25 A. I formed a view that I thought it would be better to have a record of this
- 26 meeting.
- 27 Q. 122 Yeah. Well fair enough. You say you never met the man before. Sorry.
- 28 You say --
- 29 A. No, no, no.
- 10:46:41 30 Q. 123 You met him before you say in May. But that is not somebody you'd done

10:46:45 1 business with before.

2 A. Correct.

3 Q. 124 And you say in this that you've reached an agreement with somebody you've never

4 done business with before, where you're talking about cash and you are making

10:46:54 5 records and notes of it but what I'm trying to find out is, whatever view you

6 formed of him, what's the 1 p.m. got to do with anything?

7 A. Well I'm being very particular. That's when I made the note. Or that's when

8 I putting the timing on when I had made the note.

9 Q. 125 Was the rationale behind that to give credence or greater credibility to this

10:47:17 10 document when read by third parties that this is an absolutely moment by moment

11 account of a real event in your own mind?

12 A. Well I don't know what the inference in ...

13 Q. 126 Is it your normal practice?

14 A. Behind your question, is that I formed a view that a note, whatever you want to

10:47:36 15 describe it as, a memo to self, a note, a record, in relation to what was

16 agreed was made. That's when I made it. And that's when I dated it. And

17 that's when I timed it.

18 Q. 127 And the insertion at the top of today Wednesday 25th of July. That seems to

19 be an afterthought. When did that go in?

10:47:58 20 A. Well it was made. All of this note was prepared at the same time.

21 Q. 128 Uh-huh. When did the 25th of July document go in, reference go in to it?

22 A. Well it obviously went in at the same time.

23 Q. 129 Well it didn't. Because obviously you wrote the thing and then you put in

24 today Wednesday 25th of July. Even if it's moments later?

10:48:21 25 A. Seconds.

26 Q. 130 You see it it was the 25th of July. And if you'd formed the view you said

27 you'd formed of Mr. White in relation to needing a record. Isn't it entirely

28 the position that you would have put down the date when writing the document at

29 the first flush. In other words, it's not something that would have slipped

10:48:39 30 your mind when at a meeting with Robert White. It's not something that you

- 10:48:43 1 would have had to put in after, if you were trying to create a record or a memo
2 to show that there was an agreement, isn't that right?
- 3 A. Well, I mean, the only answer that I can give to you to that, Mr. Hayden, is I
4 mean, hindsight is a wonderful thing. This is the note that was prepared on
10:49:02 5 the day at the time. And that is the format of the note. Whether it took
6 seconds or minutes or otherwise for to put in today Wednesday the 29th of July.
7 Q. 131 25th.
- 8 A. 25th. Is irrelevant, in my view. And I respectfully suggest to you, that I
9 am entitled to take that view. This is a note in my handwriting on that date.
- 10:49:23 10 Q. 132 Well it's up to the Tribunal to form will the view, Mr. Dunlop. I'm just
11 putting it to you that if it was such an important document, it is somewhat
12 strange that the date is an insertion rather than included at the very writing
13 of the document. Because you could have put any date in there in that format,
14 isn't that correct?
- 10:49:43 15 A. Well the date is on the bottom as well.
- 16 Q. 133 Yeah. You're looking at the body of the document. The narrative.
- 17 A. Yeah.
- 18 Q. 134 That cannot be altered. You can sign it at the bottom at any time, Mr.
19 Dunlop, and put any date you want at the bottom when you sign it. I'm asking
10:50:01 20 you to explain if it was such an important meeting with such an important
21 requirement to ensure a record, that why was the actual date not put in at the
22 outset. Why is it an insertion subsequently?
- 23 A. I keep repeating, which I find myself having to do as we proceed. That note
24 was prepared in the format it was prepared at the time on the day.
- 10:50:27 25 Q. 135 There was no meeting. Isn't that date put in on a later date?
- 26 A. Certainly not.
- 27 Q. 136 You can't even tell the Tribunal where this document exists despite having
28 given evidence on the 19th of May that you checked every file and makes no
29 reference to it?
- 10:50:41 30 A. Well, I don't know what you're implying. But the original of the document is

- 10:50:45 1 with the Tribunal. I'm looking at a photocopy. The original is with the
2 Tribunal.
- 3 Q. 137 That's the not the point I'm making to you Mr. Dunlop. The point I'm making
4 to you is that you gave this Tribunal a direct testimony at an earlier stage,
10:50:59 5 that you checked every file. No sign of this document. This now
6 mysteriously appears in October 2000, with a date inserted at the top and a
7 signature and a time of signing at the bottom.
8
- 9 All I'm saying to you is that seems to be somewhat strange, Mr. Dunlop,
10:51:14 10 particularly the inclusion of 1 p.m. if it's to be a credible document,
11 effective of what you say effectively says absolutely happened. That's
12 probably not a question, that's more of a a statement.
- 13 A. I was just going to make the point. In ease of the point that you're making,
14 I don't know what particular format you want to suggest that the note should
10:51:35 15 have been made. All I can say to you is notwithstanding anything that you
16 have said about the provenience of the note or where it was found or otherwise,
17 is that that note was written at the time in the format it was.
- 18 Q. 138 We'll move on then, Mr. Dunlop. I think again in, at Day 148, which is at
19 page 757. You are giving evidence to the Tribunal. And this is in the
10:52:04 20 context of how the Duff lands fit into the over all consideration of the
21 Tribunal. And on that occasion you indicated to the Tribunal that the actual,
22 development itself, the Duff lands.
- 23 A. Yeah.
- 24 Q. 139 Was vigorously opposed at official level. That's what you actually say on Day
10:52:27 25 148. Question 376.
- 26 A. Uh-huh.
- 27 Q. 140 That's clearly not the case, isn't it?
- 28 A. Well it wasn't. No, it wasn't a vigorously opposed by the --
- 29 Q. 141 Why were you telling the Tribunal that when it came to enquiring into these
10:52:42 30 matters? Why are you suggesting to the Tribunal what seems to have gone on

- 10:52:47 1 here is a planning result that was vigorously opposed by officials? And that
2 clearly, the implication is that something was done to get over that difficulty
- 3 A. The implication. I'm not making any implication. I'm saying giving the
4 outline of the events in relation to how your client proposed the matter to me,
10:53:16 5 how I met with Cyril Gallagher and others in relation to this. And that the
6 attitude that was adopted, in particular by Cyril Gallagher.
- 7 Q. 142 Mr. Dunlop, all I'm saying to you is that where did you come up with a theory
8 that this particular project was vigorously opposed at official level?
- 9 A. Because of Cyril Gallagher's consistent view that there would be difficulties
10:53:57 10 with the planners.
- 11 Q. 143 Sorry. The evidence you gave to the Tribunal on Day 148 goes far further
12 than, that I would respectfully submit. It seems to be suggesting to the
13 Tribunal that the officials didn't want anything to do with this. So
14 therefore from the Tribunal's point of view they should be looking at this.
10:54:07 15 Because clearly the local representatives have done so.
- 16 A. Well certainly I would not. It wasn't my suggestion that the Tribunal should
17 be looking at something because the officials were and/or were not against it.
18 What I am trying to do is to assist the Tribunal in relation to my relationship
19 with your client and the reasons why I have a relationship with your client.
- 10:54:28 20 Q. 144 In any event, that evidence was wrong, wasn't it?
- 21 A. Well the officials did not vigorously oppose it. What did happen, is as I
22 have told you already, or told Mr. Gallagher's counsel, solicitor. Was that
23 Cyril Gallagher maintained the view that the matter would come up against
24 difficulties with the planners because of the time frame that was involved.
- 10:54:53 25 Q. 145 Tell me Mr. Dunlop. You have a number of meetings in your diary. And just
26 to clarify one matter. Mr. Rowe, I think.
- 27 A. Rowe, who is Rowe?
- 28 Q. 146 Mr. Collins. Sorry.
- 29 A. Collins. Mr. Collins?
- 10:55:30 30 Q. 147 Yes. Had you much contact with Mr. Collins independent of the Duff lands?

- 10:55:41 1 A. Em.
- 2 Q. 148 Were you involved in any other projects with Mr. Collins independent of -- you
3 needn't name them?
- 4 A. Well yes I have. I have already given evidence in relation to and will later
10:55:54 5 today again, in relation to Mr. Collins and my relationship with Mr. Collins in
6 relation to clients and bringing projects to me etc. etc.. Yes, is the
7 answer.
- 8 Q. 149 And had that been going on prior to your meeting with Mr. White and subsequent
9 to your meeting?
- 10:56:07 10 A. Certainly subsequent. I cannot absolutely put a date on it as of now, when
11 Mr. Collins first came to me. But he did bring me -- he did bring other
12 issues to my attention which were not related to land from a client base. So
13 I cannot absolutely say to you. But certainly, knowing Mr. Collins as I did,
14 having met him in the circumstances which I did, he did and he has acknowledged
10:56:35 15 I understand. I wasn't here. But I understand he has acknowledged and
16 indeed as does your client, that he introduced. He made the introduction,
17 yes.
- 18 Q. 150 The only reason I'm asking the question is, you have a reference, an insertion
19 in the diary on the 9th of May.
- 10:56:49 20 A. 9th of May, yes.
- 21 Q. 151 That's page 504. And as I understand it, your statement is prepared. It's
22 not on any analysis of the diaries by you but on the basis of the information
23 in the documents furnished to you by the Tribunal.
- 24 A. Yes.
- 10:57:12 25 Q. 152 How would the Tribunal be able to identify the 9th of May as a date in which
26 Mr. Collins referred Mr. White?
- 27 A. Well, I never suggested that the Tribunal suggested that that was the date in
28 which I met Mr. Collins in relation to Mr. White.
- 29 Q. 153 No, no. I think as I understood your evidence it was a telephone call.
- 10:57:34 30 A. Yeah.

- 10:57:34 1 Q. 154 Or whatever. I'm just asking you. The reason I asked the question is --
- 2 A. No, no, sorry. Just for clarity. What I have e said is to the best of my
- 3 recollection, the approach by Mr. White followed an initial contact by
- 4 Mr. Collins. He visited my offices on the 9th of May at 2:30 p.m.
- 10:57:53 5 Mr. Collins' name appears in the diary. I didn't say -- the telephone call
- 6 relates to Mr. White.
- 7 Q. 155 Sorry. Well then --
- 8 A. Mr. White rang me as a result of Mr. Collins telling me.
- 9 Q. 156 Mr. Dunlop, the question I'm putting to you is, as I understood your evidence
- 10:58:10 10 in explanation as to how we have the sequence we have on the diary entries, is
- 11 that you prepared your statement that you referred in early March on the basis
- 12 of documents furnished to you by the Tribunal.
- 13 A. Yes.
- 14 Q. 157 Clearly, one of the documents furnished to you by the Tribunal was this
- 10:58:30 15 document, this extract at page 504. I presume.
- 16 A. Well I don't know. I just can't -- I don't have what was circulated to me by
- 17 the Tribunal in the first place.
- 18 Q. 158 It was circulated to us, so presumably it was circulated to you.
- 19 A. Presumably.
- 10:58:47 20 Q. 159 If there's an explanation for it this. I'm not trying to trip you up on this
- 21 one.
- 22 A. No, no. As distinct from the others, Mr. Hayden, is that it?
- 23 Q. 160 I'm just wondering, if you prepared this statement -- this was a document
- 24 furnished to you by -- this extract is furnished to you by the Tribunal.
- 10:59:08 25 A. Presumably, yes. I'm taking your word for it.
- 26 Q. 161 How would the Tribunal -- since you were in contact with Mr. Collins anyway.
- 27 How does it come to pass that the Tribunal would be aware that this particular
- 28 date was a date in which Mr. White was involved, albeit through the contact of
- 29 Mr. Collins? If you'd been in contact with Mr. Collins on other issues.
- 10:59:25 30 A. Yes.

- 10:59:25 1 Q. 162 How does any particular day in which you refer to Mr. Collins link it to Mr.
2 White or any of the other issues?
- 3 A. What I said to new relation to Mr. Collins was that he did bring other issues
4 to me in relation to land. Most of which are after this date. I cannot give
10:59:42 5 you an exact date of when I first had dealings with Mr. Collins. The --
6 Mr. Collins came to see me in relation to Robert White. And as I said in my
7 statement, to the best of my recollection, the approach followed by Mr --
8 followed an initial contact by Mr. Tim Collins on that date.
- 9 Q. 163 But do you actually remember meeting Mr. Collins on the 9th of May?
- 11:00:10 10 A. Well I met Mr. Collins so many times in so many -- well I shouldn't say in so
11 many locations because that wouldn't be absolutely correct. I did meet him in
12 other locations. But certainly he brought people to my office on many
13 occasions.
- 14 Q. 164 How then do you identify this particular day as the day in which you say
11:00:31 15 Mr. Collins raised Mr. White as an issue?
- 16 A. Because he came to see me in my office. He never came to see me unless by
17 appointment, he rang.
- 18 Q. 165 Do you remember him actually discussing Mr. White?
- 19 A. Yes, he told me that Robert White -- he had a client or he had a -- I can't
11:00:52 20 absolutely tell you how he described Robert White. And I don't know whether
21 he was advising him or not or what his relationship was other than it was
22 Pilgrim & Associates, who were the architects involved and Tim Collins was
23 associated with them.
- 24 Q. 166 I suppose in any event probably from the Tribunal's point of view. Mr. White
11:01:13 25 wasn't there on that occasion in any event. So whatever Mr. Collins and
26 yourself discussed was a matter between yourself and Mr. Collins.
- 27 A. Well let's be clear, Mr. Hayden. What I've said is that the introduction was
28 made by Mr. Collins. By that I do not mean to suggest that Mr. Collins
29 brought Mr. White to me. He did not. Mr. Collins came and talked to me
11:01:35 30 about it. Mr. White subsequently rang me and we arranged to meet.

- 11:01:40 1 Q. 167 Mr. White will say that you met you with Mr. Collins in your offices.
- 2 A. Yeah. I have no recollection of any meeting with Mr. Collins and Mr. White.
- 3 Q. 168 Well that's a very fair answer.
- 4 A. Well I have --
- 11:01:51 5 Q. 169 You don't have a recollection.
- 6 A. If I did I would, you know, genuinely I would tell you and I would say so.
- 7 Q. 170 Well just to be fair to you. You can't say it didn't happen then?
- 8 A. I can't say which didn't happen?
- 9 Q. 171 That a meeting didn't happen.
- 11:02:07 10 A. And I would not want to suggest. I'm just saying to you quite straight
- 11 forwardly and as overtly as I possibly can. That I do not recollect meeting
- 12 Robert and Tim together in my office.
- 13 Q. 172 Mr. White will say that the first meeting he had with you was at the
- 14 suggestion, Mr. Collins, with Mr. Collins in your offices in late 1990.
- 11:02:28 15 Obviously we're at disagreement on that. I presume I can move along. You
- 16 say.
- 17 A. Well we're not only are we at disagreement we're at both ends of a long
- 18 spectrum in the context of what we've gone through in relation to July.
- 19 Q. 173 And when one looks at the May entry on page 505. Can you explain to me why
- 11:02:51 20 Mr. White's entry. We've already had the debate as to Mr. White not being in
- 21 the country at the time. But even leaving that aside for the minute.
- 22 Can you explain why a meeting. Is that four o'clock for Robert White?
- 23 A. It will obviously -- it's a position there was an earlier time. It looks to
- 24 me like, but I can't be absolutely certain. It looks to me like 3.15 or
- 11:03:24 25 three -- certainly there's a five underneath there at some stage. But
- 26 certainly the first one is at three.
- 27 Q. 174 The original might help us if we have a look at that. The only point I make
- 28 is it's clearly down now as a four o'clock. Clearly is the wrong phrase. It
- 29 seems to be down as a four o'clock.
- 11:03:53 30 A. I'm sorry, Mr. Hayden. I apologies. I shouldn't be laughing. I beg your

11:03:53 1 pardon. It is down as -- what has happened here. You can see from the diary
2 where there is changes in the diary. And obviously there was an original
3 meeting with an individual at 11.00. That is deleted or it's crossed out and
4 it's changed down to three o'clock. Whatever arrangement there was with
11:04:09 5 Robert has been changed either as a result of that. But, I mean, obviously
6 there was an original timing for the meeting with Robert. It looks to me like
7 3.15. I cannot be absolutely certain without seeing the original.

8 Q. 175 Well, if one looks at it, and have a chance to look at it, obviously you will
9 have a chance to look at the Tribunal and obviously the Tribunal will as well.

11:04:28 10 The superimposed time seem to be in the same pen, same type, same hand. Can
11 you explain why there appears to be a different hand or least a different pen
12 used in relation to the insertion of Mr. White's name from the two --

13 A. Different pen? Um.

14

11:04:44 15 CHAIRMAN: I think you'd have to see the original.

16 A. I don't know, it may well be a different pen. I'm not suggest it is not.
17 I'm just looking at it. I can't.

18 Q. 176 MR. HAYDEN: Even in relation to it and so forth

19 A. In relation to sorry, I beg your pardon? (documents handed to Mr. Dunlop).

11:05:31 20 Now, where are we?

21 Q. 177 May 30th.

22 A. May 30th. Yeah. Yeah. It is. Yeah, I have it, yeah.

23 Q. 178 You see the handwriting?

24 A. Yes.

11:05:49 25 Q. 179 It seems to me to be in a different style of pen anyway.

26 A. Well it is. Yeah, it is. So are other things on the same page.

27 Q. 180 No but --

28 A. And in --

29 Q. 181 What I'm asking you, Mr. Dunlop, is that the underlined time and the
11:06:08 30 superimposed time are in the same pen.

11:06:10 1 A. No. Actually. No, that's not correct Mr. Hayden. Just for ease of what
2 you're saying. It is 315, and it's Robert White. And it's in the same pen
3 for that element. The superimposition of the four o'clock is in a different
4 pen. But the original entry for 3.15, Robert White is in the same pen. The
11:06:33 5 timing and the name is in the same pen in the original. And then for the
6 change, which appears to me to be four o'clock is in a different pen.
7 Q. 182 Anyway, the Tribunal can --
8 A. But the same pen is used.
9
11:06:49 10 CHAIRMAN: Do you want to see?
11
12 Q. 183 MR. HAYDEN: I wouldn't mind.
13 A. Only that page.
14 Q. 184 I can come back to that in a minute anyway. What do you say was discussed on
11:07:02 15 that day? On the -- if the meeting on the 30th of May?
16 A. In relation to? Well it's what I say. The proposal for the Duff lands.
17 What he told me in relation to the Duff lands.
18
19 CHAIRMAN: Sorry Mr. Dunlop? Certainly, yes. Mr. Dunlop wants a few minutes
11:07:28 20 break. Can you indicate approximately?
21
22 MR. HAYDEN: I'd say there's about half an hour left.
23
24 CHAIRMAN: And Mr. Redmond will you be?
11:07:36 25
26 MR. REDMOND: No. Currently I would have no re-examination, Chairman.
27
28 CHAIRMAN: Well then perhaps there may be parties here waiting to commence the
29 other one. So that will be.
11:07:48 30

11:07:48 1 MR. QUINN: Not before 12.
2 CHAIRMAN: Well say 11:45 because we'll probably go straight into it. So
3 we'll take maybe a ten minute break now so that we can
4

11:08:15 5 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**
6 **AND RESUMED AS FOLLOWS:**
7

8 Q. 185 MR. HAYDEN: I suppose if I could just turn to --
9 A. Could I have the diary back?

11:25:45 10
11 CHAIRMAN: Sorry, could we have the diary back?
12

13 MR. HAYDEN: I'm not going to go away with it. Just one or two more comments
14 on it.

11:25:55 15
16 CHAIRMAN: It's just that Mr. Dunlop wants to see it for some reason.
17 You can have it back from time to time, Mr. Hayden.
18

19 Q. 186 MR. HAYDEN: Best seller. We're okay.
11:26:40 20 A. Yeah.
21 Q. 187 You haven't missed an appointment, no?
22 A. No, there's no insertions.
23 Q. 188 In any event, if I can go on to the 25th of July, which is the next date. You
24 know my client's position in relation to that.
11:26:54 25 But as you say, you prepared the note that we saw on, that was the annex. And
26 I think if you go down to meet somebody for lunch in AIB. So did you do the
27 note at the lunch?
28 A. Where are we now? Sorry, we're on the 20 --
29 Q. 189 506.
11:27:23 30 A. Yeah. Okay. Hold on.

11:27:23 1 Q. 190 Just between the course, isn't it?
2 A. What?
3 Q. 191 Page 506.
4 A. Sorry, sorry, sorry. No, yeah, yeah, yeah.
11:27:38 5
6 CHAIRMAN: 506.
7 A. I don't see any reference to lunch.
8 Q. 192 MR. HAYDEN: Well it's in the section lunch.
9 A. Yeah, it says "Eamonn AIB."
11:27:50 10 Q. 193 Yeah. And.
11 A. Who Eamonn is, I ... I can't even.
12 Q. 194 I'm sure Eamonn is delighted about that as well. But can I just say every
13 where else you put in a time if you're meeting somebody.
14 A. Yes.
11:28:03 15 Q. 195 And you have him in there on the insertion for lunch. I presume that means
16 you met him for lunch.
17 A. Well it could have meant that I went down to see him in the bank at lunchtime.
18 It could mean anything.
19 Q. 196 So --
11:28:16 20 A. It could be an appointment. You're quite right. There is no time.
21 Q. 197 It just seems to be --
22 A. There is no time line on it other than it is in the bracket which is contained
23 in the diary, it says, you know, lunchtime issue.
24 Q. 198 The only point I am making, it seems to be you are writing the note at 1 p.m.
11:28:36 25 as well according to it.
26 A. But it doesn't say what time the meeting with Eamonn is, whoever Eamonn happens
27 to be.
28 Q. 199 Can I then ask you. You go then I think in the diary entries to the 7th of
29 August, which is page 44. And there's a number of entries then on the 7th and
11:28:56 30 the 10th on that day.

11:28:56 1
2 JUDGE FAHERTY: 507.
3
4 Q. 200 MR. HAYDEN: Page 507. Tell me, Mr. White --
11:29:08 5 A. Mr. Dunlop.
6 Q. 201 Sorry, Mr. Dunlop. What were you meeting Mr. White about on that occasion and
7 where?
8 A. Sorry, sorry for the delay there, Mr. Hayden. Now, something just caught my
9 eye there about another Eamonn on August the 8th, but it specifically says
11:29:44 10 lunch that day. Sorry, on the 7th of August. Yes, met your client in the
11 Shelbourne and a discussion took place in relation to cash.
12 Q. 202 Mr. White will say -- he was never at such meeting.
13 A. Well, I am, yes, sorry, okay.
14 Q. 203 If you say there was a discussion about cash and so forth, why is there no note
11:30:20 15 like there was of the 25th of July?
16 A. Well, I obviously wasn't going to make a note every time I met him at this
17 stage.
18 Q. 204 Well I thought you had a particular view of him, that's what you told us before
19 the break.
11:30:36 20 A. Yes, well I formed a view that I should keep a note of that particular meeting
21 on the 25th of July.
22 Q. 205 And tell me, on the 10th of August, again, there's a reference. What time did
23 that meeting happen and where?
24 A. I cannot give you a time for it. But it took place in the Shelbourne. Which
11:30:59 25 was the main location of meeting of your client. Not the only but the main.
26 Q. 206 Is that your handwriting?
27 A. It is, yes.
28 Q. 207 Can you explain to me why on that occasion why it is written in entirely
29 different -- it is written differently than every other occasion that you write
11:31:16 30 the name White. Look at the W and look at the T and the E?

- 11:31:25 1 A. Well, that's the way it's written. It's my handwriting.
- 2 Q. 208 Every time, every where else ...
- 3 A. It's in the same pen. I've taken the diary back from you. But let me assure
- 4 you it's in the same pen. Has all of the insertions in the diary on that day
- 11:31:45 5 and on the days previous and subsequent.
- 6 Q. 209 And your reference to three there and --
- 7 A. And subsequent. Sorry. Well, yes, subsequent, yes.
- 8 Q. 210 Can I ask you, Mr. Dunlop. As I understood your direct testimony to be that
- 9 this was, this reference to three was 3,000?
- 11:32:02 10 A. Yes.
- 11 Q. 211 You don't have a time for that meeting?
- 12 A. No.
- 13 Q. 212 Anywhere. So is this an insertion after the meeting?
- 14 A. No.
- 11:32:13 15 Q. 213 This is an insertion before the meeting?
- 16 A. This is an insertion at the time the meeting took place, immediately after the
- 17 meeting took place. It was obviously by arrangement. This is when, as I say
- 18 in my statement, that I met him and he gave me three.
- 19 Q. 214 Sorry, Mr. Dunlop. In relation to this insertion into the diary.
- 11:32:33 20 A. Sorry, yep.
- 21 Q. 215 Is this an insertion after the meeting?
- 22 A. After the meeting. Well it's obviously after he had given me the three.
- 23 That's why the three is there.
- 24 Q. 216 So this is something done at a different time. It wasn't done in Mr. White's
- 11:32:56 25 presence, was it?
- 26 A. No, I doubt very much if it was.
- 27 Q. 217 So when after the meeting do you say you put this in?
- 28 A. Well I can't say exactly when. Five minutes, ten minutes, an hour. But it's
- 29 obviously on the same day in the same pen.
- 11:32:58 30 Q. 218 Again, Mr. White's evidence will be that he never had any meeting with you on

11:33:03 1 that occasion.

2 A. Okay.

3 Q. 219 What else was discussed at that second meeting?

4 A. That the arrangement had been for five. He gave me three and he would give me

11:33:17 5 the two subsequently.

6 Q. 220 I thought he had already given you the two.

7 A. No, he said he'd --

8 Q. 221 According to your evidence.

9 A. No. No, I met him in the Shelbourne on the 10th of August in the Shelbourne at

11:33:31 10 this meeting he gave me an envelope which he said he hoped would contained five

11 in cash but contained only three. He said he would give me the remainder

12 shortly, he did so at the same location, subsequently.

13 Q. 222 So are you saying then at the meeting on the 7th August had altered the

14 arrangements as recorded in the meeting in the note that had been prepared on

11:33:49 15 the 25th of July?

16 A. Well, the meeting -- yes. The meeting on the 25th of July clearly states what

17 the agreement reached at -- reached was. This subsequent meeting was

18 Mr. White says saying that he presumed that I would and he would prefer to pay

19 cash. That is exactly what I said. And on the -- and on the -- he did so in

11:34:13 20 two tranches, one of three and one of two.

21 Q. 223 Again, as you know, Mr. White will say that there was no such arrangement in

22 relation to cash. And taking it from that position. Can I just --

23 A. Yeah.

24 Q. 224 That's what he's going to say. We know you have a different view?

11:34:29 25 A. Well I haven't seen any statement. I haven't seen anything that Mr. White has

26 said other than some time ago.

27 Q. 225 Can I ask you then. If the meeting on the 7th of August was a rearranged --

28 was a rearrangement of what you say was the arrangement reached on the 25th of

29 July. If I'm correct in that.

11:34:52 30 A. Yes.

- 11:34:52 1 Q. 226 Why is there not a note of this new arrangement if as you say on the 25th of
2 July you've just felt Mr. White is somebody I just need to keep a note, a
3 record. Nothing has changed between the 25th of July and the 7th of August?
4 A. No but I have my note.
- 11:35:12 5 Q. 227 Of the 25th of July agreement.
6 A. Uh-huh.
7 Q. 228 But you are saying now on the 7th of August there's a new arrangement reached.
8 A. Yes.
9 Q. 229 Why is there not a note of that if you're somewhat nervous? Well, maybe
11:35:24 10 that's the wrong phrase.
11 A. I didn't say that.
12 Q. 230 If you are concerned about the relationship with Mr. White. Why is there not
13 a note recording the alteration of the arrangement?
14 A. Well, I can't give you a straight -- I can't give you an answer to that why
11:35:40 15 there is not a note in relation to it other than there was meetings that took
16 place between your client and myself.
17 Q. 231 You see, Mr. Dunlop. If --
18 A. I don't understand why your client is, if he is, as you suggest, denying
19 meetings.
11:35:57 20 Q. 232 Because they didn't happen, Mr. Dunlop. That's why he's denying it.
21 A. I see.
22 Q. 233 He acknowledges meeting you in late 1990.
23 A. So this is Robert's ghost that I'm meeting in July or August? Or.
24 Q. 234 Or a fiction of your imagination.
11:36:15 25 A. In my diary.
26 Q. 235 For your own purposes. But that's a matter for the Tribunal to establish.
27
28 CHAIRMAN: Well what in effect what Mr. Hayden is suggesting to you.
29 A. I know what he's suggesting, yes.
11:36:25 30

11:36:25 1 CHAIRMAN: Is that he doctored the diary.

2 A. Yeah, absolutely. I know what's suggested. He hasn't actually said it.

3 He's implying it.

4

11:36:32 5 CHAIRMAN: Well, he is going through each -- He is entitled to each different

6 supposed meeting. That's the net effect of what he's saying.

7 A. Yes.

8

9 Q. 236 MR. HAYDEN: Can I ask you, Mr. Dunlop --

11:36:44 10 A. Well the answer to the question.

11 Q. 237 Sorry.

12 A. The answer to the question, if that is a question from you, Judge. The answer

13 is absolutely, no. These as I have just pointed out, with the benefit of what

14 I know and how these diaries were kept and I'm looking at them here in front of

11:37:05 15 me. The original here in front of me. That any entry in my diaries were

16 made at the time for purposes. For meetings to take place with all of the

17 people that are listed. Including, for example, the meeting that is

18 immediately ahead of Robert White at 4.30 on the 7th of August in relation to

19 another person. These are all meetings. This is why you keep a diary.

11:37:44 20 Q. 238 I --

21 A. That's why I keep a diary. I don't know why anybody else keeps a diary. I'm

22 fascinated to know that Mr. White can say that he did not have these meetings.

23 Has he a diary? Does he not have meetings with me in any diary. Where is his

24 diary? Does he ever keep a diary?

11:37:52 25 Q. 239 Maybe you should take over the Tribunal, Mr. Dunlop.

26

27 CHAIRMAN: No, Mr. Hayden. Mr. Dunlop is entitled to say --

28 A. The point is quite simple. --

29

11:38:01 30 Q. 240 MR. HAYDEN: I don't think he's entitled to put questions to me, Sir.

- 11:38:04 1 A. I'm not putting questions to you.
- 2 CHAIRMAN: I don't think he is putting -- he is saying, you know, are there
3 any other diaries to contradict his evidence. Go on anyway.
- 4 A. In fairness, Judge, and in fairness to Mr. Hayden. What I am saying is it
11:38:19 5 seems quite extraordinary to me that while I kept a diary and gave these
6 diaries to the Tribunal. And they have been in the possession of the Tribunal
7 for quite a long time. It seems extraordinary to me that people can or appear
8 to, with impunity say that they had no meetings in 1990. They either had
9 diaries or they did not. And we've had this on a number of occasions with
11:38:49 10 relatively serious business people coming forward and saying they have no
11 recollection. My recollections are that I had an arrangement and meetings
12 with your client and they are diared at the time, in the pen. The same pen
13 that is, all of the other entries that are made on August the 7th and this
14 particular one that we're looking at.
- 11:39:13 15 Q. 241 MR. HAYDEN: Sorry. Have you finished? Mr. Dunlop, if you are correct --
- 16 A. Excuse me.
- 17 Q. 242 If I understand your position correctly. You made the note of the 25th of
18 July meeting. It's now varied on the 7th of August. It's varied in a
19 fundamental way, as I understand it, if your evidence is correct. It's to be
11:39:43 20 paid in cash.
- 21 A. Uh-huh.
- 22 Q. 243 Would you not have thought it all the more important to have a note of such an
23 agreement or variation, if there was such a variation?
- 24 A. Well I obviously didn't because I didn't make a note.
- 11:39:54 25 Q. 244 In any event, was that on the 7th of August. Is that when you say you made
26 the arrangement to meet subsequently for the payment of this 5,000?
- 27 A. Well I met him on the 7th of August. In which he said he would prefer and he
28 presumed that I would prefer to pay me in cash. And said that he would pay me
29 five grand and the remainder within three months.
- 11:40:21 30 Q. 245 Did you say -- could you answer the question. Did you make the arrangement on

11:40:24 1 the 7th of August to meet subsequently on the 10th? How did the meeting of the
2 10th come about?

3 A. Well obviously it's by arrangement.

4 Q. 246 And as I understand it, there's nothing in your diary about the arrangement.
11:40:39 5 The note that we see is post meeting. So when was the arrangement made?

6 A. Well I cannot tell you when the arrangements were made. We agreed to meet
7 subsequently.

8 Q. 247 Well why wasn't it in your diary?

9 A. What's not in my diary?

11:40:55 10 Q. 248 On the 10th. Why if you made an agreement to meet on the 10th why is it not
11 in your diary. What's in your diary is a note after that.

12 A. Yes.

13 Q. 249 Why is there no note of the actual arrangement to meet, since you've noted
14 other meetings?

11:41:11 15 A. Well the arrangement is, what's in the diary is the payment of the three.

16 Q. 250 I know that, Mr. Dunlop. You know the question I am asking you. You seem to
17 have a note of every other meeting that's arranged.

18 A. Yes.

19 Q. 251 In your evidence. And there is no note of a meeting for the 10th.

11:41:26 20 A. No, there's not, no there's not.

21 Q. 252 There is just an insertion that you say wasn't done in Mr. White's presence --
22 present which you say reflects or refers to this.

23 A. Uh-huh.

24 Q. 253 I must put it to you if there was such a meeting on the 10th of August, given
11:41:42 25 your practices one would have expected to see them in your diary, as an
26 arrangement.

27 A. You're putting that to me.

28 Q. 254 Yes.

29 A. Well there is not.

11:41:51 30 Q. 255 Can I then go to the other diary entries. If we can go to page 508. There

11:41:59 1 is a meeting then on the 15th of August. You say. Where was that?

2 A. In the Shelbourne.

3 Q. 256 And what was discussed or what was the point of that meeting?

4 A. The point of that meeting was that it was the remaining two.

11:42:15 5 Q. 257 On that day.

6 A. Yeah.

7 Q. 258 You say.

8 A. Yeah.

9 Q. 259 Again Mr. White will say there was no such meeting. And he didn't pay you

11:42:33 10 two.

11 On the 16th of August there's another meeting, as I understand it. What was

12 that all about?

13 A. Em.

14 Q. 260 And where was it?

11:42:40 15 A. Well it was in the -- it was in the Shelbourne. That's the only occasion I

16 met your client other than your client saying that I met him in the Dail Bar

17 but, I mean, I have no recollection of that. In the Shelbourne. Sorry. I

18 think the only other occasion I met him were in the Shelbourne or at.

19 Q. 261 No no, no.

11:43:06 20 A. His office.

21 Q. 262 No, can we just stick with the 16th of August?

22 A. Yes. The Shelbourne.

23 Q. 263 What was that all about? What was that in aid of?

24 A. Well, to discuss issues in relation to the proposal.

11:43:19 25 Q. 264 What issues, Mr. Dunlop?

26 A. Talking about councillors and who you were talking to and what the support

27 level was like. Robert was quite anxious about to get, to keep things moving.

28 Q. 265 You've already told us that as you understood it, your position was in relation

29 to dealing with Mr. Gallagher.

11:43:38 30 A. Yes.

11:43:39 1 Q. 266 So what are you talking about on the 16th of August?
2 A. The proposal.
3 Q. 267 Uh-huh um.
4 A. The whole proposal. The Duff lands. The only issue that we ever discussed
11:43:51 5 in relation to -- in the context of meeting your client, was in relation to the
6 Duff lands and money.
7 Q. 268 But Mr. Dunlop, if your evidence is correct, the purpose for what you gave in
8 your direct testimony was that your role was to ensure Mr. Gallagher was on
9 side.
11:44:06 10 A. Yes.
11 Q. 269 If that's the case, why was there any need for this meeting on the 16th of
12 August and what -- you're saying the Duff lands. But what was there to
13 discuss? You knew what you were to do according to your own evidence.
14 A. That doesn't obviate having meetings about it. And Robert was of the view
11:44:23 15 that these meetings should take place.
16 Q. 270 What's the meeting on the 21st of August about?
17 A. Again.
18 Q. 271 Page 509.
19 A. Yes.
11:44:37 20 Q. 272 What was all of that about?
21 A. Again, in relation to the Duff lands.
22 Q. 273 You see, you've told us you actually never indicated or told Mr. White that you
23 were giving Mr. Gallagher 2,000.
24 A. No.
11:44:51 25 Q. 274 Mr. Gallagher or Mr. White never asked you.
26 A. No.
27 Q. 275 To give Mr. Gallagher 2,000.
28 A. No, he did not.
29 Q. 276 So in relation to this, the meeting on the 21st of August, is it still talking
11:45:09 30 about the Duff lands?

- 11:45:10 1 A. Yes.
- 2 Q. 277 And what were you talking about?
- 3 A. The relationship between your client and myself was to ensure that the
- 4 matter -- well in his view, that the matter would be progressed relatively
- 11:45:26 5 quickly. I told him and other people told him, including Cyril Gallagher,
- 6 that that couldn't be done. So these are updating meetings in relation to
- 7 what's happening.
- 8 Q. 278 Well what's happened between, from your position, what's happened between the
- 9 15th of August and the 16th of August and 21st of August that needed an update?
- 11:45:42 10 A. All I can tell you is that all of these meetings related to the Duff lands. I
- 11 wasn't meeting Robert White about anything else. I wasn't meeting him about
- 12 his own particular business. I wasn't asking him about how successful or
- 13 otherwise he was in his business. These meetings related to, specifically the
- 14 Duff lands.
- 11:46:01 15 Q. 279 Well, when was the planning application lodged?
- 16 A. That I don't ...
- 17 Q. 280 I suppose I can tell you.
- 18 A. Yes, I don't recall that offhand.
- 19 Q. 281 22nd of August.
- 11:46:14 20 A. Yeah.
- 21 Q. 282 So what updates had happened? They hadn't even lodged the application?
- 22 A. Well the total orientation in relation to your client, is the concern about
- 23 Cyril Gallagher. Cyril Gallagher had obviously put a shot across the bows in
- 24 the context of how successful or otherwise this would be on a Fianna Fail vote
- 11:46:35 25 because of the concerns that he outlined. I had nothing to do with the
- 26 planning application. That was done by others, I don't know who, Pilgrim.
- 27 Q. 283 Uh-huh. But what meetings do you say -- what particular events? If it's
- 28 updates since the planning hadn't even gone in until the 22nd?
- 29 A. Yes.
- 11:46:57 30 Q. 284 Sure there's no change on the ground.

- 11:46:59 1 A. Yeah.
- 2 Q. 285 So there was nothing to update anybody about.
- 3 A. No, other than, you know, the support level that would or would not exist.
- 4 Q. 286 But the support level you've indicated in your own direct testimony was that
- 11:47:12 5 you had to talk to Cyril Gallagher -- that's the only support you were
- 6 engaging?
- 7 A. Yes.
- 8 Q. 287 According to you.
- 9 A. Yes.
- 11:47:18 10 Q. 288 So had you met Mr. Gallagher between all of these dates?
- 11 A. It is quite possible. I met him shortly after -- as I said in my -- They're
- 12 not in the diaries no, Mr. Gallagher doesn't appear in my diary. Very
- 13 infrequently. I think maybe only on once every. That was on an occasion
- 14 when he called to my office. No, sorry I met him in the Royal Dublin.
- 11:47:45 15 Q. 289 So there's no independent record other than your -- there's no documentary
- 16 record of any meetings other than that one.
- 17 A. With who?
- 18 Q. 290 With Mr. Gallagher.
- 19 A. With Gallagher. No. Well some of his family might attest to the fact that I
- 11:47:58 20 met him because I met some of his family when I called to his house to meet him
- 21 on occasion.
- 22 Q. 291 So when do you say during all of this period, between you had your meeting you
- 23 say on the 30th of May. And the Tribunal have to determine that. Then you
- 24 have the updated meeting on the 25th of July. Then you have the variation of
- 11:48:17 25 that on the 7th of August. During those periods of time when do you say you
- 26 met Mr. Gallagher?
- 27 A. Well, I've already said to Mr. Gallagher's solicitor that I met Mr. Gallagher
- 28 so frequently ...
- 29 Q. 292 No, no no, only on this issue.
- 11:48:33 30 A. I cannot absolutely say to you. I said some time after my first meeting with

11:48:37 1 him.

2 Q. 293 Yeah. After the 30th of May?

3 A. Some time after my first meeting with Mr. White I spoke to both GV and Cyril

4 Gallagher.

11:48:46 5 Q. 294 And was it before the 25th of July?

6 A. That I cannot tell you.

7 Q. 295 You see, you didn't even know what agreement you were contending for, you say,

8 until at the earliest the 25th of July?

9 A. Yeah. That's the note of the meeting that I had with him.

11:49:04 10 Q. 296 You see, the whole thing just doesn't make sense from a logical point of view,

11 Mr. Dunlop. Anyway, that's for the Tribunal. I shouldn't ...

12

13 We're back then to the 21st of August. And then I think you have an entry on

14 the 18th of September and 19th of September. That's page 511.

11:49:36 15 A. Two days, yes.

16 Q. 297 Sorry.

17 A. Two days.

18 Q. 298 Sorry, I might have missed a day there.

19 A. You had.

11:49:42 20 Q. 299 7th of September. 7th of September. That's correct.

21 A. "Robert W."

22 Q. 300 Yeah. Can you ask -- can you tell me what was that meeting about?

23 A. Well, again, well, again, the only thing I can say to you is that it -- the

24 only time -- the only reason I ever met your client ...

11:50:05 25 Q. 301 Have a have you a direct memory of that meeting as distinct from a diary entry

26 I mean?

27 A. No, I don't.

28 Q. 302 Do you have a direct memory of the meeting on the 21st of August on 509 other

29 than a diary entry of that meeting?

11:50:21 30 A. Sorry, on page? What diary?

11:50:25 1 Q. 303 21st of August.
2 A. No. Other than that any meeting that took place with them took place in the
3 context of what he was proposing. There's no other reason for meeting him.
4 Q. 304 Absolutely. I understand.
11:50:49 5 A. I'm not ringing him or he's not ringing me or arranging to meet to discuss
6 anything else.
7 Q. 305 August 16th.
8 A. Yes, the same.
9 Q. 306 The same. August the 15th. Do you have a direct personal memory other than
11:51:01 10 a diary entry of that meeting?
11 A. Yeah, well this is the meeting that took place on the in the Shelbourne on the
12 15th.
13 Q. 307 Do you have a direct personal memory of that meeting?
14 A. Yes, I remember meeting your client in the Shelbourne at which a transaction
11:51:15 15 took place.
16 Q. 308 This is the 15th of August, is it?
17 A. Yes.
18 Q. 309 But you don't have a direct memory of the 16th of August?
19 A. Other than we arranged to meet having met the previous day we arranged to meet
11:51:27 20 the following day for some reason or other in relation to the proposal or in
21 relation to the lands. I cannot specifically say to you that it related to
22 ...
23 Q. 310 I'm not asking you that, Mr. Dunlop. I'm asking you a simple question. On
24 the 16th of August, do you remember actually meeting him on the 16th of August?
11:51:44 25 A. Yes, I met him. I remember meeting him because the only time I met him was in
26 relation to the lands that we're discussing.
27 Q. 311 That's the topic. I'm asking you. And you know what I'm asking you?
28 A. Yes.
29 Q. 312 There are two ways of looking at this. There is a diary entry and you say
11:52:01 30 well that's the diary entry and I obviously must have met him on that day.

- 11:52:05 1 A. Uh-huh.
- 2 Q. 313 Or the alternative of which yes, there is a diary entry. But I actually
3 physically, I actually personal remember that meeting. Do you actually
4 remember the meeting on the 16th of August?
- 11:52:21 5 A. I cannot absolutely say to you definitively that I remember -- all I can say to
6 you is straight forwardly is met Robert on the occasions that I have said in
7 the particular locations that I have said.
- 8 Q. 314 Is the Tribunal then in a position with these diary entries, from your
9 evidence, so that I understand the way that can be attributed to it the diary
11:52:39 10 entries identify dates. You are saying that those dates reflect or record a
11 meeting but that you cannot actually remember physically the meeting?
- 12 A. Unless, unless in the context of the diaries there is a clear indication that
13 the meeting either didn't take place or was cancelled.
- 14 Q. 315 Uh-huh. So the diary says it was cancelled or if the diary acknowledges some
11:53:05 15 other alteration. That's your only -- your only evidence, direct evidence on
16 these issues, relate to the diaries entries. Isn't that what it comes down
17 to?
- 18 A. No. It relates. There are certain things you recall about certain meeting,
19 as you well know.
- 11:53:21 20 Q. 316 Yes.
- 21 A. And who can forget, you know, the circumstances in which we met various people.
22 Because they stick in your mind, for whatever reason. But I keep coming back
23 to the point, your client's name does not appear in my diary for any other
24 reason than I met him in relation to the subject matter that we are discussing.
- 11:53:48 25 The specifics in relation to each meeting, other than the meeting that I have
26 identified as taking place at 489 North Circular Road, which took place, I
27 absolutely assure you, Mr. Hayden, it took place, as did the other meetings.
28 And I cannot give you any more detail than I'm giving you.
- 29 Q. 317 All right. Am I correct in understanding that answer to say that other than
11:54:19 30 the diary entry, you do not have a personal recollection of the meetings?

11:54:24 1 A. Other than the meetings that I have given you details of.

2 Q. 318 The 25th of July meeting?

3 A. No, and other meeting that is took place in the Shelbourne.

4 Q. 319 Can you identify which one of those do you have a personal memory of?

11:54:38 5 A. I met your client on the 7th of August. I met him on the 10th and I met him
6 on the 15th.

7 Q. 320 Those three you do remember?

8 A. I remember because --

9 Q. 321 No, no, no, no --

11:54:48 10 A. I keep saying to you that there are things that happen at meetings that you
11 recall them.

12 Q. 322 No, no, I understand the point you're making. So we at least from the
13 Tribunal's point of view you say that you have a direct memory in addition to
14 the diary entry of those particular meetings?

11:55:02 15 A. Yes.

16 Q. 323 The 18th of September and 19th of September, which of the two categories do
17 they fall into?

18 A. Well, I mean, the day after the other. One immediately after the other. Two
19 days in a row. And again, the only thing I can suggest to you is that -- the
11:55:19 20 thing I am suggesting to you or saying to you is that they relate to one issue.
21 And that is to the Duff lands. After that, I'm not a 100 percent certain.

22 Q. 324 So you don't have any personal memory?

23 A. No.

24 Q. 325 Of either of the meeting of the 18th or of the 19th?

11:55:34 25 A. No.

26 Q. 326 And the only matter that bring it is to your attention or your recollection is
27 the diary entry.

28 A. Correct.

29 Q. 327 And if Mr. White says that those two meetings didn't happen.

11:55:44 30 A. Well ...

11:55:45 1 Q. 328 You point to the diary entry. It's there. It must mean something.
2 A. Well it goes to the core issue. Why would Mr. White's name appear in the
3 diary. Particularly in those circumstances one day after the other. There's
4 obviously an issue of concern. We're meeting regularly.

11:56:00 5 Q. 329 Sorry the 27th of September. Page 512.
6 A. Yes.

7 Q. 330 I can't quite recollect your evidence. Is this the meeting in the pub, is
8 this meeting that you referred to?
9 A. No, no, what I've said is I do not recollect meeting GV and Robert White
10 together.

11 Q. 331 Yes.
12 A. I do not. But let me. In ease of Mr. White's position. Let me be quite
13 straight forward. I'm not saying that no such meeting did not take place. I
14 do not have a recollection of it. And the reason I do not have a recollection
11:56:48 15 of it. Is that I do not recollect meeting GV and -- GV Wright and Robert
16 White together. In fact, as I think I've given in evidence, is Mr. White told
17 me what the position of GV Wright was. He told me what the position of
18 Mr. Gallagher was. And I do not believe that I ever met Mr. White in the
19 company of politicians other than in the --

11:57:24 20 Q. 332 Maguire's. In the pub.
21 A. Where?
22 Q. 333 The pub. Sorry.
23 A. I'm not a frequenter of Maguire's, Mr. Hayden.
24 Q. 334 Oh, sorry.
11:57:33 25 A. Other than in the Royal Hospital Kilmainham where there was quite a -- well
26 there was one. Certainly one if not ...
27 Q. 335 That was the December.
28 A. Politicians. But I'm not suggesting. And I do not wish to suggest that a
29 meeting with Robert White and GV socially, coincidentally, accidentally or
11:57:57 30 otherwise did not take place. I am not saying that. Because I do not have a

- 11:58:01 1 recollection of it.
- 2 Q. 336 I think Mr. White's evidence is to the effect that there was one occasion in
- 3 the Dail where he thought, Mr. White came passing through or something of that
- 4 nature?
- 11:58:11 5 A. Well I don't know if you have ever been in the Dail Bar. It is like the
- 6 Clapham bus station. You could meet anybody there at any given time. And I
- 7 can just would not categorically say that that didn't happen.
- 8 Q. 337 That's understandable. There's a lot of coming and going.
- 9 A. A lot of back slapping and drinking and all the rest of it going on.
- 11:58:33 10 Q. 338 In relation to the diary entry of the 27th of September. Which is page 502.
- 11 A. Uh-huh.
- 12 Q. 339 Where was this issue in relation to the residents at 8 p.m.?
- 13 A. Where was what, the residents?
- 14 Q. 340 Yes.
- 11:58:50 15 A. Obviously there was a meeting. Again, in relation to the residents. I have
- 16 only a residual recollection of speaking to people in -- at a meeting vis-a-vis
- 17 the residents' concerns. I can't absolutely say to you that I remember all of
- 18 the details of the residents, of a residents' meeting in Swords or the Lord
- 19 Mayor or pub or whatever. But certainly, yes, I do know that one, I met
- 11:59:22 20 representatives of the Duff family at some stage. And yes, I do obviously
- 21 have a recollection in relation -- a residual recollection in relation to
- 22 dealing with something in relation to the residents. How much or how detailed
- 23 I don't know. And if any meeting took place in relation to Robert and GV, the
- 24 possibility is that it related to the residents. I can't absolutely say that.
- 11:59:53 25 Q. 341 Mr. White's evidence is to the effect that there was a meeting with the
- 26 residents but that it was in January in the Harp.
- 27 A. Right. It could well be.
- 28 Q. 342 Not in -- there was no meeting with the residents in September.
- 29 A. But the point I wish to make here. It says "8 o'clock Robert
- 12:00:09 30 White/residents." So it's not there again for any capricious reasons.

12:00:15 1 Q. 343 But there was no residents meeting on September 27th.

2 A. I don't know. I cannot absolutely say to you whether there was or not. But

3 that entry is there in my diary for a reason. Either Robert talking to me

4 about the residents or meeting me or the meeting taking place. I cannot

12:00:32 5 absolutely say that.

6 Q. 344 Where do you think this again, the same question, this one hardly happened in

7 the Shelbourne with the residents from Swords?

8 A. Well ...

9 Q. 345 Well maybe. With where do you think this happened.

12:00:45 10

11 CHAIRMAN: I don't know why comments like that have to be made. They only

12 cause upset.

13

14 Q. 346 MR. HAYDEN: Well I think it's more the physical aspect of meeting residents

12:00:56 15 coming from in from Swords coming into the centre of town rather than any issue

16 in relation to ...

17 A. No, I.

18 Q. 347 That was what was intended. If there was any difficulty, I apologise to

19 anybody from wherever.

12:01:13 20 But anyway, where did this meeting happened?

21 A. Since I have just said to you. I only have a residual recollection of dealing

22 with residents vis-a-vis this particular project.

23 Q. 348 Well you --

24 A. But I have this entry in the diary for eight o'clock. I can a not absolutely

12:01:31 25 say to you that Robert came to me to talk about residents. We met residents.

26 Where we met them, I don't know.

27 Q. 349 Again, he will say no meeting.

28 A. The point I wish to make to you again, for specifically for the purposes of the

29 transcript. Not specifically for anything, any persuasion of your mind,

12:01:50 30 Mr. Hayden. Is the reason that is there, there is a reason for it. It's not

12:01:56 1 there for any bad -- you know, for any capricious reason. If it didn't take
2 place or something was to take place it would have been deleted.

3 Q. 350 In any event, Mr. Dunlop. I think the next in diary issues -- you well you
4 saw Mr. Duff's statement which acknowledges the meeting with the residents and
12:02:23 5 that was in the Harp in January.

6 A. Yes, I saw that.

7 Q. 351 And that's also Mr. White's recollection.
8 Just then a couple of other entries.
9 In relation to the -- I suppose time wise. Mr. White will say that ...

12:02:35 10 A. Yeah.

11 Q. 352 That the planning application goes in. Issues arose with the residents ...
12 A. Uh-huh.

13 Q. 353 And Pilgrim or Mr. Collins suggested well you need somebody to assist in
14 relation to dealing with the media and the residents and a number of names were
12:02:49 15 suggested, one of which was yours and the contact was made. That is Mr.
16 White's time line in relation to this. And he fixes that all by after the
17 date of the lodgement of the planning application. As the end of August.

18 A. I was under the impression, Mr. Hayden, that Mr. Collins said I was the only PR
19 man in Dublin that he knew so ...

12:03:09 20 Q. 354 I'm just telling you. Whatever Mr. Collins says is whatever Mr. Collins says.
21 This is what Mr. White says.

22 A. I thought you were quoting.

23 Q. 355 Mr. Collins' name -- sorry. Your name was given to him by Mr. Collins.
24 A. Yeah.

12:03:21 25 Q. 356 And I think that's -- we don't disagree on that. And then Mr. White's
26 evidence is to the effect that will be to the effect that in due course,
27 contact was made and he met you in your offices.
28
29 Now, I don't think we need rehearse all of that back and forth again because
12:03:41 30 the Tribunal will ultimately have to form its own view. But he says that the

12:03:45 1 agreement was made for 10,000 and VAT for the services. And that a number of
2 weeks after that discussion ...

3 A. Uh-huh.

4 Q. 357 He gave you a cheque for 2,500 made out to his recollection, to Dunlop and
12:04:00 5 Associates.

6 A. Well I think I've said in evidence. I certainly said in my statement. I
7 don't know whether or not I got the opportunity to say it in evidence. I have
8 no recollection of getting a cheque from Robert. Like, I'm quite specific.
9 I do not have a recollection of getting a cheque from Robert White. And
12:04:17 10 certainly from any examination that I've been able to do in relation to the
11 lodgement of any cheque. I cannot source any such lodgement.

12 Q. 358 Uh-huh.

13 A. Now, again --

14 Q. 359 Do you have, or do Dunlop & Associates or do you have any bank accounts in Bank
12:04:40 15 of Ireland, Baggot Street?

16 A. No. I never had an account in Bank of Ireland Baggot Street.

17 Q. 360 Or Frank Dunlop & Associates?

18 A. No.

19 Q. 361 And I think you did meet Mr. Dunlop on the 24th of October 1990? (SIC)

12:04:53 20

21 CHAIRMAN: Mr. White.

22

23 Q. 362 MR. HAYDEN: Mr. White. Sorry. I keep ... page 559. This is one of the
24 dates that are a year out.

12:05:13 25 A. Yeah. That was 1991.

26 Q. 363 That was actually 1991. No, that's 1990.

27 A. That's 1990, yes.

28 Q. 364 Its down as 1991 but it's actually 1990. And Mr. White will say that he gave
29 you a cheque in or around that date for 2,500 pounds. Cheque comes out of
12:05:38 30 his, is lodged through the clearing system on the 26th, which is the Friday.

12:05:45 1 And comes out of his account on the, I'll just the exact date. The 30th, I
2 think.
3 MR. QUINN: Is Mr. Hayden referring to some documentation that's included in
4 the brief?
12:06:00 5
6 Q. 365 MR. HAYDEN: There is a. I'm just going to get that.
7 A. He's not.
8
9 CHAIRMAN: He is.
12:06:18 10 A. Chairman, could I ask for the purposes of consulting my counsel for a moment
11 for something that's just come to my attention. Is that possible?
12
13 MR. HAYDEN: I might just finish this question and then I have no difficulty.
14 A. Something has just come to my attention here.
12:06:34 15
16 CHAIRMAN: Just if we deal with this first and then you can certainly talk to.
17
18 MR. HAYDEN: Mr. Quinn might help me. It's the bank statements from Ulster
19 Bank. Whichever of the books they are in.
12:06:45 20
21 MR. QUINN: Page page 839.
22
23 Q. 366 MR. HAYDEN: And you see there, Mr. Dunlop, 30th of October 2000.
24 A. Yeah.
12:07:10 25 Q. 367 Cheque 37. Mr. White has sought the original of that from Ulster Bank and
26 Ulster Bank are declaring an inability to produce it. But that is the cheque
27 he says was paid to you. That was lodged through the clearing system it would
28 appear as best we can establish, but there's no documentary evidence on the
29 26th. So it would go into a bank account for collection on the 26th. Go
12:07:34 30 through the clearing system. Hit his account, hit the Ulster Bank and taken

12:07:39 1 out of the Ulster Bank on the 30th.

2 A. Yes, I understand the clearing system.

3 MR. QUINN: Just in relation to the clearing system reference. It's not

4 readily apparent from that document on the screen that it went through the Bank

12:07:54 5 of Ireland in Baggot Street or indeed that it hit the clearing system on the

6 26th. If Mr, if my friend has documentation which is in the brief which

7 supports that is theory.

8

9 MR. HAYDEN: I don't have documentation either in the brief or otherwise.

12:08:04 10 But if one looks at the audit reference, which no doubt the Tribunal did when

11 trying to track down things. The audit reference shows the audit reference

12 number from the Ulster Bank system, which allows some limited level of tracing

13 back to occur.

14

12:08:24 15 CHAIRMAN: All right.

16

17 Q. 368 MR. HAYDEN: But that is the cheque that Mr. White says he gave you.

18 A. Well, yes. I see what you're -- I see what you're saying, Mr. Hayden, all

19 right. Is this on foot of an invoice plus VAT or is this.

12:08:46 20 Q. 369 No, it's just a cheque that he gave you.

21 A. Without VAT.

22 Q. 370 It was an initial payment towards the fee.

23 A. Without VAT?

24 Q. 371 I'm not saying without VAT.

12:08:55 25 A. But if it was with VAT it would be for a different sum.

26 Q. 372 Sorry, the agreement was.

27

28 CHAIRMAN: He's saying it was part payment of an agreed fee.

29

12:09:05 30 Q. 373 MR. HAYDEN: Which would attract VAT. The full fee was ten and VAT.

- 12:09:10 1 A. Yes.
- 2 Q. 374 So there wasn't an invoice raised. This is a part payment towards that fee.
- 3 A. All right.
- 4 Q. 375 It's for your treatment as to how you wish to treat it in your accounts.
- 12:09:20 5 A. I see.
- 6 Q. 376 In any event. It does appear certainly that there was a meeting in late
- 7 October between you and Mr. White. Even your own diary acknowledges the 24th.
- 8 That would appear to tie up in time line with the lodgements of a cheque some
- 9 days there or thereabouts in relation to that. And then hitting his account
- 12:09:43 10 on the -- not his account but the Nosaka account on the 30th.
- 11 A. Well the only answer I can give you to that, Mr. Hayden, is I can't account for
- 12 these -- you know, supposed transactions as they relate to me.
- 13 Q. 377 Uh-huh.
- 14 A. I have absolutely no doubt that some transactions took place because of the
- 12:10:02 15 bank account. But I have already said to you, you know, I don't have a
- 16 recollection of ever getting money from Robert in the form of a cheque.
- 17 Q. 378 Uh-huh.
- 18 A. But ...
- 19 Q. 379 Are you saying you don't have a recollection?
- 12:10:15 20 A. No, I don't have a recollection. No, I don't. And I certainly don't have an
- 21 invoice. And I certainly have not been able to trace the lodgement of, or the
- 22 cashing of such a cheque if such a cheque existed. Now, that is my position.
- 23 I mean, if Robert White, you know, if your client produces a cheque and says
- 24 there is the cheque. Well obviously. But I do not have a recollection of
- 12:10:46 25 ever getting paid in by way of cheque from Robert.
- 26 Q. 380 You don't have a recollection?
- 27 A. No, I don't.
- 28 Q. 381 Just so that you are given an opportunity to furnish your view on that. He
- 29 will say that he did give you a cheque for that sum.
- 12:11:01 30 A. Obviously if, he is quite entitled to. Can I now just?

12:11:07 1 Q. 382 This will just finish out this particular topic. Clearly, if you did receive
2 a cheque it should have been record in the your records?
3 A. Yes, it should.
4

12:11:15 5 CHAIRMAN: Mr. Hayden, do you say this is Mr. White's personal cheque?
6
7 MR. HAYDEN. No, no, no, Nosaka.
8

9 CHAIRMAN: Are there accounts to show how that entry was dealt with?
10 Presumably there are Nosaka. I know you said that the bank have to produce
11 the cheque. But Nosaka presumably ...
12

13 MR. HAYDEN: I haven't been able to track that down to that. The best --
14 what has been concentrated on because as you can recollect --

12:11:42 15
16 CHAIRMAN: I assume that the sum is dealt with in some shape or form in the
17 accounts. So do you know if they're available?
18

19 MR. QUINN: Draft accounts are included in the brief and --

12:11:53 20
21 MR. HAYDEN: And the draft accounts. The accounts don't contain that level
22 of breakdown on the books, which I think Mr. Quinn will accept. That that
23 level of breakdown isn't. Now it may be that the underlying audit documents
24 may well be available at this stage.

12:12:09 25
26 CHAIRMAN: Well perhaps.
27

28 MR. QUINN: Orders for discovery have been made and complied with.
29

12:12:15 30 MR. HAYDEN: I've been here plenty of time before. And no doubt this event

12:12:20 1 simply occurs because of an event that the Tribunal --
2
3 CHAIRMAN: Well your client can check to see if there is more material
4 available.
12:12:38 5
6 MR. HAYDEN: What the concentration has been on since we got this statement
7 from Mr. Dunlop, has been to try to run Ulster Bank to ground in relation to
8 it. We've had some considerable difficulty in getting any form of meaningful
9 response. I should say to the Tribunal, it has got to the stage where Ulster
10 Bank has had to be put on notice, that if their failure causes him a difficulty
11 in relation to his ability to assist the Tribunal that it may lead to further
12 action being taken.
13
14 But between now and the 5th of May, I can inquire in relation to the accounts
12:13:01 15 of the breakdown if I can get to the bottom line on that.
16 I was going to go on to another topic. I know Mr. Dunlop has ...
17 A. Just one second.
18
19 CHAIRMAN: All right.
12:13:14 20 A. You don't need to rise.
21
22 MR. QUINN: Perhaps this might be an appropriate time to deal with
23 Walls/Kinsealy module.
24
12:13:34 25 It's unlikely that we are likely to get to that module before lunch.
26 I am wondering in ease of Mr. Collins and others who may be here. Would the
27 Tribunal say not before 2.15?
28
29 CHAIRMAN: Well it's now ten past, a quarter past twelve. Mr. Hayden, how
12:13:50 30 long?

12:13:51 1
2 MR. HAYDEN: Of I know I said half an hour, three quarters of an hour before
3 lunch. I am literally two three more topics. I have now, effectively now
4 come up to the end sort of speak, and I shouldn't be much more.

12:14:04 5
6 CHAIRMAN: Unless we could start the ...

7
8 MR. QUINN: I think Mr. Kennedy and Mr. Montgomery may have some questions for
9 Mr. Dunlop and I have one or two questions for Mr. Dunlop.

12:14:20 10
11 CHAIRMAN: That's fine. If we say not before ... all right. Not before two
12 o'clock.

13
14 MR. QUINN: Not before two o'clock.

12:14:32 15
16 CHAIRMAN: Sorry about that.

17 A. Mr. Chairman.

18
19 CHAIRMAN: Yes

12:15:31 20 A. I have, as per the Tribunal's -- the diary. The 1990 diary in my hand.

21
22 CHAIRMAN: Yes.

23 A. Mr. Hayden refers to a meeting on Wednesday the 24th of October 1990. There's
24 no such meeting in my diary of 1990. I know this sounds terribly confusing.

12:15:56 25 But unless I am making a terrible mistake or Mr. Hayden is making a mistake or
26 we're all making a mistake. This is the 1990 diary that has been handed to me
27 by Mr. Kavanagh. There's no reference to -- there's no meeting with Robert
28 White on the 24th of October in this diary. Unless I am drastically
29 misreading this.

12:16:18 30

12:16:18 1 MR. QUINN: But the entries on the 1991 diary for the 24th of October 1990, if
2 you could just look at the original 1990 diary, Mr. Dunlop. And if you look
3 at October. Sorry, first October entry for the 24th.
4 A. I should.

12:16:47 5
6 MR. QUINN: If you go to the very beginning of that diary Mr. Dunlop.
7 A. The very beginning.
8
9 MR. QUINN: Yes. And you will find the months October, November, December.
12:16:55 10 And if I could ask you to go to the 24th of October there?
11 A. Yes, "three o'clock. Robert White."
12
13 MR. QUINN: Yes.
14 A. But did that -- I'm sorry to cause this kind of confusion. What do those
12:17:08 15 months?
16
17 MR. QUINN: First of all, that is your diary.
18 A. Sure.
19
12:17:13 20 MR. QUINN: And secondly, as the Tribunal understands it, you and you've given
21 evidence of this in the past. That it was your practice ...
22 A. Yes.
23
24 MR. QUINN: To change over from one diary.
12:17:22 25 A. To the next.
26
27 MR. QUINN: Yes. And the Tribunal may be wrong in this. But my
28 understanding is that following that evidence, that you entered on the 1991
29 diary, Robert White entry for the October '90 entry. Is that correct?
12:17:42 30 A. Yes. I'm sorry about this, Mr. O'Neill. It's just when it goes to show you

12:17:50 1 when Mr. Hayden put the matter up on the screen and I had the original diary in
2 front of me. There is no appearance of Robert White's name in this diary.
3
4 CHAIRMAN: What year is that?

12:18:02 5 A. This is 1990.
6
7 MR. QUINN: 1075. This shows the actual page from the true 1990 diary, if I
8 could call it that. And your point is that there is no entry there.
9 A. Yes. That's the point.

12:18:16 10
11 MR. QUINN: But do you accept that there are two Octobers in your 1990 diary
12 and in relation to the first October in your 1990 diary? There is a three
13 o'clock entry. If we could have 559, please.
14

12:18:29 15 JUDGE FAHERTY: I think now we're getting a bit confused now, Mr. Quinn.
16 A. No, no, I'm following Mr. O'Neill very well.
17 Mr. O'Neill is correct I think. This is the Economists diary of 1991. But
18 the point that Mr. O'Neill is making is that this diary begins on the 8th of
19 October 1990 and continues on until the beginning of 1991, which is the
12:18:59 20 relevant -- it seems an extraordinary stupid thing to do for a diary. But the
21 point is that Mr. White's name does appear at three o'clock for Wednesday the
22 24th in that section. The point I just made and I apologise if I've caused
23 confusion. But it certainly did confuse me when Mr. White -- when Mr. Hayden
24 put up the note of the October 24th. I had the 1990 diary in front of me in
12:19:29 25 which it does not appear as per what you put on the screen. I apologise.
26
27 CHAIRMAN: All right. Now, Mr. Hayden.
28 A. Sorry, Mr. Hayden. I apologise. I didn't mean to.
29

12:19:41 30 Q. 383 MR. HAYDEN: Not to worry.

12:19:42 1 Anyway, I think I've finished on that particular topic. The balance of the
2 diary entries then just relate to the finishing out of November and December,
3 which Mr. White accepts he was, he had already engaged you at that stage.
4

12:19:59 5 Can I ask you then. And I think we did the first day, so I don't think I need
6 trouble the Tribunal on that any longer on that topic. All of the dates are a
7 year earlier. There was the meeting in the Harp in January with the
8 residents. Is that in your 1991 diary? Because I had a quick look at it.
9 Now, I couldn't find it.

12:20:24 10 A. Okay. Sorry.

11 Q. 384 I'm not saying it isn't.

12 A. January 1991. What date Mr. Hayden?

13 Q. 385 I don't know. I want to find out the date.

14 A. Let me just do a quick flick. It's the last time I'll buy an economist diary
15 anyway. Robert, oh, no sorry. That's a different Robert. Ryan probably.
16 No. I don't see any reference to January 1991.

17 Q. 386 You do accept it happened, it just doesn't seem to have made it into your
18 diary?

19 A. As I said to you earlier. I have a residual recollection of some contact at
20 some stage by Robert White and/or others in relation to concerns of residents.
21 But after that I, I can not help you.

22 Q. 387 In relation to the meetings. Sorry. The receipt of payments in relation to
23 Duff, the Duff lands and Robert White and Nosaka. Can you just clarify one
24 matter for me. Initially the receipt of payments, you had those payments as
12:22:25 25 being received in the period 1991 - 1993, isn't that correct?

26 A. Um.

27 Q. 388 The Duff.

28 A. Yeah, well I'm not sure, yes.

29 Q. 389 I think it's first -- if you have page 256.

12:22:39 30 A. Uh-huh.

- 12:22:41 1 Q. 390 And it's No. 9.
- 2 A. Yes.
- 3 Q. 391 And that relates to payments. The first of the lists that came into
4 existence.
- 12:22:50 5 A. Where? When?
- 6 Q. 392 If you look at, this is in 2000. When you're --
- 7 A. May?
- 8 Q. 393 I'll tell you the exact date.
- 9 A. 9th of May.
- 12:23:01 10 Q. 394 9th of May 2000.
- 11 A. Yeah, I have it.
- 12 Q. 395 And that was a list that you'd --
- 13 A. This was in the brief.
- 14 Q. 396 You had given evidence in April and then it adjourned to this date in May and
12:23:15 15 recommenced. And you were asked specifically could you write out the events.
16 You write out the events and one of the ones we're -- the one I'm dealing with
17 is this entry 9. But of course at that stage the evidence you were giving to
18 the Tribunal is that you thought those payments were all in 1991 - 1993?
- 19 A. In that period, yes.
- 12:23:34 20 Q. 397 Yes. That's wrong, is it?
- 21 A. Well, this is on the basis of the payments I received, recollected getting in
22 the period alluded to, yes.
- 23 Q. 398 Yes. If one goes to the earlier page 255. It shows the period where you
24 thought you were talking about.
- 12:23:53 25 A. Yes.
- 26 Q. 399 The --
- 27 A. The reason that that 1991 - 1993. That related to the Development Plan.
28 That was the period of the Development Plan. Of course this had nothing
29 whatsoever to do with the Duff lands.
- 12:24:07 30 Q. 400 When you were preparing that statement. Not statement, list, whatever. You

12:24:11 1 had obviously done some preparatory work before you were asked to write it out.
2 And you wrote it out in the witness box.

3 A. Uh-huh.

4 Q. 401 Where did you get the information that you received a payment from Mr. White of
12:24:26 5 5,000?

6 A. Yes.

7 Q. 402 What record or what document?

8 A. No, no, I recollected that I had got 5,000 from Mr. White.

9 Q. 403 Because, as you say, there's no records anywhere of any such payments.

12:24:43 10 A. Not normally of cash.

11 Q. 404 Well, you went to the extent of talking about cash in the memo of the 25th of
12 July, didn't you?

13 A. Oh, yes.

14 Q. 405 So I'm just wondering where did this. This is a -- is the extent of its
12:25:02 15 inclusion at article nine a product of a recollection as distinct from any
16 objective -- not objective. Any documentary --

17 A. It's my recollection of the events as I sat in the witness box.

18 Q. 406 Yes. At that stage again why is it included in the period 1991 - 1993?

19 A. That I cannot tell you. Other than the period that we were dealing with or
12:25:24 20 that the Tribunal was most interested in was one, the Development Plan. And
21 two, the sources of any monies that I got from any, I think that's a list in
22 relation to monies received from developers or builders.

23 Q. 407 The only point I'm putting to you, is that when preparing that ...

24 A. Uh-huh.

12:25:46 25 Q. 408 You would have obviously had to address your mind as to when the relationship
26 commenced and so forth.

27 A. Uh-huh.

28 Q. 409 Well it seems, well you do in fairness have a question mark behind it. So it
29 wasn't a firm recollection.

12:25:58 30 A. No.

12:25:58 1 Q. 410 And there's no documentary evidence that you, at least identified to me, other
2 than the note in the diary for the August period with the three on it.
3 A. Yeah.
4 Q. 411 Showing that there was any figure. Three or five.
12:26:13 5 A. Yeah. Or the note in relation to the 25th of July. In relation to any cash.
6 Q. 412 Well let's be clear, Mr. Dunlop.
7 A. Yes. The answer to your question is you're quite right. Yes, there is no
8 documentary evidence.
9 Q. 413 Because the 25th of July is what you say the agreement was to be.
12:26:28 10 A. Yes.
11 Q. 414 So the only document that comes into existence is the three. Is that
12 reference in the August time period.
13 A. Yes.
14 Q. 415 Nothing else?
12:26:39 15 A. I don't have anything.
16 Q. 416 Can I ask you then just coming up towards the end of all of this. Page 564.
17 A. Yes.
18 Q. 417 Is that your, from your accounts is it or?
19 A. No, that's nothing to do with me. 564? Is this 564.
12:27:13 20 Q. 418 It's just a client reference on the top amount.
21
22 MR. QUINN: If it's of assistance to my friend. I think Mr. Ambrose Kelly
23 supplied that document to the Tribunal.
24
12:27:24 25 Q. 419 MR. HAYDEN: Apologies.
26 A. It's definitely not mine.
27
28 Q. 420 MR. HAYDEN: Well that's the end of that question, much to everybody's
29 happiness.
12:27:32 30 Then, can I ask you then. You seem to have been operating two diaries for the

12:27:39 1 1990 period, as we've seen. Can you tell me then page 542. What diary is
2 that out of?
3 A. Well first of all, that is not my writing. And I, what --
4
12:28:04 5 MR. QUINN: Again, this is not Mr. Dunlop's diary.
6 A. This is not my diary. I don't think so anyway.
7
8 MR. QUINN: It's not your diary Mr. Dunlop
9 A. Well certainly not my writing.
12:28:15 10
11 Q. 421 MR. HAYDEN: I'm delighted. These were documents that were given to me in a
12 brief.
13 A. Right.
14 Q. 422 I see day 30th of May. We've already had a discussion about the 30th of May.
12:28:26 15 It may be a different year. Who is to say what's going on with this. This
16 is nothing to do with you at all?
17 A. I shouldn't say it's the first I've seen it. If it was in circulation of
18 documentation, I may well have. I've certainly seen as, Mr. O'Neill (SIC)
19 said, it's not my diary.
12:28:43 20
21 MR. KENNEDY: I think I can help. The name Denis Mahony is written on the
22 side.
23
24 MR. QUINN: That's correct.
12:28:48 25
26 CHAIRMAN: It's presumably in the brief.
27
28 MR. QUINN: It refers to Mr. White or might refer to Mr. White.
29
12:28:55 30 MR. HAYDEN: That's what I'm going to find out. I'm wondering who is going

12:28:58 1 to say it refers to Mr. White.
2
3 CHAIRMAN: It's there in case it might be of assistance to your client.
4 A. Oh, I see Denis Mahony on the side I beg your pardon.
12:29:10 5 If I could just -- whose diary is this.
6
7 CHAIRMAN: Because it's a reference, it's a diary of Denis Mahony.
8
9 MR. HAYDEN: Who is he?
12:29:19 10
11 MR. QUINN: It's a diary of an attendance perhaps by Mr. White on the same day
12 that Mr. White may have been with Mr. Dunlop and may be of assistance to Mr.
13 White. I'm sure Mr. White can deal with it when he comes to give evidence.
14 As I understand it at the moment Mr. White's evidence will be, as we now
12:29:36 15 understand it. That he was not in the jurisdiction on the 30th of May.
16
17 MR. HAYDEN: This is 1991.
18
19 CHAIRMAN: Well it's there. I mean, it was there in ease of. It's a
12:29:49 20 mystery.
21
22 MR. HAYDEN: I needn't worry about it. It makes no sense to me but that's
23 not the first time.
24 A. Any less to me.
12:30:01 25
26 Q. 423 MR. HAYDEN: Anyway, I take it if one looks at document 579. These are 1993
27 miscellaneous spec hours. You see that? A18 Nosaka 7.50. What's that?
28 That's not you, is it?
29 A. What am I looking at?
12:30:23 30 Q. 424 This is nothing to do with you is it or is it somebody else's?

12:30:28 1
2 MR. QUINN: This is not a document discovered by Mr. Dunlop. It was
3 discovered by Ambrose Kelly
4 Q. 425 MR. HAYDEN: Sorry. Fair enough. I'm sorry for having to do it this way
12:30:37 5 but there's no identification furnished to us.
6 A. I just get somewhat disconcerted when I see documents being put up on the
7 screen that allege that I have some involvement in. If it's my writing I'll
8 admit to it but I don't identify that.
9
10 CHAIRMAN: It's not your document.
11 A. It's not mine.
12
13 Q. 426 MR. HAYDEN: That's of great assistance. The only reason I ask is because
14 there was a contention that the relationship continued much longer. And I
12:31:00 15 thought that this was some document that because there is no identification
16 that this is not yours. I thought it may be some accounts. So it's nothing
17 to do with you.
18 Just then to finish out in relation to -- you became involved with another plot
19 of land in the locality in relation to seeking planning?
12:31:18 20 A. Yes. Well a number of plots of land.
21 Q. 427 But the one in particular. I think was it Mr. Tierney?
22 A. Tiernan. Yes, there were a number at the time. Including my own and
23 including the lands at Balheary.
24 Q. 428 I'm only dealing with that because that's the only one that's at.
12:31:42 25 A. At issue.
26 Q. 429 Between us. Because you say -- when do you say your actual engagement? I
27 know you're talking about continuing contact. And I'll deal with that in a
28 second.
29 A. Yeah.
12:31:54 30 Q. 430 When do you say your actual brief your engagement ceased?

12:31:59 1 A. Ceased?

2 Q. 431 Yes.

3 A. Certainly some time in 1991.

4 Q. 432 I think we all agree that.

12:32:08 5 A. Yes. And there is a reference ...

6 Q. 433 Can you be more specific?

7 A. There is a reference in my diary to a meeting with, I don't have the -- do I

8 have the 1991 diary, I do. To Mr. White in I think it's March of 1991.

9 Q. 434 Yes. 6th of March there's a reference.

12:32:29 10

11 JUDGE FAHERTY: 528.

12

13 MR. QUINN: 528.

14 A. And if my recollection is correct. Yes. Yeah, "Robert in the Shelbourne"

12:32:43 15 yes. Or "White in the Shelbourne" I should say. Which was not an unusual

16 location for us. And I think the material contravention was in April. But

17 in answer to your question. The last reference to Robert White, to the best

18 of my recollection, ever, ever up to the most recent to allusions to him in

19 relation to the Tribunal, the last reference to him is on Wednesday the 6th of

12:33:20 20 March 1991.

21 Q. 435 So even on your own evidence, the brief --

22 A. I'm not -- oh, well I'm not saying. I said the last reference to him.

23 Q. 436 I'm asking you a straight forward question. You say you disengaged.

24 A. Well I cannot absolutely tell you when exactly it was the disengagement took

12:33:40 25 place.

26 Q. 437 Well if Mr. White says after he found out that you were promoting Mr. Tiernan's

27 position?

28 A. Well, yes.

29 Q. 438 Does it not contradict?

12:33:50 30 A. No, well, we can't. I've said in my statement that yes Mr. White and myself

12:33:55 1 did have a discussion about issues in relation to other landowners. And other
2 lands and lands nearby. And to my recollection, as I've said in my statement,
3 that it was a pretty straight forward issue that he had heard this from
4 Mr. Gallagher. And he was of the view from his own sources, political
12:34:25 5 sources, that this particular body of land wouldn't go anywhere. Now, again,
6 if my recollection is correct, there was a proposal in relation to these lands
7 in or around the same time as the Duff lands. But I cannot give you. In
8 answer to your question. I cannot give you an exact date when we disengaged.

9 Q. 439 But --

12:34:47 10 A. But, I mean, I'm only saying to you that having a meeting with your client in
11 the Shelbourne at ten o'clock on Wednesday the 6th of March 1991. I'm saying
12 to you that is the last reference, unless I'm badly mistaken. The last
13 reference to your client in any documentation available to me.

14 Q. 440 So if Mr. White says that he disengaged you after establishing that you were
12:35:10 15 acting for Mr. Tiernan. You can't contradict him on that?

16 A. Well if he's prepared to put a date on it.

17 Q. 441 Sorry. He says early 1990. He believes it was early 1990.

18 A. Early 1990?

19 Q. 442 1991. He believes it was earlier than the 6th of March. It was earlier 1990
12:35:30 20 is when he says.

21 A. Why are we meeting on the 6th of March?

22 Q. 443 I'm asking you very clearly --

23 A. I cannot give you an exact date as to when the disengagement took place.
24 That's all I can say.

12:35:40 25 Q. 444 But do you accept that you were disengaged?

26 A. Oh, Robert did not appear to be overly concerned about my activity with anybody
27 else. And certainly it is not as I've said in my statement, we didn't see any
28 particular difficulty with my regarding for acting for Joe Tiernan. And we
29 continued to meet. Now in, that statement I said we continued to meet until
12:36:14 30 December 1991, whereas in fact we continued to meet until March of 1991.

- 12:36:18 1 Q. 445 Yeah. Bit of a difference.
- 2 A. Yeah but I cannot say to you when the disengagement took place. That was your
3 question. I am straight forwardly saying to you that I cannot get a give you a
4 date.
- 12:36:30 5 Q. 446 No, no. The question was, do you accept that you disengaged?
- 6 A. A disengagement took place at some time.
- 7 Q. 447 Yes. If Mr. White says that was early 1991, you don't disagree with it?
- 8 A. Well I'm constrained by being able to categorically say to you when. And I am
9 just saying if the disengagement took place why were we meeting on the 6th of
12:36:54 10 March.
- 11 Q. 448 Well that's the point. Mr. White will say he never met you on the 6th of
12 March?
- 13 A. Well --
14
- 12:36:59 15 CHAIRMAN: Mr. Hayden, I mean, do you want to put to Mr. Dunlop when you say.
16 What's meant by early --
17
- 18 MR. HAYDEN: My client believes February. He established in February that
19 Mr. Tiernan -- sorry, that Mr. Dunlop was acting for another developer, that
12:37:18 20 turned out to be Mr. Tiernan. And from that, at that stage then disengaged.
21 And Mr. White's recollection is that that was February. In fact, I was just
22 going to put to Mr. Dunlop that in fact my client says he didn't meet on the
23 6th of March in the Shelbourne.
24
- 12:37:34 25 CHAIRMAN: All right. Well, as I understand it, Mr. Dunlop, you say you think
26 you did. But did the relationship peter out or was it formally ended?
- 27 A. No, my recollection of the matter, Judge. Is yes, certainly, Robert White and
28 myself had a discussion. As I say in my statement --
29
- 12:37:54 30 CHAIRMAN: That was the end?

12:37:56 1 A. Well it came some time -- he had been alerted or told by Cyril Gallagher that I
2 had -- that I was acting for --
3
4 CHAIRMAN: No but irrespective of when it happened ...

12:38:09 5 A. Yes.
6
7 CHAIRMAN: Was it something, did you formally part company on a particular or
8 end the relationship on a particular date some time, whether it's February or
9 March or?

12:38:21 10 A. No, I have no recollection of the actual disengagement or any meeting in
11 relation to the disengagement.
12
13 CHAIRMAN: Or did the relationships just peter out and there was just no
14 further contact?

12:38:33 15 A. We certainly met. We did discuss the issue. I was obviously anxious in
16 relation to payments. But I cannot absolutely say to you when the
17 disengagement took place. And I think maybe disengagement is a bit of a
18 formal word.
19

12:38:53 20 Q. 449 MR. HAYDEN: Were you told by Pilgrim that your services were no longer
21 required?
22 A. I have no recollection of that. By Pilgrim?
23 Q. 450 Mr. Collins.
24 A. I have no recollection of Mr. Collins.

12:39:02 25 Q. 451 Mr. White will say once this was established he never met you again.
26 A. Yeah well we come back to the age old question. Why is Mr. White in my diary
27 for ten o'clock on Wednesday the 6th of March in the Shelbourne. Particularly
28 located.
29 Q. 452 You see, at the end of the day ...
12:39:23 30 A. Yeah.

12:39:24 1 Q. 453 Mr. Dunlop, what Mr. White's position is, is that he submitted the planning.
2 local issues arose. Contact made to Pilgrim by locals and so forth. A
3 suggestion made to engage the services of somebody who could handle that. You
4 were a name furnished. And he will say that he engaged you in late 1990.
12:39:46 5 And then the relationship ended in early 1991 because of acting for what was in
6 his mind perceived as a competitor?
7 A. Yeah.
8 Q. 454 No more, no less. And that this entire issue in relation to all of the
9 earlier contacts and so forth, didn't happen.
12:40:03 10 A. So. I have to say to you in answer to that. If that's a question or if it's
11 just a statement. If it's a question. I have to say to you that that is not
12 my recollection. And it is not supported in the context of the Robert White
13 that I know and the meetings that are scheduled in my diary. And that
14 ultimately in any event, as you fairly admitted.
12:40:27 15 Q. 455 Not admitted, not, acknowledged this morning, Mr. White never asked you to pay
16 and you never told him you were paying.
17 A. No, there's no question of either of those issues. I have already said quite
18 specifically, no.
19 Q. 456 Yeah. Just there's one. Thanks, Sir.
12:40:59 20
21 CHAIRMAN: Thank you.
22
23 JUDGE KEYS: Mr. Hayden, could I just ask you one question. When you refer
24 to February where the month where the disengagement took place. Are you
12:41:08 25 talking about early February, mid February or late February?
26
27 MR. HAYDEN: My instructions are that Pilgrim did it. But that Mr. White's
28 recollection was that it was, I'll just get it absolutely as ...
29
12:41:22 30 JUDGE KEYS: As best you can.

12:41:24 1
2 MR. HAYDEN: Towards the latter half of February. Mid to latter half.
3
4 JUDGE KEYS: I just raise that. Because it's only six days in March.
12:41:40 5
6 MR. HAYDEN: It's not a major differential. That's his recollection that
7 that was the time.
8
9 JUDGE KEYS: Thank you.
12:41:48 10
11 CHAIRMAN: Now, are there other parties that want to ask Mr. Dunlop.
12 Montgomery: Very briefly.
13
14 CHAIRMAN: Yes.
12:41:57 15
16 **THE WITNESS WAS QUESTIONED BY MR. MONTGOMERY AS FOLLOWS:**
17
18 Q. 457 Mr. Dunlop, do you consider that you are still owed monies by Robert White?
19 A. Well in the context of the agreement that we reached on the 25th of July 1990,
12:42:07 20 yes.
21 Q. 458 And you would accept I think that in the economic climate of 1991, 10,000 Irish
22 pounds was a lot of money?
23 A. Yes.
24 Q. 459 And yet you make no endeavour to recoup it.
12:42:24 25 A. I cannot absolutely say that I did not in any discussion that which had Mr.
26 White. I've already said to the Judge here, one of the Judges, the Chairman.
27 Q. 460 Let's take it after the determination, the end of February beginning of March.
28 A. Yes.
29 Q. 461 You made no endeavour after that date.
12:42:42 30 A. I don't think I did, I cannot absolutely say to you that I didn't. But I have

- 12:42:46 1 no recollection of it.
- 2 Q. 462 It seems to me relatively strange that you would unilaterally, as it were,
3 write off 10,000 pounds. Were you -- to use a colloquialism. Were you sour
4 as regards the termination of the contract had been ...?
- 12:43:18 5 A. Well the only thing that I would say to you in relation to that,
6 Mr. Montgomery, is that it probably reinforced a view that I had formed. But
7 I -- I can't say that I was sour. I mean, I've -- I rarely get sour. But, I
8 mean, there have been occasions from time to time when you do get annoyed
9 temporarily about something that's happened. Particularly in circumstances
12:43:47 10 where something might be successful and that you had some involvement in it.
11 But I can't say that I was sour. I did not meet Mr. White subsequently.
12 I've never seen Mr. White again until the beginning of this module in the
13 Tribunal.
- 14 Q. 463 I'm not in any way --
- 12:44:03 15 A. And I've said nothing adverse or in any way that would intimate a dimension of
16 sourness on my behalf towards Mr. White.
- 17 Q. 464 I accept that you have said twice in the course of the last while that you had
18 taken a view.
- 19 A. Uh-huh.
- 12:44:20 20 Q. 465 Initially that's why you wrote or the comment or the note to yourself.
- 21 A. Well last time I checked, Mr. Montgomery. This is a democracy and people are
22 entitled to take views whether other people agree with them or not.
- 23 Q. 466 I'm asking you what the view was. I'm asking you to inform us what view you
24 took?
- 12:44:39 25 A. I took the view that it would be helpful if I made a note to myself in relation
26 to what I agreed with Mr. White.
- 27 Q. 467 That's in relation to the first usage of the term, you've use it had again now.
28 I'm asking you what was the view that you had taken?
- 29 A. I took a view that having met this man, that it would be preferable for me to
12:44:59 30 keep a note of what we agreed and shook hands on.

12:45:04 1 Q. 468 I'm not talking about the note or the shaking of hands. I'm talking
2 specifically in regard to the termination and the loss of you by 10,000 pounds.
3 A. Uh-huh.
4 Q. 469 And you say you took a view.
12:45:16 5 A. Uh-huh.
6 Q. 470 What was the view that you had taken?
7 A. The view was the first instance that I would keep a note. It was necessary to
8 keep a note in relation to this. And that was it.
9
10 CHAIRMAN: Mr. Montgomery asked about -- Mr. Dunlop, you were being asked why
11 you took.
12 A. I know what Mr. Montgomery is trying to get me to say --
13
14 CHAIRMAN: No, no no, we want you to say what you want to say.
12:45:38 15 A. Uh-huh.
16
17 CHAIRMAN: Was it because you didn't know him and you weren't sure of his
18 track record. Or was it because you felt he would deny you owing you the
19 money. Or was it because you felt you wanted to have something to rely on to
12:45:52 20 sue him subsequently if he welched on the deals?
21 A. Well the latter possibility certainly never entered my head that I would ...
22
23 CHAIRMAN: All right. Well what prompted you to put this into writing at the
24 time?
12:46:05 25 A. That I would have a record of it.
26
27 CHAIRMAN: Yes but why. I mean, was that so that you would be able to -- was
28 that because you were afraid that you might forget about it. Or was it
29 because you wanted to, if you like, put it in front of him if he denied the
12:46:23 30 deal subsequently or?

- 12:46:25 1 A. Well, in relation to that particular aspect. Probably not specifically in
2 those terms. But approaching that view, yes. Approaching the view that if
3 anything occurred that Mr. White would attempt to say that he didn't agree this
4 amount or he didn't agree it, that I would be able to provide him with the
12:46:51 5 note.
- 6 Q. 471 MR. MONTGOMERY: You see, that's just the point, Mr. Dunlop. Something did
7 occur. Mr. White fired you. And you have the note that you had so carefully
8 prepared for the reasons that you have now told the Chairman. Why didn't you
9 do something about it?
- 12:47:11 10 A. Well I just didn't wish to pursue it.
- 11 Q. 472 Why?
- 12 A. Why does, why do we do anything ever?
- 13 Q. 473 No, no, no.
- 14 A. I can't give you an answer as to why. But I certainly wasn't going to sue
12:47:22 15 him. I may well, as I said to you earlier, I may well have raised the issue
16 with him. I can't absolutely say categorically that I did or I did not. I
17 may well have done. But I certainly wasn't going to sue him.
- 18 Q. 474 It's more than you had nothing to do with him.
- 19 A. Correct.
- 12:47:39 20 Q. 475 So therefore you took no steps whatsoever to try and enforce what you
21 considered to be your rights.
- 22 A. No, either documentary or legally or otherwise.
- 23 Q. 476 Were you sour, if I can use that word again, with Mr. Gallagher. In that it
24 was Mr. Gallagher who would have informed against you?
- 12:48:08 25 A. No, I've never been sour with Cyril. I was never sour with Cyril Gallagher.
- 26 Q. 477 Thank you. If I can change to a different topic, Mr. Dunlop.
27 When you first met Mr. White. It was on an introduction and his background
28 you were advised that Mr. White had discussed the matter in great depth with
29 both GV Wright and with Cyril Gallagher.
- 12:48:33 30 A. Yeah. Well Mr. White told me that himself.

- 12:48:38 1 Q. 478 I asked had you been briefed on that prior to your meeting Mr. White.
- 2 A. On that. Whether he had discussed it in depth with GV Wright and Cyril
- 3 Gallagher. Is that the question?
- 4 Q. 479 Yes.
- 12:48:52 5 A. Um, I can't recollect that I was told that by Mr. Collins, no. Mr. Collins
- 6 made the first contact.
- 7 Q. 480 Now, would it be fair to comment that if a particular motion or a particular
- 8 project had the backing of both GV Wright and Cyril Gallagher at that time,
- 9 that the balance of the local Fianna Fail councillors would have undoubtedly
- 12:49:31 10 followed their lead and in response to what was required?
- 11 A. Sorry, Mr. Montgomery I didn't hear the latter part of that. I presume it is
- 12 if they were supportive of it would the rest of the people support it.
- 13 Q. 481 If they were promoting it rather.
- 14 A. Yes. Well if as GV Wright said to me. If Cyril Gallagher, it was Cyril
- 12:49:55 15 Gallagher's area. If Cyril Gallagher was in favour. The vast majority of
- 16 councillors would not have an appreciation of what was going on in Swords.
- 17 Cyril was the Fianna Fail representative of Swords. There were others but --
- 18 Q. 482 Mr. Dunlop we've gone down this road before. Can we stick with the question?
- 19 A. Sorry, Mr. Montgomery. Please, now. If Cyril said he was supporting
- 12:50:21 20 something, yes, the distinct possibility, unless there was something seriously
- 21 wrong or that somebody could point to something serious either in a planning
- 22 issue or otherwise. Yes, the possibility is that at a meeting of the Fianna
- 23 Fail councillors when Cyril would indicate that he was supporting that.
- 24 People would say we'll do this for Cyril.
- 12:50:43 25 Q. 483 Now, if we could have page 301, please.
- 26 Do you see half way down that page Mr. Dunlop? You state you were approached
- 27 by Mr. Robert White?
- 28 A. Yes.
- 29 Q. 484 Representing the Nosaka Consortium in the latter part of 1990, early 1991.
- 12:51:10 30 And you describe Mr. White being -- informed me that he had discussed the

12:51:18 1 matter with Messrs. Write and Mr. Gallagher. You go on to say "He wanted my
2 assistance to make sure that other people were looked after and remained
3 supportive."
4 A. Uh-huh.

12:51:34 5 Q. 485 What I'm putting to you, Mr. Dunlop, is that if Mr. White and Mr. Wright -
6 sorry. Mr. Gallagher and Mr. Wright had already declared themselves, to
7 inform Mr. White. Then as and from that stage there was no necessity to have
8 others of a similar political persuasion remaining supportive. Rather it
9 would be necessary perhaps to ensure that those other councillors would back
10 the proposal. Is that fair?
11 A. Well it's a reasonably. It's a reasonable outline of the issues. I'm just
12 making the point that of what I said to you some weeks ago now or days ago, I
13 can't remember. In relation to Cyril. Cyril Gallagher was enthusiastic
14 about one aspect of this proposal. And that was an hotel. He was dubious
15 and repeated his concern to me in relation to the time frame because of his
16 knowledge of what was taking place in Swords or what could take place in Swords
17 vis-a-vis services. And he thought and I emphasise that he thought, the
18 planners would take a dim view of the proposal. Now, that's one aspect of it.
19 In relation to other councillors --

12:53:11 20 Q. 486 If I can stop you on that one aspect?
21 A. Yes.

22 Q. 487 Surely, having reservations and facing, as it was, realities, doesn't detract
23 from a person being supportive or otherwise. One can be supportive of a
24 project. But having a view as to whether it was would be successful or not
12:53:33 25 were nevertheless prepared to support it. And I presume ...
26 A. Uh-huh.

27 Q. 488 That is the position.
28 A. Well, I mean, I couldn't specifically deny, deny the contention you're making.
29 The only thing that I'm saying is in relation to Cyril, he was recognised as
12:53:52 30 the Swords man or the Swerds man as he called himself. He didn't describe it

- 12:53:59 1 as Swords. He said that he had concerns. One, the main concern that he had
2 and I suspect, I've no reason to other than this, other than this, it's
3 presumption on my part, that he made that view known to Mr. White as well. In
4 relation to the timing. And secondly, the issues in relation to the attitude
12:54:22 5 that might be adopted by the planners. Subsequently, indicating his support,
6 yes, would normally, as I've outlined to you. Unless somebody else
7 specifically came along and said we cannot support that or we're not supporting
8 that, for whatever reason, and a korchoros developed in relation to the Fianna
9 Fail support.
- 12:54:50 10 Q. 489 Well that's going very much down the road of supposition.
11 A. I'm just outlining to you when you asked me in relation to when you asked me
12 what Cyril Gallagher's view was.
- 13 Q. 490 I didn't ask you --
14 A. Well in relation to support. Sorry in, relation to other support.
- 12:55:03 15 Q. 491 The point I'm coming to ...
16 A. Sorry.
- 17 Q. 492 The point I'm coming to, Mr. Dunlop. The point I want to make to you. Is
18 that the giving or the alleged giving by you of monies, to either Mr. Gallagher
19 or Mr. Wright, is complete and absolute fiction. That it was completely in
12:55:28 20 the circumstances absolutely unnecessary and very nearly would have been an
21 insult, in that for either of them to have changed their minds would have meant
22 reneging on an assurance that they had already given to your client.
- 23 A. Well I can't comment on that. Other than to say that the evidence that I am
24 giving is in relation to payments to politicians and that is an instance.
- 12:55:52 25 Q. 493 Well you knew absolutely nothing of any nature to assist us, to particularly
26 assist the Tribunal, in coming to the view that your evidence should be
27 accepted.
- 28 A. We've been through this before. And I keep making the same point to you.
29 And the answer is no.
- 12:56:07 30 Q. 494 The point is that you can neither recollect when or where, other than the

12:56:14 1 statements that you make now. You can't recollect specifically the payment of
2 the monies through your accounts because you say you got it in cash and you
3 dealt with it in cash. And you have absolutely no method whatsoever of
4 ascertaining when you gave these monies. And you are surmising. You are
12:56:41 5 telling us that you met

6 A. I'm glad you changed that, Mr. Montgomery.

7 Q. 495 That you met Mr. Gallagher in the Grand Hotel, in Malahide. But you are
8 giving us absolutely no reference to check the records, if they exist in
9 Malahide, by giving us a date, you can't even give us a month. You just say
12:56:52 10 that he was paid?

11 A. Correct.

12 Q. 496 Thank you.

13

14 CHAIRMAN: All right. Do you have?

12:56:56 15

16 MR. KENNEDY: Very briefly, Chairman.

17

18

19 **THE WITNESS WAS QUESTIONED BY MR. KENNEDY AS FOLLOWS:**

12:56:59 20

21 Q. 497 MR. KENNEDY: If I may be allowed.

22 293. The record of Mr. Dunlop's meeting. Just a few matters arising out of
23 that. 293.

24 A. Oh, yes, sorry, Mr. Kennedy, yeah.

12:57:17 25 Q. 498 When you left that meeting, which is the meeting which is denied by Mr. White.
26 Did you take any documentation with you?

27 A. Yes, I think Mr. White gave me documentation in relation to something in
28 relation to the Nosaka proposal.

29 Q. 499 Where is that documentation?

12:57:35 30 A. I think I discovered it to the Tribunal.

12:57:38 1 Q. 500 Could I direct your attention to the way you described the property in your
2 note, Mr. Dunlop?
3 A. Yeah.
4 Q. 501 You give it the address Broadmeadow, Newtown.
12:57:50 5 A. Uh-huh.
6 Q. 502 Swords, County Dublin.
7 A. Uh-huh.
8 Q. 503 I won't say I've exhaustively looked through the brief. I don't see the word
9 Newtown anywhere other than in your note?
12:58:03 10 A. Uh-huh.
11 Q. 504 Where did you get that from?
12 A. Well I obviously got it from Mr. White. If you just bear with me for one
13 second.
14 Q. 505 Mr. Quinn is telling me it may appear somewhere.
12:58:21 15
16 MR. QUINN: I'm not saying it appears. But included with Mr. Dunlop's
17 statement ...
18 A. Yes.
19
12:58:28 20 MR. QUINN: In October 2000, was a document which is circulated in the brief.
21 It's at 771 - 777. And it appears to be some sort of a report provided by
22 Pilgrim in relation to low density housing, hotel and distribution order for
23 development for Nosaka Limited. Now, I don't know if Mr. Dunlop is saying
24 that he received that at that time from Mr. White or not. But he did give it
12:58:54 25 to the Tribunal with his statement, if that's of any assistance to Mr. Kennedy
26 or Mr. Dunlop.
27
28 MR. KENNEDY: And is the word Newtown anywhere in that document?
29 A. I don't know Mr. Kennedy is the answer to that. You can take it as definite
12:59:09 30 from me, if I put down Newtown it was referred to by Mr. White. I don't know

12:59:15 1 where Newtown is but ... no, at first sight I don't see Newtown in this
2 document. It's Jugback lane.

3 Q. 506 Nor do I, Mr. Dunlop.

4 A. Uh-huh.

12:59:33 5 Q. 507 I'm just wondering where it came from.

6 A. Well the only answer to your question, Mr. Kennedy, is I certainly didn't
7 invent it. It came from my meeting with Mr. White.

8 Q. 508 Now, your diary note for that date says the meeting was at 10.30 a.m. You
9 strike me like a gentleman who would always be on time. The meeting appears
10 to have started at 11. Is there any simple explain for that?

11 A. We all get delayed. I don't know. That's the note that I made of the timing
12 of the meeting.

13 Q. 509 And Claddagh House. Just the address. Does that appear on the building that
14 you went to?

13:00:09 15 A. To my recollection, yes. Can I just say something to you.

16 Q. 510 Certainly.

17 A. I've often driven down that road and the number of times that I made a
18 resolution to look to see whether there is a black plaque of Claddagh House on
19 that building and I haven't. But that was the description of the house that
13:00:27 20 was given to me before the meeting and I believe that description is on the
21 house but I haven't checked.

22 Q. 511 It might have been a good idea to check.

23 A. Well ...

24 Q. 512 But you didn't?

13:00:37 25 A. I haven't checked, no. It either is or it isn't. If it's there that's fine
26 it was there and it's taken down. We'll check it after lunch. We'll check
27 it before we meet you again.

28 Q. 513 If the meeting didn't take place it's not particularly important.

29 A. Sorry?

13:00:53 30 Q. 514 If the meeting didn't take place. Which is denied by, as I understand it, Mr.

- 13:00:57 1 White, it may not be particularly important.
- 2 A. Well why is this issue raised. It's either called Claddagh House or it's not.
- 3 One or the other. It's very simple.
- 4 Q. 515 It's written there, so you were satisfied that it was.
- 13:01:10 5 A. Correct. Absolutely.
- 6 Q. 516 The concerned about the view you formed, why didn't you simply write a letter
- 7 to Mr. White and record the fact that your agreement was 10,000 pounds plus
- 8 VAT, which was professionally agreed at the time, even VAT was mentioned. Why
- 9 didn't you drop him a line and confirm your arrangement?
- 13:01:39 10 A. Yes, well hindsight is wonderful, isn't it, Mr. Kennedy. I didn't. There is
- 11 no letter extant or correspondence ever extant between Mr. White and myself.
- 12 Q. 517 I mean, that would have been a wise thing to do with the state of mind you had
- 13 and the view that you had formed about this gentleman. Rather than write a
- 14 singular note that nobody might ever have seen unless this Tribunal took place.
- 13:01:50 15 A. Well I'm not going to write to you this afternoon and say in relation to some
- 16 discussion we might have. I might make a note to myself for future purposes
- 17 to what impressions I have. But certainly I'm not going to write you a
- 18 letter. And I certainly didn't do it with Mr. White. I'm sure Mr. White can
- 19 attest to that fact as well. There was never any correspondence that I can
- 13:02:10 20 recollect between us.
- 21 Q. 518 It would have been a wise thing to do. I think you were a fairly wise
- 22 business person at the time.
- 23 Moving on to GV Wright very briefly.
- 24 A. Uh-huh.
- 13:02:22 25 Q. 519 You said you spoke to GV after the meeting on the 25th of July. Could you
- 26 give us some context for where, how, when you spoke to Mr. Wright?
- 27 A. Yes. Well, Mr. White raised the fact that he had discussed this matter with
- 28 GV. And that GV was on side and fully supportive. I think I answered this
- 29 had question to you some days ago or some weeks ago.
- 13:02:48 30 Q. 520 All I'm asking you now.

13:02:51 1 A. Yeah.

2 Q. 521 Is that you said it in -- sorry, Chairman, am I interrupting you?

3

4 CHAIRMAN: It's just that I understood that you asked these questions before

13:03:01 5 to Mr. Dunlop in this module.

6

7 MR. KENNEDY: It's just that he said in his evidence this morning that he

8 spoke to GV Wright.

9

13:03:07 10 CHAIRMAN: He said on the last occasion, if my note is correct. "Met GV

11 regularly. Can't give specific date."

12

13 MR. KENNEDY: I won't pursue that then, Chairman. Thank you, Mr. Dunlop.

14 A. Thanks, Mr. Kennedy. You're welcome.

13:03:24 15

16 CHAIRMAN: Thank you, Mr. Dunlop. We'll sit again at five past two.

17 A. Thank you, Chairman.

18

19 MR. HAYDEN: I take it this module is finished until the 5th? Until the 5th?

13:03:37 20

21 MR. QUINN: Well, I'm not sure if Mr. Dunlop is finished. There will be one

22 or two questions I think at five past two in relation to Mr. Dunlop. It's not

23 intended. Once Mr. Dunlop is finished in the afternoon that he will be --

24 that he will return on this module.

13:03:55 25

26 CHAIRMAN: Yes. But Mr. Redmond has indicated that he has no questions.

27

28 MR. QUINN: I have one or two questions.

29

13:04:01 30 CHAIRMAN: Okay, all right. It will be a short revisit at five past two.

13:04:06 1

All right.

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THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

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THE TRIBUNAL RESUMED AS FOLLOWS AT 2:05 P.M.:

- 13:04:24 1
- 2
- 3 Q. 522 MR. QUINN: Good afternoon, Mr. Dunlop.
- 4 There are just one or two issues I want to clarify with you in relation to this
- 14:09:26 5 module, if I may.
- 6
- 7 Just in relation to the provision of statements and the discovery to the
- 8 Tribunal. I just want you to confirm that accompanying your statement in
- 9 October 2000 was the note which you referred to. If we could have 770, please.
- 14:09:44 10 That is the note of the 25th of July 1990. Isn't that right?
- 11 A. That's correct, Mr. Quinn, yes.
- 12 Q. 523 And also I think a report at 771. A report, an architectural report and
- 13 drawing schedule, provided by Pilgrim in relation to this development by
- 14 Nosaka. Is that correct?
- 14:10:05 15 A. That's correct, yes.
- 16 Q. 524 And you then I think you were asked to provide discovery in the module
- 17 relatively recently. On the 7th of March 2006, you swore an affidavit of
- 18 discovery. That's to be found at pages 762 to pages 769 of the brief. And I
- 19 think at 766 at part one of the first schedule, you again discovered those two
- 14:10:33 20 documents. Isn't that right?
- 21 A. Yes, that's correct, sorry.
- 22 Q. 525 Is the Tribunal to take it that they are the only documents that are agreed in
- 23 your possession in relation to this matter?
- 24 A. Correct.
- 14:10:44 25 Q. 526 Now, just in relation to what documents might have been in your possession at
- 26 any stage in relation to this matter. Can the Tribunal take it that when you
- 27 took on a brief or you took on a client that you opened a file in relation to
- 28 that client?
- 29 A. That would be part of the course, yes.
- 14:11:01 30 Q. 527 And you would include within that file documentation in relation to that brief.

- 14:11:07 1 A. Yes.
- 2 Q. 528 Would you open several files or would you open just one file?
- 3 A. There could be several files for example, in the context, we'll say, I had a
- 4 client and there was correspondence. That would go into a correspondence
- 14:11:23 5 section. If there was an account issue, where there would be a separate
- 6 section in relation to accounts for payments and invoices and all the rest
- 7 would be drawn up by -- or a member of staff.
- 8 Q. 529 So there could be just the ordinary correspondence file documentation given to
- 9 you by the client?
- 14:11:46 10 A. Yes.
- 11 Q. 530 And then something in the accounts section.
- 12 A. Yes. And any other. From time to time you would, if, depending on the
- 13 client, you could end up with voluminous documentation, reports, from the
- 14 client or previous reports from the client, previous publicity material from
- 14:12:04 15 the client or whatever. Normally most of those would appear in a file or
- 16 associated files relating to the client. From time to time that material
- 17 would be thrown out, as being out of date and no longer of relevance. Of no
- 18 relevance, further relevance I should say.
- 19 Q. 531 Now, for whatever reason in May of 2000 this documentation that you were able
- 14:12:32 20 to discover in October 2000 wasn't available to you. Is that right?
- 21 A. Yes.
- 22 Q. 532 And you can't tell the Tribunal where it was in the intervening period.
- 23 A. No. As I said earlier, said this morning, it was obviously somewhere in the
- 24 office or in a file or in the filing cabinet. And as soon as I discovered it
- 14:12:51 25 I gave it to my solicitor.
- 26 Q. 533 But would it have been filed under a filing system "Robert White" or "Duff
- 27 lands" or, you know, what was it?
- 28 A. Yes. It could have been in one or other of "Duff" or "Robert White" because,
- 29 as I said this morning, notwithstanding the references to Nosaka, I don't think
- 14:13:14 30 I ever kept a file in relation to Nosaka.

- 14:13:18 1 Q. 534 And now if I could just deal with the sequence of events.
2 You were requested I think by the Tribunal to provide a more detailed narrative
3 statement in relation to this matter on the 23rd of January of this year. If I
4 could have 328, please.
- 14:13:32 5
6 Would you accept, Mr. Dunlop, that when that request was received by you, as
7 appears from 329. And it was the intention of the Tribunal that that request
8 would be complied with by the 10th of February 2006.
- 9 A. Yes, it's in the letter, yes.
- 14:13:48 10 Q. 535 However, did you not receive the brief until the 22nd of February. Isn't that
11 right?
12 A. Correct.
- 13 Q. 536 If I could have 1073. So would you accept that it was intended that you would
14 provide a more detailed narrative statement to the Tribunal in the absence of
14:14:04 15 the brief?
16 A. Yes.
- 17 Q. 537 As circulated in this module?
18 A. Yes, I would accept that, yes.
- 19 Q. 538 And you had I think. And you have confirmed that you had available to you at
14:14:13 20 that time copies of your diaries. Isn't that right?
21 A. Yes, I have them with me today.
- 22 Q. 539 Now, your statement, your more detailed statement, which was given to the
23 Tribunal in early March. I think leaving aside the issue of the diaries for
24 the moment.
- 14:14:29 25 A. Yeah.
- 26 Q. 540 I think in that statement you referred in a more detailed to the meetings that
27 you had with Mr. White. Isn't that right?
28 A. Yes.
- 29 Q. 541 And I think you led the Tribunal to believe in that statement, that your
14:14:43 30 meetings with Mr. White predated and post dated the material contravention

- 14:14:47 1 vote, which was April 1993 I think. Is that right?
- 2 A. Yes on the basis of -- yes, is the answer, yes.
- 3 Q. 542 As I now understand your evidence that may not be true. Leaving aside the
4 issue of the diaries. You corroborated what you were saying by reference to
14:15:03 5 the diaries.
- 6 A. Yes.
- 7 Q. 543 But I think your statement was to the effect that your relationship pre and
8 post dated the material contravention. Is that now your position?
- 9 A. As I said this morning to Mr. Hayden, the only reference to Mr. White -- the
14:15:18 10 last reference I should say, to Mr. White is on the 6th of March 1991.
- 11 Q. 544 No, I'm leaving aside the issue of the diaries for the moment, Mr. Dunlop.
- 12 A. I know exactly what you're asking me, Mr. Quinn. Maybe I'm being a little bit
13 long-winded in answering you. The last reference to Mr. White in the diary is
14 Wednesday the 6th of March 1991. The material contravention, as I understand
14:15:43 15 it, and again subject to correction in relation to the actual date, I think was
16 sometime in April 1991.
- 17 Q. 545 That's correct.
- 18 A. I can't give you the exact date. I don't have any other reference to Mr.
19 White after the 6th of March 1991. And I cannot say that I spoke to Mr.
14:16:05 20 White. I cannot categorically say that I spoke to Mr. White after the 6th of
21 March 1991.
- 22 Q. 546 But you did give evidence to the Tribunal at the commencement of this module.
- 23 A. Yes.
- 24 Q. 547 That you had in fact spoken to Mr. White right up until December '91.
- 14:16:21 25 A. Correct.
- 26 Q. 548 Yes. Now, just the other point. In your statement you said that you had
27 difficulties with regard to payments or outstanding monies and that you had
28 raised this with Mr. White.
- 29 A. Yeah, yeah.
- 14:16:36 30 Q. 549 In your statement I think you went so far as to say that Mr. White repeatedly

14:16:41 1 assured you that everything would be okay.

2 A. Yeah.

3 Q. 550 Giving the impression that there were several meetings at which several

4 assurances were given by Mr. White.

14:16:50 5 A. Yes.

6 Q. 551 In the light of your evidence before lunch, do I understand you it to be still

7 maintaining that position?

8 A. Yes.

9 Q. 552 Or are you --

14:16:55 10 A. No. In relation to the statement in relation to my contact with Mr. White,

11 yes, that is the position. On a number of occasions discussed with Mr. White

12 payment. Now, I can't give you the exact dates.

13 Q. 553 But from what you now say it would appear to be discussions with Mr. White

14 concerning payments prior to ...

14:17:16 15 A. Yes.

16 Q. 554 The material contravention vote.

17 A. Yes. I have my note of the 25th of July 1990. Which was the agreement

18 reached between Mr. White and myself. And we have successive meetings with

19 Mr. White in relation to the payment.

14:17:39 20 Q. 555 Yes, but the meetings with Mr. White in relation to payment based on your

21 evidence, as I understand it, couldn't have arisen until the due date for the

22 second moiety became payable, isn't that right? In other words that he had

23 paid you according to your evidence.

24 A. Yes.

14:17:56 25 Q. 556 1990.

26 A. Yes.

27 Q. 557 And you were to get another five I think, later in 1990. Isn't that right?

28 A. He said, what did I say, within three months.

29 Q. 558 Yes. Within three months. So it would have been October/November 1990 before

14:18:08 30 you were due your second instalment.

- 14:18:11 1 A. Yes.
- 2 Q. 559 So are you saying that between October/November 1990 and February or March of
3 '91. The meetings that occurred in that period all related to the question of
4 payment?
- 14:18:21 5 A. No, I'm not saying all related. I'm saying that the issue arose, but I am not
6 saying always, as I said to Mr. Hayden this morning, we certainly. Mr. White
7 and I would not be meeting solely in the context of payments. We would be
8 meeting in the context of the proposal.
- 9 Q. 560 And could I just refer again to that document at 293.
14:18:41 10 This is the handwritten note which you say was made at 1 p.m. on the 25th of
11 July 1990. Isn't that right?
- 12 A. Correct
- 13 Q. 561 Was it your practice to create documents for your own personal purposes, such
14 as this particular document?
- 14:19:01 15 A. Not the normal practice, no.
- 16 Q. 562 Did you ever create a similar type document?
- 17 A. Um, offhand I can't recollect and I can't say definitively but offhand I can't
18 recollect.
- 19 Q. 563 This was a document that was only ever going to be shown to Mr. White in the
14:19:19 20 event of him denying the agreement that you had with him. Isn't that right?
- 21 A. Yes. As I said to the Chairman and to Mr. Hayden this morning and I think
22 Mr. Kennedy. Was that I made the note in the context of the meeting that I
23 had and I formed a view.
- 24 Q. 564 Yes. But it was a note to yourself.
- 14:19:40 25 A. Yes.
- 26 Q. 565 Isn't that right?
- 27 A. Yes, it's not entitled as such.
- 28 Q. 566 Yes.
- 29 A. But it is a note to me, yes.
- 14:19:47 30 Q. 567 What I have in mind Mr. Dunlop. Is did it ever occur to you to make a similar

- 14:19:51 1 note to yourself in cases where you might have made payments to councillors?
- 2 A. No.
- 3 Q. 568 In other words, to record or to remind yourself of the individual payments that
- 4 you might have made to individual councillors?
- 14:20:03 5 A. No. And I think there is only one. And again, subject to correction given
- 6 the number of modules that I have been in. But subject to correction, I think
- 7 there is, I'm trying to think of the word other than documentary. It is a
- 8 document because it's my diary. There is a reference to a payment to a
- 9 politician in the diary. I think we've gone through that.
- 14:20:24 10 Q. 569 I think we've gone through that.
- 11 A. Yes, in a previous module, yes.
- 12 Q. 570 Yet when you spoke with the Tribunal legal team in May of 2000, you had advised
- 13 them that they had searched every file in your filing cabinet and yet you could
- 14 not find any document in relation to this module including this document which
- 14:20:43 15 must have been in existence and in your possession.
- 16 A. Well let me just say to you straight forwardly. There was no question it was
- 17 in existence because it was made at the time. So it was somewhere in the time.
- 18 Q. 571 But it was in your possession.
- 19 A. Yes.
- 14:21:11 20 Q. 572 Or were the documents the property of you or Frank Dunlop & Associates in
- 21 somebody else's possession at that time?
- 22 A. No, no, what I have said to you was that it was in my office, some place in my
- 23 office, in a filing cabinet of a file.
- 24 Q. 573 And you checked all of the relevant files and yet you couldn't find it.
- 14:21:12 25 A. At the time, yes.
- 26 Q. 574 And finally, Mr. Dunlop. It's in the context of what Mr. Hayden was asking
- 27 you about earlier.
- 28 If I could have 508, please. On the 15th of August. I think you have
- 29 identified the 15th of August in which you received 2,000 pounds in cash in the
- 14:21:33 30 Shelbourne from Mr. White. Isn't that right?

14:21:35 1 A. Yes.

2 Q. 575 508. Do you see the earlier entry on that? Wednesday the 15th for ten

3 o'clock, London.

4 A. Yes.

14:21:44 5 Q. 576 Were you in London on the 15th of August Mr. Dunlop?

6 A. No, I don't think I was.

7 Q. 577 That entry isn't cancelled.

8 A. No, it's not.

9 Q. 578 It is an entry for London. I'm not misreading it?

14:21:57 10 A. It looks like London, yes.

11 Q. 579 Its your writing.

12 A. Oh, it is, yes.

13 Q. 580 It certainly looks to me like London. Would you agree with me that would

14 suggest that you might have been in London at some stage on the 15th of August?

14:22:10 15 A. I'm just looking at a previous entry to it, whether that refers to it. It

16 might suggest it on the face of it, yes.

17 Q. 581 Were you in London on the 15 of the of August, Mr. Dunlop, 1990?

18 A. Um -- I'll have to -- subject to checking. I did fly to London with a client

19 very early in the morning and we came back at some stage in the late morning.

14:22:43 20 It's not a client that's referred to in any of these modules. But I can't

21 absolutely say that that's the date but I can it check it for you.

22 Q. 582 Well, can I just suggest two other dates to you? If you look at the 13th,

23 Monday the 13th. You see London lunch du Pont?

24 A. London lunch du Pont, yes, yes -- no, that doesn't strike a bell I have to say.

14:23:07 25 Q. 583 Okay. And if we could have 509, please. For the following Wednesday which is

26 the 22nd of August. You have an entry 11:55. London flights. Ludley &

27 Law?

28 A. No, that Lindley & Law. That's a legal firm.

29 Q. 584 Yes.

14:23:30 30 A. I'm confused because it says 11:45 London flight and 11 Lindley & Law.

- 14:23:38 1 Q. 585 Yes.
- 2 A. There is an issue, nothing to do with the Tribunal, in relation to a meeting in
- 3 London with various people, which was conducted after a very early morning
- 4 flight. But I can give you the exact date of that meeting that I'm referring
- 14:23:55 5 to.
- 6 Q. 586 If we could have 508 again, please. Would you agree with me, Mr. Dunlop, that
- 7 at first sight that diary entry for the 15th of August would suggest that you
- 8 perhaps were in London?
- 9 A. Oh, yes.
- 14:24:08 10 Q. 587 On the 15th of August?
- 11 A. Yes, I agree with that.
- 12 Q. 588 That's the day you say you may have at four o'clock received 2,000 pounds from
- 13 Mr. White?
- 14 A. Yes.
- 14:24:17 15 Q. 589 Thank you Mr. Dunlop.
- 16
- 17 CHAIRMAN: All right. Thank you.
- 18
- 19 JUDGE FAHERTY: Just one matter Mr. Dunlop.
- 14:24:26 20 A. Sorry, I beg your pardon, yes.
- 21
- 22 JUDGE FAHERTY: As I understand it. You were to get 4, 000 success fee, as
- 23 per your note, isn't that correct?
- 24 A. Correct.
- 14:24:36 25
- 26 JUDGE FAHERTY: The success fee payment could really only arise if it were
- 27 successful, which it was as I understand it
- 28 A. Yes, as per the note, Judge. It says the development.
- 29 JUDGE FAHERTY: The planning permission --
- 14:24:49 30 A. Preliminary planning process.

14:24:50 1
2 JUDGE FAHERTY: Yes.
3 A. The preliminary planning process in this instance would have referred to the --
4 not planning permission.
14:24:59 5
6 JUDGE FAHERTY: No the material contravention vote.
7 A. Yes.
8
9 JUDGE FAHERTY: Yes, and that's my point. And that occurred on the 21st of
14:25:04 10 April '91?
11 A. Well in April. I don't know the correct date.
12
13 JUDGE FAHERTY: And I just want to. So obviously the success fee could only
14 become payable if I put it like that, after April of 1991?
14:25:18 15 A. Correct.
16
17 JUDGE FAHERTY: And I understood you to say to Mr. Quinn that you had
18 discussions with Mr. White. Now, some of the discussions were in late '90 ...
19 A. Yes.
14:25:27 20
21 JUDGE FAHERTY: Refer to the fee?
22 A. Yes.
23
24 JUDGE FAHERTY: But what part of the fee did those discussions refer to?
14:25:34 25 A. Well it relates to -- Mr. White had said he would give me 10,000 pounds plus
26 VAT. He gave me subsequently we had a discussion. He suggested that he
27 would prefer and he thought I would agree and I would prefer and he gave me
28 five. In two tranches; three and two. Any discussions that subsequently
29 arose would relate to the ten, not to the four. Because that was subject to
14:25:58 30 the success.

14:25:59 1
2 JUDGE FAHERTY: But did you ever have any discussions with Mr. White about the
3 four? Because obviously it was successful. The vote was passed.
4 A. Yes. I cannot absolutely say to you, as I said to Mr. Hayden this morning,
14:26:14 5 that I did or I did not. The only time line reference that I can make is in
6 relation to the entry to my diary on the 6th of March 1998.
7
8 JUDGE FAHERTY: And that was prior to the vote obviously?
9 A. That was prior to the vote, yes.
14:26:29 10
11 JUDGE FAHERTY: Thank you very much, Mr. Dunlop
12 A. Thank you very much, Judge.
13
14 CHAIRMAN: Thank you very much.
14:26:35 15 A. May I go or?
16
17 **THE WITNESS THEN WITHDREW**
18
19 CHAIRMAN: If you just step down for the moment. We are now going to start
14:26:40 20 ...
21
22 MR. QUINN: I propose. I have a short opening statement in the module to be
23 entitled Walls/Kinsealy.
24
14:26:45 25 CHAIRMAN: All right. I just want it say something in relation because I
26 think there are new parties here who mightn't be familiar with our procedure.
27
28 The Tribunal will now commence a new module to be called the Walls/Kinsealy
29 Module. So named because of the fact that it involves an inquiry concerning
14:27:07 30 lands at Kinsealy in Malahide as well as a small section of land at Seatown in

14:27:12 1 Swords. And the involvement of Mr. Paul Walls and Walls Properties Limited
2 with these lands.

3
4 The expected duration of this module is approximately one week. Public
14:27:22 5 sittings after today will not occur prior to Easter and will resume on a date
6 to be announced in due course.

7
8 When Mr. Quinn has concluded his relatively short opening statement any party
9 who wishes to do so may apply for a grant of limited representation. Which if
14:27:37 10 granted will permit that party to participate in the public hearings in this
11 module, to the extent necessary to represent the interests of that party.
12 Alternatively, parties may delay applying for a grant of limited representation
13 until later in the hearings.

14
14:27:54 15 Any party wishing to reply to the opening statement may do so. There is no
16 compulsion and indeed no expectation of any party that they make such a reply.
17 All right, Mr. Quinn.

18
19
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30

WALLS/KINSEALY MODULE

14:28:04 1
2
3 MR. QUINN: Thank you, Sir.
4

14:28:05 5 I think Mr. Dunlop can stand down.
6
7 CHAIRMAN: Certainly.
8

9 MR. QUINN: In this module to be known as the Walls/Kinsealy Lands Module, the
14:28:13 10 Tribunal will be concerned with the relationship in 1993 between Mr. Paul
11 Walls, the then managing director of Walls Property Limited. Hereinafter
12 referred to as Walls, the parent company of Glenellen Homes Limited.
13 Hereinafter referred to as Glenellen, Mr. Frank Dunlop and Councillor Sean
14 Gilbride.

14:28:30 15
16 In particular the Tribunal will investigate the attempts by Mr. Walls and his
17 companies to rezone the following three land plots which for ease of reference
18 will be referred to as follows.
19

14:28:40 20 1. 54 acres of land at Back Lane, Kinsealy Lane in Malahide referred to as
21 Kinsealy lands.
22

23 2. Four and a half acres of lands at Seatown, Swords on which stands
24 Mr. Walls' home hereinafter referred to as Seatown Lands.

14:28:55 25
26 3. And 12 acres of adjoining lands the property of Hydraulic Plant Limited
27 another Paul Walls company, hereinafter referred to as Walls Hydraulic Lands.
28
29 Kinsealy lands.

14:29:03 30 If I could have 1129, please. In the Walls Module.

14:29:07 1
2 These lands comprising approximately 54 acres are situated south of Malahide
3 Demesne in the townland of Kinsealy with extensive road frontage on to Kinsealy
4 Lane between the villages of Malahide and Kinsealy and north County Dublin.
14:29:20 5 And hereinafter referred to as the Kinsealy Lands and are seen here on the map
6 in screen outlined in red.
7
8 The lands have been acquired by Glenellen Homes. A private company with
9 registered offices at Rosemount Office Park, Glandore Road, Griffith Avenue,
14:29:34 10 Dublin 9. Glenellen Homes Limited whose principle activities was that of a
11 property developer was a wholly owned subsidiary of Walls Properties Limited.
12 And it had the following directors namely, Patrick J Walls, Michael P Walls
13 hereinafter referred to as Paul Walls and Mr. Liam V Walls.
14
14:29:51 15 Mr. Paul Walls was at all material times the managing director of both
16 companies. These lands had been acquired by Glenellen in 1989 for 240,000
17 pounds and were sold in late 1993 for 278,902 pounds. These lands were zoned
18 B in the 1983 Dublin County Development Plan. That is to protect and provide
19 for the development of agriculture.
14:30:14 20
21 Despite the attempts set out below to alter their zoning and the review of the
22 Development Plan the lands were sold in 1993 with a similar zoning. Glenellen
23 were anxious to alter the zoning on these lands so as to enable them to develop
24 them for low density residential development.
14:30:30 25
26 In September 1990, Walls Property Limited made a presentation to Irish
27 Intercontinental Bank in connection with the lands. In that report, the bank
28 was informed by Walls that the area in which these lands were situated had been
29 recommended for inclusion under a proposed new zoning on low density housing
14:30:55 30 and that a design concept had been prepared and presented informally to the

14:30:55 1 planners and the County Councils for the area. Mr. Walls is recorded as
2 advising the bank that Walls believed that their representations as well as the
3 existence of the new sewer had helped current thought on planning policy for
4 the area.

14:31:00 5
6 The development team included Pilgrim architects, Mr. Tim Collins and a public
7 relation firm Leon Bagnall Deering Estates Limited. The strategy outlined in
8 that report included the making of whatever representations as were required in
9 order to have the lands included for rezoning in the current Development Plan.

14:31:16 10
11 Mr. Sean Green of Glenellen Homes Limited had written to Mr. Al Smyth in
12 January of that year asking that the planning department include the lands in
13 the forthcoming Development Plan, as properly planned low density housing on
14 the land would provide for the needs of local people and help reduce the
14:31:38 15 existing argument of one off housing in the area. Mr. Greene had advised the
16 Tribunal that he was the company secretary to Glenellen and dealt with all
17 accounting, financial and secretarial matters. And other than this letter
18 sent to Mr. Al Smyth on 21st of January 1991 he had no involvement in the
19 subsequent follow-up to the letter which was undertaken he believes by Mr. Paul
14:31:58 20 Walls.

21
22 In 1991 Glenellen had also prepared a scheme for the site comprising 19 houses,
23 a 16 hole par three golf course together with car parking and provision for
24 future clubhouse. This concept had been the subject of casual conversations
14:32:14 25 with both planners and councillors.

26
27 In November 1991, both Pilgrim Architects and Grainne Mallon, consultant
28 planner, put in submissions to the County Council in respect of the lands. In
29 her submissions Ms. Mallon, a former planner herself, sought low density
14:32:28 30 residential development on the basis that it would be a first step in

14:32:32 1 initiating an orderly development process on the lands. It was hoped that the
2 newly constructed Feltrim/Kinsealy sewer, which was in in place, would service
3 all the lands in the general area including these lands, once the Malahide
4 treatment work was augmented.

14:32:45 5
6 The core finance for the augmentation of these treatment works was to come from
7 a development which had recently been granted planning permission at the boat
8 yard Malahide. Although Mr. Dunlop was not yet retained by Mr. Walls,
9 Ms. Mallon did have meetings with him at this time. Ms. Mallon has given
14:32:59 10 evidence to the Tribunal in connection with Paisley Park lands in the
11 Carrickmines 1 Module.

12
13 Walls/Kinsealy lands.
14 These lands comprising approximately four and a half acres are situated Seatown
14:33:11 15 west, Swords. Mr. Paul Walls family home stood on these lands. They appear
16 here on map on screen. At 1128.

17
18 These are fill lands in which Mr. Walls constructed his residence. The lands
19 were zoned G, that is to protect and improve high amenity areas. And were
14:33:29 20 designated an area of scientific of interest with an objective to preserve
21 views in the northeasterly direction along part of the site. The lands
22 scientific interest arose from the location of the mouth of the Swords/Malahide
23 estuary in County Dublin, an area which was and is generally regarded as the
24 third most important area of scientific interest in north County Dublin, after
14:33:49 25 the North Bull and Rogerstown because of it's passage of migrant and wintering
26 birds. It's also close to the estate head, sorry. It is also close to the
27 estuary head which is important for its salt marshes and grasslands. In 1991
28 the Development Plan showed for diagrammatical purposes only, a proposed
29 motorway line running close to these lands. Mr. Walls was opposed to the
14:34:13 30 proposed construction of the motorway at this locality as he feared it would

14:34:18 1 "depreciate company asset value because of the destruction of its environs".
2
3 Walls Hydraulic Lands.
4 Again at 1128. These lands comprised approximately 12 acres and adjoined the
14:34:30 5 four and a half acres referred at two above and were owned in fee simple by
6 Hydraulic Plant Limited, hereinafter referred to as Hydraulic, another Walls
7 company of which Mr. Walls was director. The lands were similarly zoned G,
8 that is to protect and improve high amenity areas in the 1991 Draft Development
9 Plan. In addition to the zoning objective of scientific interest, it had also
14:34:50 10 the zoning objective to preserve views and prospects. In addition to his
11 personal objection to the construction of the motorway as outlined in two
12 above, Mr. Walls as a director of Hydraulic was also seeking to alter the 1991
13 Draft Development Plan, so as to enable the company to make use of that portion
14 of the lands west of the Horse Marsh which by coincidence was the lands west
14:35:09 15 of the proposed motorway line, as filling facilities to help its associated
16 company, PJ Walls (Civil) Limited so as to provide what Mr. Walls in his
17 submission to the planner in 1991 described, as competitive advantage on
18 tendering.
19
14:35:24 20 The Tribunal will hear evidence from Ms. Sinead Collins on the planning history
21 of these lands during the review of the 1983 Development Plan for County
22 Dublin. In particular the Tribunal will be told of a series of submissions
23 made in late 1991 by Glenellen itself, Pilgrim architects and Grainne Mallon
24 planner, seeking to have the Kinsealy Lands rezoned from B agriculture, to low
14:35:45 25 density residential, with the objective of providing for the demands of
26 Malahide. In what was described as a controlled and enhanced strategy.
27
28 Hydraulic made a submission on the 2nd of December 1991 in relation to these
29 lands. Wherein they argued that the lands were not situated in area of
14:36:00 30 scientific interest whether or not a motorway was proposed.

14:36:04 1
2 These written submissions were followed up by oral submissions in early 1992.
3
4 Mr. Frank Dunlop and allegations.

14:36:11 5 In a statement to the Tribunal -- in a statement to the Tribunal on the 9th of
6 October 2000, Mr. Frank Dunlop for the first time, advised that he had been
7 approached by Mr. Paul Walls in relation to the rezoning of 54 acres at
8 Kinsealy in north County Dublin, set out in letter of the 13th of January 1993.
9

14:36:27 10 Mr. Dunlop said that Mr. Walls advised him that he wished to have these lands
11 rezoned for residential purposes at a density not exceeding one house per
12 hectare. Mr. Dunlop further advised the Tribunal that to the best of his
13 knowledge and belief, he received a sum of 5,000 pounds from Mr. Walls. Mr.
14 Dunlop further advised the Tribunal that of the sum of 5,000 pounds which he
14:36:48 15 alleged he had received from Mr. Walls he paid a sum of 1,000 pounds to Mr.
16 Sean Gilbride. Councillor Gilbride was a signatory and a motion to rezone the
17 Kinsealy Lands.
18

19 Mr. Gilbride was also the signatory on two other motions dealing with the Walls
14:37:02 20 Seatown and the Walls Hydraulic Lands. On the 9th May 2000, Mr. Dunlop
21 identified a series of developments including a number of which had been the
22 subject of modules in this Tribunal to date. In respect of which he alleged
23 he had been paid money to councillors to ensure a change in their rezoning
24 status.

14:37:18 25
26 Neither Mr. Paul Walls nor these lands were included in that list. However,
27 Mr. Dunlop did give sworn testimony on the day 352, that is 4th February 2003,
28 and during the course of cross-examination by counsel for Mr. Lydon, he
29 suggested in a list to the Tribunal that he had received 5,000 pounds from what
14:37:37 30 he described as Walls north side.

14:37:40 1
2 If I could have 206, please.
3 As has become customary in these modules, Mr. Dunlop was asked for a more
4 detailed narrative statement by the Tribunal. And on the 30th of March 2006,
14:37:53 5 his solicitors provided such a statement, which has been circulated to
6 interested parties. In that further statement, Mr. Dunlop has advised the
7 Tribunal that he was introduced to Mr. Paul Walls by Mr. Tim Collins at a
8 meeting at his offices on the 7th of January 1993. Mr. Dunlop says that it is
9 likely that Mr. Collins arranged that meeting.
14:38:12 10
11 The Tribunal is awaiting a statement from Mr. Collins in respect of this
12 module. Mr. Dunlop further says that the discussion that the meeting dealt
13 with the requirements that a motion be signed and that councillors would have
14 to be canvassed for their support
14:38:25 15
16 Mr. Dunlop says that he has no doubt that those present were aware that some
17 councillors would seek payment for either their signature or support or for
18 such a proposal when it came to a vote or both. Mr. Dunlop has placed an
19 asterisk beside the names of the land in his statement of October 2000.
14:38:42 20 Which, as the Tribunal has already heard, meant that he was alleging that he
21 was given the 5,000 pounds by the landowner/developer, in this case Mr. Paul
22 Walls, in the full knowledge that payments to councillors were required to
23 achieve support.
24
14:38:53 25 Mr. Dunlop said in his most recent statement that he recalls Mr. Wall enquiring
26 about how much the process would cost and whilst he could not categorically
27 recall whether he indicated what the range of fees would be at the meeting, it
28 was likely that the fee proposal would have been made and followed up in
29 writing.
14:39:10 30

14:39:10 1 Mr. Dunlop then goes on to say. If I could have 1117, please.
2 That "whether or which Frank Dunlop & Associates was paid 2,500 pounds plus
3 VAT, that's 3025 pounds by way of cheque by Walls Property Limited, dated 1st
4 of March 1993. I do not believe that I received any other monies from either
14:39:33 5 Mr. Walls or Walls Property Limited in relation to the rezoning proposal for
6 the Kinsealy Lands."

7
8 This statement appears to be contrary to his earlier statement wherein he
9 claimed that he had received 5,000 pounds in respect of these lands and
14:39:45 10 developments.

11
12 Mr. Sean Gilbride was advised of Mr. Dunlop's allegations concerning these and
13 other lands in February 2001. And on the 9th of March 2001 he advised the
14 Tribunal that he was lobbied in relation to the Kinsealy Lands by the developer
14:40:11 15 Mr. Paul Walls. Mr. Gilbride has given evidence to the Tribunal in other
16 modules wherein he claimed any monies given to him by Mr. Dunlop were neither
17 paid nor received in connection with any planning or rezoning motions.
18 Despite requests, Mr. Gilbride has not yet furnished a more detailed statement
19 in relation to this module.

14:40:16 20
21 In his most recent statement, Mr. Dunlop alleges that he recalled discussing
22 the motion with councillor Sean Gilbride. And that very late in the day it
23 was agreed between them that Councillor Gilbride would sign the motion. In
24 that statement of March 2006, Mr. Dunlop alleges that Councillor Gilbride
14:40:31 25 signed the motion on foot of an agreement between them. That he would be paid
26 1,000 pounds. Mr. Dunlop says that he could not recall when precisely this
27 payment was made or where.

28
29 In the same statement Mr. Dunlop recorded the discussion on the matter with
14:40:46 30 Councillor Gilbride during which Councillor Gilbride said that the proposed

14:40:48 1 rezoning was probably not a runner but that he would do his best to get the
2 support of other councillors for the vote. In his statement he went on to say.
3 If I could have 1118, please.
4

14:41:00 5 He would have paid Councillor Gilbride at the time he signed the motion or
6 shortly thereafter either in the environs of Dublin County Council or in a
7 local hotel. "I paid Councillor Gilbride for monies available to me at the
8 time".
9

14:41:13 10 Motions and maps.

11 On the 18th of March 1993, Dublin County Council received a motion and map
12 dated 9th of February 1993, concerning the Kinsealy Lands signed by Councillor
13 Gilbride proposing that they be rezoned for low density residential with a
14 specific objective to provide for residential development and pipe sewage
15 facilities to a density not exceeding one house per hectare. In his most
16 recent statement, Mr. Dunlop told the Tribunal that the motion appears to have
17 been prepared elsewhere than in his office.
18

19 Mr. Dunlop further advised the Tribunal that he had some recollection of
14:41:45 20 discussing the contents of the motion with Mr. Walls and that whilst the date
21 of the motion is not in his handwriting, Mr. Dunlop identifies the handwriting
22 on the map to be his. Mr. Dunlop maintains that he was not aware nor did
23 either Councillor Gilbride or Mr. Walls make them him aware, that they knew
24 each other.

14:42:04 25
26 Three days earlier the council had received two motions and maps dated 21st of
27 January 1993 concerning the Walls and Hydraulic lands at Seatown proposing that
28 they be excluded from the area, proposed as an area of scientific interest.
29 And in the case of Hydraulic lands, that the planning objective to preserve
14:42:20 30 views and prospects be deleted as a proposed objective.

14:42:23 1
2 Mr. Paul Walls position.
3 It would appear to be common case that both Mr. Dunlop and Mr. Walls met on the
4 7th of January 1993. Mr. Paul Walls has advised the Tribunal that he came to
14:42:36 5 the conclusion that Mr. Dunlop was active and had some reputation in getting
6 County Councillors to vote for in sufficient numbers to attain favourable
7 planning decisions. Having met with Mr. Dunlop on the 7th of January 1993,
8 Mr. Dunlop wrote to Mr. Walls on the 13th of January confirming the meeting and
9 offering to undertake Mr. Walls proposals. In that letter Mr. Dunlop suggested
14:42:56 10 the following business arrangement.
11
12 2,500 pounds plus VAT on an up front fee. Payment of all agreed legitimate
13 disbursements. Payment of a success fee of 10,000 pounds plus VAT. The fee
14 not to be payable in the event of zoning not to be achieved. It was to be
14:43:13 15 payable however in the event of a compromise being entered into by the planners
16 and the elected members.
17
18 Mr. Walls spoke to Mr. Dunlop on the 14th of January 1993. Mr. Dunlop was to
19 fax back fees if only the Kinsealy site was successful. Mr. Walls said that
14:43:28 20 he thought this was because at the time, there was discussions about the
21 possibility of including other lands in a general rezoning proposal rather than
22 just the company's owned lands. Mr. Walls went on to say in that statement,
23 that agreement appears to have been reached between the parties on the 22nd of
24 January 1993 whereby Mr. Dunlop was to be paid an agreed reduced success fee of
14:43:47 25 6,000 pounds plus VAT if the Kinsealy site was proposed in its own right.
26 Although he noted that he had no problem if Mr. Dunlop was to look at two other
27 sites as well, presumably local or adjacent to the Kinsealy site.
28
29 Mr. White alleges that he got Mr. Dunlop's agreement to do the public relations
14:44:04 30 with the County Councillors for the private rezoning applications on behalf of

14:44:09 1 Walls and Hydraulic at Seatown provided he, Mr. Walls, could get the necessary
2 two councillors to sign the necessary motions.

3
4 He says that he was unsuccessful in that endeavour. There is a note on Mr.
14:44:25 5 Dunlop's letter of the 13th of January 1993 in the hand of Mr. Walls which
6 records Mr. Walls as awaiting Grainne Mallon's, planners, feedback from
7 Councillor GV Wright on his view of the planning and the representation numbers
8 that they would use on the Notice of Motions as they had received two different
9 numbers from the planners. Mr. Wright has told the Tribunal that insofar as
14:44:39 10 he could recall there were no contacts and meetings with Grainne Mallon in
11 respect of this particular matter. Ms. Mallon has advised the Tribunal on the
12 30th of March this year, as it was over 15 years since she made a submission on
13 the matter on behalf of Glenellen, she has no recollection of any contact with
14 any public representative in connection the lands.

14:45:01 15
16 Mr. Walls has discovered to the Tribunal a note of a telephone conversation
17 with Mr. Dunlop on the 4th of March 1993. Which records Mr. Dunlop as
18 undertaking to get motions signed. He further undertook to approach
19 Councillors Devitt and Wright and a few other Councillors. Mr. Walls agreed to
14:45:17 20 provide him with the relevant motions which he maintained were already typed
21 up. Mr. Dunlop does not make any allegations of impropriety against either
22 Councillors Wright or Devitt in relation to any of these lands.

23
24 Mr. Walls has discovered to the Tribunal a cheque in the sum of 3,025 pounds
14:45:33 25 which would correspond to 2,500 together with VAT of 525 pounds made payable by
26 Walls Properties Limited to Frank Dunlop & Associates. If I could have 599,
27 please.

28
29 This cheque appears to have been lodged to the account of Frank Dunlop &
14:45:49 30 Associates on the 1st of March 1993. It will be remembered that Mr. Dunlop

14:45:53 1 alleged in October 2000 that he had received a sum of 5,000 pounds from
2 Mr. Walls. The Tribunal has been unable to find any payment to Mr. Dunlop of
3 5,000 from Mr. Walls or any of his companies in or about this time. As
4 indicated earlier, Mr. Dunlop now appears to accept in his most recent
14:46:10 5 statement that he was only ever paid 2,500 plus VAT by Mr. Walls in
6 consideration of work in relation to the lands the subject of this module.
7

8 However, the Tribunal has included in the brief of documents circulated as part
9 of this module the, bank statements and other records of Irish Nationwide
14:46:26 10 Building Society which show a lodgement of 5,000 pounds to the account of Frank
11 and Sheila Dunlop on 3rd March 1993. Mr. Dunlop has not, to date, provided
12 the source of this lodgement to the Tribunal.
13

14 Mr. Walls has advised the Tribunal that he would not have had any meetings in
14:46:40 15 the company of Mr. Dunlop with councillors. But that he would be surprised if
16 he had not had telephone contact with many councillors at that time.
17 Mr. Walls says that he would certainly have mentioned the motions to two
18 councillors whom he knew personally. Namely, the late Councillor Paddy Dunne
19 and Councillor Sean Gilbride. Mr. Walls referred the Tribunal to one long
14:47:00 20 meeting he had had with Councillor Nora Owen subsequent to a presentation sent
21 to her. Sorry, sent to all of the councillors on the 16th of March 1993.
22

23 Mr. Walls followed up his earlier letter and conversation with Councillor Owen
24 with a subsequent letter dated the 8th of March 1993. Mr. Walls has advised
14:47:18 25 the Tribunal that Councillor Owen was vehemently opposed to his motion to
26 rezone the lands at Kinsealy. Ms. Owen has advised the Tribunal that she has
27 little or no memory of Councillor Gilbride's motion, particularly since it was
28 never moved at the meeting. And as a consequence no substantive discussion
29 would have taken place on the proposal. She further advised the Tribunal
14:47:37 30 whilst it is clear she discussed Mr. Wall's proposals concerning Kinsealy with

14:47:39 1 him, she has no record of any such discussion.
2 She believes that any such meetings would have taken place at her clinic on
3 Main Street, Swords, which she held on a Saturday morning. On the 4th of May
4 1993 the Kinsealy Lands came up for discussion at a special meeting of Dublin
14:47:55 5 County Council. The manager read the planning officer's report which reminded
6 the members of the policy of the council in relation to the development in
7 rural areas, as set out in paragraphs 2.3.6 of the draft written statement.

8
9 And that relevant paragraph reads as follows. "It is the council's policy to
14:48:12 10 restrict a spread of one off housing into the rural countryside and to
11 encourage rural housing where acceptable into existing village nuclei, subject
12 to the availability of the necessary services."

13
14 Further, the manager advised that the lands were effected by the 35NNI contour
14:48:31 15 as shown on map 1A. And it was the council's policy to restrict development
16 in the area encompassed by the line. The councillors were also advised that
17 there was no capacity in the Malahide treatment works or in the design of
18 upgraded works to cater for the proposed new development. The manager
19 recommended that there be no change in the zoning.

14:48:49 20
21 In his most recent statement, Mr. Dunlop has told the Tribunal that he was
22 advised by Councillor Gilbride that it was more preferable to withdraw the
23 motion than to have it defeated. It is it was Councillor's Gilbride's view
24 defeated and the likelihood is that it would be defeated comprehensively. Mr.
14:49:06 25 Dunlop said that following discussion with Mr. Walls, it was agreed that the
26 motion would be withdrawn and that the records show that Councillor Gilbride
27 did not move the motion at the meeting and the lands retained their existing
28 zoning.

14:49:19 30 On the 26th of May 1993, Mr. Gilbride's two motions in relation to the Seatown

14:49:24 1 Lands came before a special meeting of the council. Mr. Walls advised the
2 Tribunal that he had agreed with Mr. Dunlop that where he, Mr. Walls, was able
3 to get the necessary two councillors to sign the motions on these lands, Mr.
4 Dunlop would do the public relations with the councillors. In his most recent
14:49:39 5 statement, Mr. Dunlop has advised the Tribunal that he does not recall any
6 discussion with Mr. Walls or others regarding the Hydraulic Plant proposals.
7 And he had no recollection of ever discussing such a proposal with any
8 councillor.

14:49:51 10 Mr. Walls has further advised the Tribunal that he was unsuccessful in having
11 the motion signed by a second councillor. The notes of the special meeting of
12 the council held 26th of May 1993, refer to the above two motions. Which it
13 says were proposed by Councillors Gilbride and seconded by the late Councillor
14 Jack Larkin. The planning officers report was has been circulated and read to
14:50:13 15 the meeting and it referred to the designation of the area as being that of
16 scientific interest or ornithological botanical and zoological. The manager
17 also referred to what he described as a ponded estuary at this location and its
18 importance as a passage for migrant and wintering birds. He also referred to
19 the salt marshes and grass lands in the estuary head. The members were
14:50:35 20 reminded that it was the objective of the council to examine in detail the
21 estuary with a view to making a special amenity area order. See paragraph
22 2.8.9 of the draft written statement.

23
24 The manager recommended that there should be no change in the zoning or
14:50:50 25 specific objectives for these lands.

26
27 Councillor Gilbride advised the meeting that he wished to withdraw both of the
28 above motions.

29 Among the matters to be inquired into during the course of this brief module
14:51:04 30 would be:

- 14:51:05 1 1. The circumstances in which Mr. Dunlop came to be retained by Mr. Paul Walls
2 in relation to the above lands.
- 3 2. The precise terms of his engagement, including his remuneration. The
4 works undertaken by him.
- 14:51:15 5 3. Whether as alleged by Mr. Dunlop, he paid Mr. Sean Gilbride in connection
6 with his support for the rezoning of these lands.
- 7 4. Whether, as alleged by Mr. Dunlop, monies were paid by him -- sorry.
8 Monies were paid to him by Mr. Walls in connection with the rezoning of the
9 lands or any of them in the knowledge that some of these monies would be used
10 to bribe councillors.
- 11 5. The involvement if any, of Mr. Tim Collins and/or Pilgrim Architects and/or
12 Grainne Mallon in connection with the rezoning of these lands, including the
13 retention of Mr. Dunlop by Mr. Walls.
- 14 6. The involvement, if any, of Councillors Gilbride, Devitt, Owen and Wright
15 with attempts to rezone the above lands or any of them.
- 14:51:51 16
17 Now, Mr. Dunlop, please.
18
- 19 CHAIRMAN: All right. Just before Mr. Dunlop. Are there any parties who
14:52:01 20 want representation?
21
- 22 MR. COLLINS: Anthony Collins of Eugene F Collins solicitors.
23 I would like Eugene F Collins to have representation on behalf of Hydraulic
24 Plant Limited, Sean Green, Paul walls, Walls Properties Limited and Glenellen
14:52:27 25 Homes Limited, please.
26
- 27 CHAIRMAN: All right. Granted.
28
- 29 MR. COLLINS: Thank you.
14:52:29 30 Mr. Kennedy?

14:52:31 1
2 MR. KENNEDY: Chairman, I will be making the application for Mr. Wright for
3 limited representation.
4
14:52:37 5 CHAIRMAN: Granted.
6
7 MR. KENNEDY: Thank you.
8
9 MR. REDMOND: I repeat my application, Chairman.
14:52:41 10
11 CHAIRMAN: Thank you.
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MR. FRANK DUNLOP HAVING BEEN SWORN, WAS QUESTIONED

BY MR. QUINN AS FOLLOWS:

- 14:53:06 1
- 2
- 3
- 4 Q. 590 Mr. Dunlop, in October 2000, you supplied a statement to the Tribunal in
- 14:53:14 5 relation to the activities in which you were involved in, in the early 1990s,
- 6 isn't that right?
- 7 A. That's correct, yes.
- 8 Q. 591 And included in that statement was a reference to lands at Kinsealy. If I
- 9 could have page 170, please. And under the heading Walls/kinsealy you in that
- 14:53:38 10 statement said the following.
- 11
- 12 "I was approached by Paul Walls with regard to lands at Kinsealy Lane, County
- 13 Dublin comprising 54 acres. He wished to have these lands zoned for
- 14 residential purposes at a density not exceeding one house per hectare. Sean
- 14:53:51 15 Gilbride signed the relevant motion, which was prepared by me. The motion was
- 16 ultimately withdrawn at a meeting of the County Council on the 4th of May '93."
- 17
- 18 And you refer to the appendix to the records of the meeting of which it was
- 19 withdrawn. "To the best of my recollection and belief I obtained a sum of
- 14:54:08 20 5,000 pounds from Mr. Walls. To the best of my recollection and belief all my
- 21 contact with Mr. Walls concerning this matter was conducted over the telephone.
- 22 Of the sum which to the best of my recollection and belief I received from Mr.
- 23 Walls, I paid a sum of 1,000 pounds to Mr. Gilbride. Mr. Gilbride was a
- 24 signatory to the motions concerning these lands."
- 14:54:27 25 A. Yes.
- 26 Q. 592 And then I think subsequently in March of this year. On the 30th of March
- 27 this year, you provided a more detailed narrative statement in relation to the
- 28 matter.
- 29 A. Uh-huh.
- 14:54:40 30 Q. 593 And if I could have 1125. Again, Mr. Dunlop, just for completeness. This

14:54:44 1 narrative, more detailed narrative statement was supplied to the Tribunal after
2 you had received the brief in this matter. Isn't that right?

3 A. Yes.

4 Q. 594 And in that narrative statement you say "To the best of my recollection, I was
14:54:54 5 contacted by Mr. Paul Walls in early January 1993 with regard to lands at
6 Kinsealy Lane, County Dublin, comprising 54 acres which he wanted to have
7 rezoned for residential purposes during the course of the Development Plan. I
8 did not know Mr. Walls prior to January 1993. And to the best of my knowledge
9 I had never met him socially, professionally or otherwise prior to that date.
10 As I recall matters, I was introduced to Mr. Walls by Tim Collins at a meeting
11 in my offices at 25 Upper Mount Street, Dublin 2 on Thursday 7th of January
12 1993. It is likely that this meeting was arranged by Mr. Collins.

13
14 Other than my meeting with Mr. Walls accompanied by Mr. Collins on 7th of
14:55:31 15 January '93. All of my contact with him regarding the proposal for rezoning
16 the Kinsealy Lane Lands was by telephone. I have never met Mr. Walls since
17 that time.

18
19 At a meeting on Thursday 7th of January 1993, I can recollect a discussion as
14:55:45 20 to whether the proposal would be supported by councillors. There was a mutual
21 recognition that the geographic location of the lands would likely raise
22 negative perceptions with some councillors. This discussion ranged over
23 procedures required for such proposal to be submitted, including the
24 requirement for a signed motion and the need to canvass support amongst a
14:56:05 25 cross-section of councillors. I recall advising of the necessity of first
26 canvassing the views of councillors in the local area before approaching
27 councillors in other areas for their support.

28
29 I had no doubt that those present were aware that some councillors would seek
14:56:17 30 payment either for a signature or for support for the proposal when it came to

14:56:23 1 a vote or for both."
2
3 Just if I could stop there. Those present?
4 A. I can't hear you. The sound has gone off.
14:56:31 5 Q. 595 Can you hear me now?
6 A. I hear you now, yes.
7 Q. 596 Just for clarity.
8 A. Yeah.
9 Q. 597 Those present at that meeting were yourself, Mr. Walls, Mr. Paul Walls and
14:56:42 10 Mr. Collins?
11 A. As I recollect it, yes.
12 Q. 598 Okay.
13 So you are there saying that both Mr. Collins and Mr. Walls ...
14 A. Yes.
14:56:52 15 Q. 599 As far as you were concerned, knew that money would be required. A payment
16 would be required. Is that right?
17 A. Yes, we'll come to that I'm sure. The answer is yes, yes.
18 Q. 600 "I was of the impression that Mr. Walls --
19 A. You've gone again, Mr. Quinn. Sorry, I don't know what's happening.
14:57:10 20 Q. 601 You go on to say that "I was of the impression that Mr. Walls recognised the
21 opportunity to have the lands rezoned for residential purposes would not arise
22 again for some time and he appeared anxious to avail of the opportunity
23 afforded by the Development Plan.
24
14:57:25 25 I do not believe that I gave either Mr. Walls or Mr. Collins encouragement as
26 to the possible success. I recall Mr. Walls enquiring how much the process
27 would cost and I categorically recall -- I cannot categorically recall whether
28 I indicated that the range of fees would be at this meeting." Sorry.
29 A. Sorry, I kicked the speaker. I beg your pardon, Mr. Quinn. I think it must
14:57:49 30 have been my fault. I kicked the speaker under the chair here.

- 14:57:53 1 Q. 602 I see. "I do not believe that I gave either Mr. Walls or Mr. Collins
2 encouragement as to the possible success. I recall Mr. Walls enquiring how
3 much the process would cost. I cannot categorically recall whether I
4 indicated what the range of fees would be at this meeting. It is likely that
14:58:12 5 a fee proposal was made and followed up in writing. I wrote to Mr. Walls on
6 13th of January 1993 with a suggested business arrangement. As I recollect
7 matters, this was the subject of some further discussion the exact details of
8 which I cannot recall. Whether or which Frank Dunlop & Associates was paid
9 2,500 plus VAT, that is 3,025 by way of cheque by Wall Property Limited dated
14:58:31 10 1st of March 1993. I do not believe that I received any other monies from
11 either Mr. Walls or Walls Properties Limited in relation to the rezoning
12 proposals for the Kinsealy Lane Lands."
13
14 In the interim -- sorry. "In the interim between meeting Mr. Walls and
14:58:44 15 Mr. Collins on 7th of January '93 and the payment to Frank Dunlop & Associates
16 on the 1st of March 1993, I would have canvassed the views to some councillors
17 regarding the possible success or otherwise of the proposal. To the best of
18 my recollection, these councillors while not over enthusiastic were not
19 completely negative. I do recall discussing the matter with Councillor Sean
14:59:04 20 Gilbride. I was not aware then nor did Councillor Gilbride indicate to me
21 that he knew Mr. Walls. Neither did Mr. Walls ever indicate to me that he
22 knew Councillor Gilbride. In any event, it was agreed between Councillor
23 Gilbride and myself that he would sign the motion for the proposal."
24
14:59:21 25 I should just say. When you came to make that statement you had because you
26 had the brief, Mr. Walls' statement. And you knew that Mr. Walls was making
27 the connection between himself and Councillor Gilbride
28 A. That's the first I knew. I did not know -- neither Mr. Walls nor Mr. Gilbride
29 ever informed me that they knew one another.
14:59:41 30 Q. 603 I accept that. When you came to address that matter in your statement ...

14:59:46 1 A. Yes.

2 Q. 604 You knew that Mr. Walls was now making the case.

3 A. Correct, I did.

4 Q. 605 "To the best of my recollection this occurred very late in the day. It having
14:59:54 5 been decided either that one signature was sufficient or that it was the only
6 option arising from the reluctance of other councillors to sign. Councillor
7 Gilbride signed an agreement between him and me, that I would pay him, at his
8 request, 1,000 pounds. I cannot recall when precisely this payment was made
9 or where. But I do recall a discussion of the matter with Councillor Gilbride
15:00:14 10 during which he said it was probably not a runner but he would do his best to
11 get the support of other councillors for the vote. It is likely that I paid
12 Councillor Gilbride 1,000 pounds at the time he signed the motion or shortly
13 thereafter.
14

15:00:26 15 The likely venue was either the immediate environs of Dublin County Council or
16 a local hotel. I paid Councillor Gilbride from monies available to me at the
17 time.
18

19 The actual motion appears to have been prepared elsewhere than in my office.
15:00:39 20 I have some recollection of discussing the contents of this motion with
21 Mr. Walls. It would not have been my practice to address a motion of this
22 sort to Mr. Al Smyth notwithstanding the fact that he was the principal officer
23 in the planning department of Dublin County Council at the time."
24

15:00:54 25 The date 18th of March 1993 on the motion is not in my handwriting. Whereas
26 the date on the accompanying map 18th of March 1993 is in my handwriting.
27

28 "As I recall matters, there were ongoing telephone contacts between Mr. Walls
29 and myself up to and including the date of the motion. And thereafter up to
15:01:13 30 the time when the motion was reached on the agenda of Dublin County Council

15:01:16 1 special meeting of the Development Plan in May 1993. To the best of my
2 recollection, Councillor Gilbride advised me that it would be preferable to
3 withdraw the motion rather than have it defeated. His view was that the
4 motion would not succeed and the likelihood was that it would be defeated
15:01:32 5 comprehensively. Following a discussion with Mr. Walls on the matter, it was
6 agreed that the motion would be withdrawn. I do not recall any discussion
7 with Mr. Walls or others regarding a proposal by Hydraulic Plant Limited. And
8 I don not have any recollection of ever discussing such a proposal with any
9 councillor."

15:01:48 10 Dated the 30th 6 March 2006. Signed Frank Dunlop.

11

12 Mr. Dunlop, is that your statement in relation to this module?

13 A. Yes, it is.

14 Q. 606 Now, Mr. Dunlop. You, in evidence, to the Tribunal in May 2000, identified in
15:02:16 15 a list and we have referred to it this morning a series of properties which you
16 say you received payments in respect of. And in respect of which you say you
17 paid councillors for their support. Isn't that right?

18 A. Correct.

19 Q. 607 This particular property was not included in that list, isn't that correct?

15:02:28 20 A. Yes.

21 Q. 608 Neither was it referred to I think at your private meetings with the Tribunal
22 legal team in May of 2000?

23 A. Well I stand guided by you on that. Well, I take it that that's definite.

24 Right okay, that's fine.

15:02:46 25 Q. 609 But it did appear in your statement to the Tribunal in October 2000?

26 A. Yes, it did.

27 Q. 610 Now, can you give any indication to the Tribunal as to why you hadn't made
28 reference to this particular land bank when you were giving evidence in May
29 2000?

15:03:04 30 A. I suppose the only simple answer is I didn't recollect it at that time

- 15:03:08 1 Mr. Quinn.
- 2 Q. 611 And why you hadn't mentioned it at the private interviews?
- 3 A. Yes.
- 4 Q. 612 Now, like the previous module, presumably when Mr. Walls approached you when
15:03:18 5 you wrote to him, you created a file in relation to this matter?
- 6 A. Yeah. Yes, I think I would say the answer to that is yes.
- 7 Q. 613 We will be coming in a moment to correspondence between you and Mr. Walls.
8 Isn't that right?
- 9 A. Yes.
- 15:03:33 10 Q. 614 That would have to have been housed somewhere?
- 11 A. Correct. Notwithstanding the fact that I did not have a copy of that
12 correspondence.
- 13 Q. 615 That's my point, Mr. Dunlop. You certainly haven't discovered copies of that
14 correspondence?
- 15:03:45 15 A. No.
- 16 Q. 616 But something allowed you or triggered your recollection in relation to the
17 matter by October 2000. Isn't that right?
- 18 A. Yes.
- 19 Q. 617 What was it in the absence of correspondence that reminded you that you had
15:03:58 20 received money in relation to these lands?
- 21 A. Well I think it probably was -- I can't absolutely definitively say to you. I
22 think it probably was in the context of what we have continually referred to as
23 the road map. That when I went down through all of the issues that were
24 address in the Dublin County Council during the course of the Development Plan.
15:04:16 25 And ones that I was or was not associated with, that that is the likelihood.
- 26 Q. 618 Just for clarity. When you referred to the road map. You are referring to
27 the various motions?
- 28 A. Yeah.
- 29 Q. 619 On the special meetings of the council in relation to the review of the
15:04:33 30 Development Plan?

- 15:04:33 1 A. Yeah. What I'm referring to, Mr. Quinn, is the request by me to the Tribunal
2 during the course of evidence that if I had available to me the totality of
3 what had occurred by way of submission, motion and vote in Dublin County
4 Council I would be able to identify those ones that I was associate with in
15:04:54 5 some way.
- 6 Q. 620 This is despite the fact that you probably did have files within your office in
7 relation to the various transactions?
- 8 A. In relation to -- certainly in relation so some, yes.
- 9 Q. 621 And possibly in relation to this one also.
- 15:05:06 10 A. It could well be, yes.
- 11 Q. 622 Why did you require the County Council documentation if you already had within
12 your possession your own files in relation to the matter?
- 13 A. Well I wouldn't have had files -- I wouldn't have had all the maps, I wouldn't
14 have had copies of all motions, any ones that I did have I discovered to the
15:05:31 15 Tribunal at various -- when I was requested to do so at various stages. And
16 whatever I had available to me at the time. But, I mean, requesting the road
17 map as its been referred to in relation to the Development Plan, was to
18 expedite matters rather than attempting to recollect it.
- 19 Q. 623 Can I just deal with your office, if I may, for a moment, Mr. Dunlop?
- 15:06:01 20 A. Uh-huh.
- 21 Q. 624 In '90 to '93. You were involved in PR consultancy work, isn't that right?
- 22 A. Yes, correct.
- 23 Q. 625 And in that capacity you obviously were involved in lobbying in relation to the
24 review of the Development Plan.
- 15:06:12 25 A. Yes.
- 26 Q. 626 What percentage of your work was, came to you in relation to your lobbying
27 activies concerning the Development Plan?
- 28 A. What percentage?
- 29 Q. 627 Yes.
- 15:06:24 30 A. Um, offhand. Well I think if you review the client portfolio. I think

15:06:34 1 somebody did that in another module. If you look at the client portfolio you
2 will see that there was a significant number of what we refer to as retainer
3 clients. In other words, they were on, they were retainer and there wasn't a
4 request for activity on their behalf except at their request. But they were
15:06:53 5 paying monthly fee.
6
7 Percentage wise. I'm loathe to give a percentage. I mean, the level of
8 activity was significant in the period between 1991 and 1993 in relation to the
9 Development plan, as is evidenced by the number of developments that I was
15:07:14 10 involved in. Upwards of 20 I think. Certainly 18 to 20.
11 Q. 628 Did you pay councillors in every one of those developments?
12 A. Some councillors -- in relation to all of the developments.
13 Q. 629 Yes. In other words to all of your PR activities concerning the review of the
14 Development Plan. In each one of those did you pay councillors?
15:07:30 15 A. Yes, I think the answer to that is yes.
16 Q. 630 Now, in -- are you saying that in each of those cases that the developer or
17 somebody in connection with the developer knew that you were paying
18 councillors?
19 A. Yes, in the context of how I prepared my statement in relation to the placing
15:07:46 20 of the asterisk, yes.
21 Q. 631 But the asterisk isn't in every land development.
22 A. No, no, it's not.
23 Q. 632 So you are saying that there are some land developments that the employer or
24 the person employing you in relation to the matter knew that you were likely to
15:08:02 25 pay or would be required to pay councillors?
26 A. The answer to that is yes.
27 Q. 633 You have an asterisk in relation to this matter.
28 A. Yes.
29 Q. 634 Now, I think if we could have 552, please.
15:08:13 30

15:08:13 1 This is a note of a telephone conversation which you appear to have had --
2 sorry. A note of a telephone messages on Monday the 4th of January 1993.
3 And we see there that Mr. Collins ...
4 A. Yes.

15:08:26 5 Q. 635 Has rang twice. One at 9.37 and again at 11.21.
6 A. Uh-huh.
7 Q. 636 The 11.21 was in connection with an appointment which was being set up for the
8 5th. Isn't that right? The 5th of January?
9 A. "Meeting tomorrow" yes.

15:08:42 10 Q. 637 That's in relation to the Lissenhall Module which has just concluded.
11 A. Yes.
12 Q. 638 In fact, I should say there were three meetings. Sorry, three attempts to
13 contact you. There was one at 10.10.
14 A. Exactly, yeah.

15:08:54 15 Q. 639 So on the 5th of January '93 -- sorry on the 4th of January '93 Mr. Collins has
16 been on to you, at least one of the calls was in connection with setting up a
17 meeting for the following day in relation to a separate module.
18 A. Yes.
19 Q. 640 And you had that meeting on the 5th of January 1993 in relation to that module.

15:09:12 20 A. Yes. I just suggest to you for completeness Mr. Quinn. That probably the
21 meeting was set up previously but Mr. Collins is ringing to say ...
22 Q. 641 To confirm it.
23 A. Yes, to confirm it. I'm not absolutely categorically saying that but I mean
24 it's evident from the telephone message.

15:09:28 25 Q. 642 Now, if we could have 553, please. This is your diary then for that week,
26 Monday the 4th of January 1993. As you say, the ten o'clock meeting is with
27 Mr. Hughes for Lissenhall. But you haven't filled in Mr. Hughes, Mr. Collins
28 or Lissenhall. Isn't that right?
29 A. Yes, that's correct. Yes.

15:09:47 30 Q. 643 And then if we come to Thursday the 7th of that week, 7th of January 1993. At

15:09:55 1 10.30 we see there Tim Collins and Paul Walls.

2 A. Yes.

3 Q. 644 Firstly, do you agree with me that the first mention of Mr. Collins'

4 involvement in relation to this development occurred in your most recent

15:10:07 5 statement of last week?

6 A. Yes.

7 Q. 645 Can I ask you, can you explain to the Tribunal why there hadn't been any prior

8 reference to Mr. Walls or sorry Mr. Collins' involvement with this development?

9 A. I suppose the answer to that, Mr. Quinn, is in reviewing the contacts that I

15:10:26 10 had with Mr. Collins and the people he brought to the table but I hadn't

11 alluded to his name previously. You are correct.

12 Q. 646 But why, is my question?

13 A. I obviously didn't recollect it at the time.

14 Q. 647 If we could have 557. This is an entry for the 13th of January. It's

15:10:47 15 another meeting between yourself Mr. Collins and another developer. I'm not

16 going to go into it right now.

17 A. Yes.

18 Q. 648 But is it fair to say that in January 1993. Go back to 553, please. In

19 January 1993, Mr. Collins attended your offices with three different

15:11:03 20 developers?

21 A. Yes, he did, Mr. Hughes, the man you're not going to mention because it's

22 another module.

23 Q. 649 That's right.

24 A. And Mr. Walls.

15:11:13 25 Q. 650 So there was quite a consistent relationship at this stage between yourself and

26 Mr. Collins. Isn't that right?

27 A. Uh-huh.

28 Q. 651 I wonder could you indicate to the Tribunal how that relationship that had

29 intensified to the extent that by January 1993, Mr. Collins was bringing three

15:11:34 30 different land developers to you?

- 15:11:34 1 A. Well, to let me deal with the factual, he did. And I don't think it's denied
2 by people that he did. Secondly, it may well be and I cannot say this
3 categorically. It may well be that these people were either clients of the
4 company that Mr. Walls or that Mr. Collins was working for. And that in
15:12:07 5 perceived difficulties in relation to either planning or zoning or whatever
6 Mr. Collins advised these people to come to me.
- 7 Q. 652 Now, earlier this morning we were dealing with Mr. Collins' introduction to you
8 in May 1990?
- 9 A. Yes.
- 15:12:23 10 Q. 653 On Mr. White. Isn't that right?
- 11 A. Yes.
- 12 Q. 654 Another developer.
- 13 A. Yes.
- 14 Q. 655 So three years on.
- 15:12:28 15 A. Yeah.
- 16 Q. 656 Your relationship has intensified. Isn't that it?
- 17 A. Yes.
- 18 Q. 657 Now --
- 19 A. I cannot say. Just for completeness again Mr. Quinn. I cannot say who
15:12:38 20 Mr. Collins was working for at that particular time. I cannot absolutely say
21 that. Because he had moved. He had been with Pilgrim.
- 22 Q. 658 He had been with Ambrose Kelly. He has given us that evidence.
- 23 A. Yeah.
- 24 Q. 659 And I think I has given evidence in Lissenhall that he might also have been
15:12:56 25 involved on his own behalf at this stage, 1929, 1993, isn't that right?
- 26 A. That's why I'm saying, I cannot absolutely categorically say who he was with.
27 But certainly he was coming to me in the context of individuals that were named
28 on the basis that they were either clients of his or he had some association
29 with.
- 15:13:13 30 Q. 660 And they all had one thing in common, they were all seeking a review of the

15:13:17 1 Development Plan to facilitate an improvement of their zoning status of their
2 individual lands?

3 A. They were seeking rezoning, yes.

4 Q. 661 Well, now, would you tell the Tribunal how this meeting between Mr. Walls
15:13:26 5 Mr. Collins and yourself came about on the 7th of January 1993?

6 A. Yes. Well as I said in my narrative statement, I did not know Mr. Walls. I
7 had a tangential relationship with Mr. Walls' company some years previously
8 when I was in another company. But it does not relate in any way to this, it
9 related to promotional literature and another account director was dealing with
15:13:56 10 it and I just gave him some assistance. So I had never met Mr. Walls prior to
11 that. I -- the introduction to Mr. Walls can only have come through
12 Mr. Collins. I do not believe that Mr. Walls unilaterally, unexpectedly made
13 an arrangement to meet me.

14 Q. 662 Well who set up the meeting, was it Mr. Collins?

15:14:26 15 A. I believe it was Mr. Collins.

16 Q. 663 Okay. And what transpired at the meeting can you tell the Tribunal?

17 A. Again, as I said in my statement. Mr. Walls outlined the situation in
18 relation to lands at Kinsealy. There was a discussion about the location of
19 the lands. There was a discussion about named councillors in the context of
15:14:55 20 whether or not there would be the possibility of support or not. One in
21 particular, raised by Mr. Collins I hasten to add, not by Mr. Wall. There was
22 a feeling that because of the address and because of a history associated with
23 some of the planning in relation to that area, particularly in relation to
24 services. That there might be some difficulty in relation to support by
15:15:30 25 councillors.

26

27 I do believe that Mr. Walls in some fashion or other outlined attempts that he
28 had made previously. I can -- I don't have a vivid recollection of this.
29 But certainly I was left with the impression that this was the last throw of
15:15:49 30 the dice in the context of the Development Plan, which wasn't unusual. In

15:15:52 1 fairness to Mr. Walls, this was not an unusual scenario. Many people who came
2 to me seeking advice and support in relation to rezoning would have already
3 made applications, either planning or otherwise. I don't believe as I said in
4 my statement, that I gave either Mr. Collins or Mr. Walls any encouragement as
15:16:18 5 to success.

6 Q. 664 Did Mr. Collins or Mr. Walls tell you of any contacts they had had with other
7 councillors?

8 A. No, I don't recollect that. But I do recollect Mr. Collins specifically
9 mentioning another councillor.

15:16:32 10 Q. 665 In what context?

11 A. In the context of the geographical area and the difficulties that might obtain
12 in relation to that.

13 Q. 666 And is that councillor any of the councillors I made reference to in my
14 opening?

15:16:43 15 A. Yes it is.

16 Q. 667 Is that Councillor Owen?

17 A. Nora Owen, yes.

18 Q. 668 Her opposition.

19 A. Whether or not it was stated that she had opposed it, whether or not there had
15:16:57 20 been meetings about it, I can not say to you. I do know that Mr. Collins in
21 particular mentioned Nora Owen, mentioned a particular item in relation to
22 those lands.

23 Q. 669 But she was mentioned in the context of someone who would be opposing it?

24 A. Oh, yes. And given the history of what she had and had not done. Had
15:17:17 25 supported and hadn't supported.

26 Q. 670 Yes. From what you say, Mr. Collins seems to have been well versed on the
27 attitudes of various councillors and their necessity and need for their support
28 for the rezoning. Isn't that right?

29 A. I think so, yes.

15:17:31 30 Q. 671 He was quite up to speed on the whole process?

15:17:34 1 A. Yeah.

2 Q. 672 And certainly from your various discussions going forward

3 A. Yes.

4 Q. 673 He must have been very knowledgeable.

15:17:41 5 A. Yes.

6 Q. 674 And very knowledgeable at a political level and not just at a procedural
7 planning level?

8 A. Well it is with interest that I read, not in any transcript I hasten to add.
9 That he wasn't a member of any political party. But he was certainly
10 associated with one.

11 Q. 675 Yes. And did you in 1993 and maybe even in 1990 associate him with a political
12 party?

13 A. Only one.

14 Q. 676 He wasn't a political is that what you're saying to the Tribunal?

15:18:06 15 A. Not in the context that I know or met him.

16 Q. 677 What do you mean by that?

17 A. I only met him in the context of Fianna Fail.

18 Q. 678 Had you met him in the context of Fianna Fail before 1990 or indeed before
19 January 1993?

15:18:18 20 A. Yes. Oh, certainly before January 1993.

21 Q. 679 Yes.

22 A. And certainly I cannot absolutely say to you when I first met him. But I do
23 say to you that I met him only in a political context. And subsequently met
24 him in the context of him coming to me with his clients or introducing clients
15:18:49 25 to me.

26 Q. 680 Do you know if he used his political contacts with councillors in any of the
27 various developments that you were associated with him?

28 A. Well I don't have any evidence to suggest that he did.

29 Q. 681 He never led you to believe or said to you that he had contact with any other
15:19:07 30 councillor?

- 15:19:07 1 A. No, other than an awareness. In this particular instance as evidence he did
2 mention a particular councillor's name.
- 3 Q. 682 But was that something of common knowledge perhaps?
- 4 A. Well it may well have been, yes, it could well have been.
- 15:19:21 5 Q. 683 But he didn't say to you, for example, that he had approached particular Fianna
6 Fail councillors or indeed any councillors?
- 7 A. Well, no he didn't. In fairness, he did not. I have no recollection of ever
8 him saying that.
- 9 Q. 684 He was bringing these clients to you in circumstances where it was envisaged
10 that you would do any approaching that was required?
- 11 A. Correct and I think it's fair so say, Mr. Quinn, in the instances that he
12 brought these people to me this was an instance of last resort.
- 13 Q. 685 In other words, unless you could assist ...
- 14 A. It wasn't going to happen.
- 15:19:48 15 Q. 686 It wasn't going to happen. And it was a certain pessimism and I think from
16 your statement you give the impression that you weren't able to lift it by
17 anything that you had to say?
- 18 A. Yeah. Well one is -- I prefer not to be giving impressions rather than to be
19 saying something categorically. But I mean, I think it is evident from what I
15:20:07 20 am saying that in the context even of, we'll say, Councillor Gilbride. That
21 Councillor Gilbride didn't ever believe that it was a full -- that it was a
22 runner. And that I think was the prevalent attitude in anybody that I spoke
23 to. In relation to it.
- 24 Q. 687 Now, having discussed the situation generally and what you understood and what
15:20:30 25 you believed to be the political situation surrounding it. Was there anything
26 else discussed at that meeting?
- 27 A. Yes. Cost.
- 28 Q. 688 Yes. That's cost to Mr. Walls?
- 29 A. Yes.
- 15:20:44 30 Q. 689 Now, Mr. Walls' costs presumably would include architectural costs, your costs?

- 15:20:52 1 A. Well he wouldn't discuss architectural costs with me.
- 2 Q. 690 When you say costs you're talking about your costs?
- 3 A. Just my costs. I mean, obviously a discussion took place with us. It would
- 4 be unrealistic.
- 15:21:04 5 Q. 691 Okay.
- 6 A. If he did not ask me or I did not raise with him. Obviously he was brought to
- 7 me by Mr. Collins.
- 8 Q. 692 Yes.
- 9 A. Knowing full well that if I was going to become involved it was going to cost.
- 15:21:14 10 Q. 693 Yes. Had you discussed with Mr. Collins anything about Mr. Walls or his
- 11 project before this meeting?
- 12 A. No. Other than Tim Collins at some stage prior to him, and Mr. Walls arriving
- 13 to me, outlining to me that Mr. Walls wanted something done.
- 14 Q. 694 Yes.
- 15:21:36 15 A. And could we agree to meet.
- 16 Q. 695 Now, when the issue of costs arose, obviously Mr. Walls asked you how much this
- 17 was likely to cost.
- 18 A. Uh-huh.
- 19 Q. 696 Were you in a position there and then to give him an indication of the likely
- 15:22:00 20 costs?
- 21 A. Yes. I'm not. I think as I've said I can't categorically recall whether I
- 22 indicated the range of fees to him. But it is highly unlikely that I would
- 23 not have said to him that this is going to cost, as I have given evidence in
- 24 other modules. That it is going to cost something.
- 15:22:06 25 Q. 697 Yes. Now, in relation to the question of costs. Did you have a procedure
- 26 for calculating what your costs would be or how did you calculate what your
- 27 costs were likely to be in a particular project or development?
- 28 A. Well I suppose instinctively.
- 29 Q. 698 Yes.
- 15:22:26 30 A. There was an approach. It was very -- if somebody came to you with a very,

- 15:22:34 1 very, very big project.
- 2 Q. 699 Yes.
- 3 A. And you realised what was at stake you calculated accordingly.
- 4 Q. 700 Well this was a significant project.
- 15:22:43 5 A. Yes.
- 6 Q. 701 And a very difficult one if it were to succeed.
- 7 A. Yes.
- 8 Q. 702 So did that effect your approach to?
- 9 A. Yes, it would have effected my approach to it, other than in the circumstances
- 15:22:55 10 where I had taken, you know, did not give people encouragement as to the
- 11 success or otherwise of it. I mean, this was in January of 1993. And as I
- 12 said to you, it appeared to me at the time that Mr. Walls recognised that this
- 13 was a last ditch effort to get the land rezoned. The very fact that we
- 14 discussed the difficulties in relation to the geographic area and the people
- 15:23:23 15 involved and mentioned by Mr. Collins of a named councillor, were -- was
- 16 raising a certain red flags as to the possibility of success.
- 17 Q. 703 So therefore, presumably, when you were structuring your fee. And I think it
- 18 was your practice to put a success fee or a success fee proposal to your
- 19 clients. You reduced the success fee and you increased your activity fee
- 15:23:48 20 because you were more likely to get -- take from the project on an activity fee
- 21 rather than a success fee?
- 22 A. Well I don't want to appear offensive to anybody. But business is business,
- 23 and from time to time eaten bread is soon forgotten. And I do recall on a
- 24 number of occasions people sort of saying well I could have done that myself.
- 15:24:07 25 It has in business all of the time. It's not -- I'm not just suggesting to
- 26 you that it happened in this particular area.
- 27 Q. 704 Even if your success fee was a couple of hundred thousand pounds. It was
- 28 unlikely that you were going to wriggle out of this project?
- 29 A. No, no, no.
- 15:24:22 30 Q. 705 If you were going to divide your fee between the success portion and ordinary

- 15:24:27 1 potion you were obviously going to stack it, I presume, in favour of your flat
2 fee?
- 3 A. Correct.
- 4 Q. 706 Was there any mention about your costs and outlay?
- 15:24:37 5 A. On foot of the letter that I wrote to Mr. Walls. Obviously, there must have
6 been in relation to costs. Although, I hasten to add that the reference in
7 the letter is to legitimate disbursements.
- 8 Q. 707 Yes.
- 9 A. By that presumably, I meant anything that arises in relation to anything that
15:24:57 10 we would do by way of PR stuff, if that was required. Or entertaining people
11 or whatever.
- 12 Q. 708 Where in your fee structure did you build in the likely outlay by way of bribes
13 to councillors?
- 14 A. I suppose the answer to that question, Mr. Quinn, is that given the attitude
15:25:20 15 that I was taking to it, that it wasn't going to be, it didn't appear to be
16 something that even by the -- by reference to Mr. Walls and Mr. Collins, that
17 it wasn't overly optimistic.
- 18 Q. 709 But probably --
- 19 A. That I knew. But I knew that at some stage, even approaching a councillor to
15:25:43 20 get it signed would, the likelihood would be that I would be asked.
- 21 Q. 710 I accept that. But you had almost a stable of councillors at this stage, all
22 of whom had taken money from you on other developments, isn't that right?
- 23 A. Yes, correct.
- 24 Q. 711 And you could have presumably secured all of their votes if you had sufficient
15:26:03 25 resources available to you even for this project?
- 26 A. Yes. The answer to that is yes.
- 27 Q. 712 And yet, your proposal, your fee structure, we'll come to it in a moment, seems
28 to have been modest in the context of the payments that you would have had to
29 have made to those various people?
- 15:26:20 30 A. Yes.

- 15:26:20 1 Q. 713 Well why not structure your fee then to take account of at least six or eight
2 or ten votes and a profit for yourself?
- 3 A. Well, I don't want to be going at it from backwards forwards instead of
4 forwards towards backwards. As events proved, I mean, it was difficult enough
15:26:49 5 to even get somebody to sign.
- 6 Q. 714 What discussion did you have with Mr. Walls and indeed Mr. Collins concerning
7 illegitimate disbursements, if I could call them that?
- 8 A. Sorry.
- 9 Q. 715 That were likely to arise. Sorry.
- 15:26:50 10 A. In the context of the discussion with him. And in relation in particular to
11 Mr. Collins' reference to a named councillor. The -- I had absolutely no
12 doubt in my mind that the people at the meeting, the three of us, I certainly
13 was of -- was aware of the system. Obviously, I knew the system. But I have
14 no doubt that the people present at the meeting were so aware also in the
15:27:19 15 context of the discussion at the meeting.
- 16 Q. 716 You will pardon me for saying so. That sounds vague. You definitely knew?
- 17 A. Yes.
- 18 Q. 717 If your evidence is to be accepted, that monies were being paid or had to be
19 paid?
- 15:27:35 20 A. Correct, yes.
- 21 Q. 718 Perhaps Mr. Collins knew, you say, because he was involved in other projects
22 and each of those monies were paid?
- 23 A. Yeah.
- 24 Q. 719 What about Mr. Walls?
- 15:27:43 25 A. No. I cannot specifically say that Mr. Walls said to me I know that you are
26 going to have to make disbursements.
- 27 Q. 720 Did you say to Mr. Walls I will have to make disbursements?
- 28 A. I may well have eluded to disbursements and not specifically said two
29 councillors. But I have no doubt that in the context in which we were talking
15:28:04 30 and in relation to the difficulties that we were likely to encounter, that

15:28:10 1 there was any doubt on the part of anybody at the meeting that that's what we
2 were referring to.

3 Q. 721 I mean, there are only two, three classes of people who would receive
4 disbursements here in that context. Either councillors, other politicians or
15:28:25 5 officials. Isn't that right?

6 A. Yes, yes.

7 Q. 722 Did you ever contribute to politicians, other than councillors, in relation to
8 any of these modules of lands?

9 A. No.

15:28:35 10 Q. 723 Did you ever contribute to any official in relation to any of these?

11 A. Never gave money to an official in my life.

12 Q. 724 Never gave money to an official?

13 A. No.

14 Q. 725 Or politician in relation to any of these development?

15:28:48 15 A. Correct. For clarity, and for assistance.

16 Q. 726 Yes.?

17 A. Again, I just refer you back to the genesis of the introduction. Mr. Collins
18 is bringing people to me on the basis that they are either clients of his or
19 people that he is associated with. That he knows and that he knows that I can
15:29:09 20 effect a success if I go about it.

21 Q. 727 I should just clarify what I said a moment ago. And just in ease of yourself,
22 Mr. Dunlop, when you said you never gave any money to a politician other than a
23 councillor?

24 A. Correct.

15:29:24 25 Q. 728 There were a category of politician/councillor. And I think you have given
26 evidence that you gave money to?

27 A. Correct.

28 Q. 729 But other than that category of persons?

29 A. When I answered the person I included that category of. I mean, of course,
15:29:37 30 obviously, let it be said again for clarity that I did give money to other

15:29:42 1 politicians but not in the context of anything to do with the Development Plan.

2 Q. 730 But you did give it to councillors/politicians?

3 A. Yes, absolutely, yes.

4 Q. 731 But getting back to Mr. Walls. How do you say that you knew that Mr. Walls

15:29:55 5 knew that you were likely to pay politicians?

6 A. Well a discussion took place.

7 Q. 732 Will you tell the Tribunal now of the discussion. I think it's important that

8 you should.

9 A. Yeah, okay. A discussion took place in relation to the -- after, after

15:30:09 10 Mr. Walls and Mr. Collins. But Mr. Walls outlining what he required. And

11 some indication as to what had taken place previously. I cannot recollect

12 that fully. But certainly there had been some reference to what had taken

13 place. What the requirements were going to be. A discussion about the

14 location. And in particular, Mr. Collins alluding to the difficulties in

15:30:39 15 relation to that particular location because of the address. Because of

16 things that had occurred previously in relation to that particular area. And

17 in relation in particular to one councillor. Discussion took place about the

18 proposals and method by which rezoning occurred or took place and what would be

19 required. And in that context, and in that context solely I had no doubt that

15:31:13 20 the people present at the meeting were aware of what was required in relation

21 to, or may be required, in relation to disbursements.

22 Q. 733 Again, was there a discussion about how much would require to be paid?

23 A. No, no.

24 Q. 734 Was there a discussion about which councillors would require to be paid?

15:31:32 25 A. No. The only, to the best of my recollection, the only reference to a

26 councillor at that meeting was the reference to the named councillor in

27 relation to a previous issue.

28 Q. 735 Who was totally opposed to any rezoning in this area?

29 A. Well, it -- just for context. I mean, I do not know what, if anything, took

15:31:53 30 place between either Mr. Collins or Mr. Walls and that particular Council, if

15:32:01 1 anything, prior to coming to meet me. What was being discussed was what had
2 occurred in relation to that particular area, particularly in relation to
3 services and the supply of services and the attitude that had been adopted by
4 that particular council -- councillor.

15:32:18 5 Q. 736 And this was going to make it more difficult for councillors to support a
6 proposal to rezone the lands?

7 A. Well it wasn't -- that and the fact that the likelihood was that no councillor
8 of the local area would support it.

9 Q. 737 Mr. -- are you saying that Mr. Collins knew from other projects that you were
10 involved in paying councillors?

11 A. I never discussed it in those terms with Mr. Collins. The fact that
12 Mr. Collins continued to bring clients to me in the circumstances that he did.
13 And in discussions that took place at various meetings between us in the
14 presence of others, including developers, I have no doubt. But I've never
15 specifically -- he never asked me specifically. And I never specifically told
16 him, that was an understanding.

17 Q. 738 I think you've told the Tribunal?

18 A. Yes.

19 Q. 739 In relation to another councillor/politician that you discussed -- this
15:33:26 20 occurred I think in Carrickmines I. You discussed what councillors might take
21 money?

22 A. Yes.

23 Q. 740 Did you ever discuss with Mr. Collins what councillors might take money?

24 A. I don't think I did, no.

15:33:37 25 Q. 741 Did you at this meeting, on the 7th of January, ever discuss with Mr. Walls or
26 Mr. Collins what councillors might take money?

27 A. No. I think the only discussion in relation to named councillors related to
28 the councillor that I've referred to.

29 Q. 742 But by January 1993 it is a fact, Mr. Dunlop, that had you sufficient resources
15:33:57 30 you could have, on your evidence to date, have bought 20 or more councillors?

- 15:34:04 1 A. Well, yes, I suppose that's true, yes, yes.
- 2 Q. 743 You could have delivered at least 20 or more votes?
- 3 A. Yes.
- 4 Q. 744 And yet you had a client, and you had Mr. Collins, and that discussion didn't
- 15:34:15 5 arise, you say?
- 6 A. No. Certainly not, no.
- 7 Q. 745 And you never sold the concept to Mr. Walls that you could deliver, for a
- 8 price, at least, 20 votes?
- 9 A. No, no, no such discussion ever took place.
- 15:34:27 10 Q. 746 And why is that, Mr. Dunlop, if Mr. Walls was so anxious to get development on
- 11 these lands and if you were of the view that he knew that councillors would
- 12 have, could and would have to be paid. Well, the only answer that I can give
- 13 you to that is in the context of what I said to you earlier. In that all of
- 14 the parties. And I think including Mr. Walls himself, was not overly
- 15:34:53 15 optimistic in relation to what could be done in relation to these lands.
- 16
- 17 Now, I accept the premise on which you ask the question. Which is that if I
- 18 said to Mr. Walls I need 100,000 pounds because I can you buy 20 councillors
- 19 and I can guarantee it for you. That discussion never took place. And there
- 15:35:12 20 was no such illusion to any such amount.
- 21 Q. 747 100 would have been excessive.
- 22 A. Hypothetically. I'm just answering.
- 23 Q. 748 20,000 would have done it?
- 24 A. It would have done it, yes.
- 15:35:23 25 Q. 749 Why did you not raise that -- approach the issue on that basis at that time at
- 26 that meeting. You had a developer, he had 54 acres. He was anxious to get
- 27 them rezoned. It was his last chance in the review of the '83 Plan. You
- 28 knew you could deliver, at least, 20 votes at this stage, provided you paid?
- 29 A. Uh-huh.
- 15:35:44 30 Q. 750 Why didn't you approach it in that fashion with Mr. Walls?

- 15:35:47 1 A. Well I suppose the only answer I can give you is I didn't. And you know, I
2 have no recollection whatsoever of having any discussion with him in relation
3 to the paying of councillors or he asking me about paying councillors other
4 than in the circumstances that I have mentioned.
- 15:36:07 5 Q. 751 And you put an asterisk beside this particular development on the basis that
6 you believe, although it wasn't mentioned specifically, or otherwise, that
7 Mr. Walls must have known that you were likely to have been asked for money and
8 you were likely to pay monies out of the monies he was going to give you?
- 9 A. Yes. And I have said earlier in relation to another Module in relation to
15:36:27 10 that, you know, these are three relatively intelligent people sitting around a
11 table talking about an issue. And we are not talking about a parallel
12 universe. We're talking about something that is -- has been in the public
13 domain, has been the subject of significant media coverage, has been discussed
14 by lots of people in relation to what's going on.
- 15:36:49 15 Q. 752 But couldn't that, by extension, apply to almost every developer in your list,
16 Mr. Dunlop?
- 17 A. Yes, it could.
- 18 Q. 753 And why isn't there an asterisk beside every developer or every development in
19 your statement?
- 15:37:00 20 A. Well, in the circumstances in each one, the -- it's my belief in relation to my
21 association with them that the circumstances obtain in each individual case, as
22 I understand them. I mean, in instances where it arose, yes, it was
23 discussed. There are instances, for example, where I was asked whether
24 contribution should be made to politicians, and I advised accordingly. But
15:37:36 25 that was not to suggest that a contribution be made to politicians illegally or
26 wrongly.
- 27 Q. 754 Well which applies in this case?
- 28 A. Well it applies -- what applies in this case. And the reason the asterisk is
29 there is that I believe the parties at this meeting, including myself, were
15:37:53 30 fully aware that if this is to proceed there would be have to be some

15:37:57 1 disbursements.

2 Q. 755 But from what you say, that could have applied in every instance.

3 A. Well yes it could. What I am saying to you.

4 Q. 756 But you have chosen to put an asterisk beside some of the developments but not

15:38:10 5 others.

6 A. Yes.

7 Q. 757 But by the same token, I think you would accept, that if you were to apply that

8 logic to this case you would apply it to all of the other modules.

9 A. Well not really. I don't think so. I mean --

15:38:21 10 Q. 758 By way of example.

11 A. Yes.

12 Q. 759 One of the modules that you didn't put an asterisk beside had I think as one of

13 the developers, an architect.

14 A. Remind me.

15:38:30 15 Q. 760 I think maybe in the Carrickmines Module. I think that Messrs. O'Halloran.

16 A. Yes. No, I didn't.

17 Q. 761 There's no asterisk there. And I don't want to go back into that Module now,

18 Mr. Dunlop. What you are saying here concerning Mr. Walls could equally be

19 said to apply in relation to that module?

15:38:52 20 A. No, I don't think so.

21 Q. 762 You don't think so?

22 A. No, I don't think so. And while I accept you don't want to reverse into that

23 module again.

24 Q. 763 Yes.

15:39:00 25 A. Or into a cul-de-sac about it. But, no, I think each individual module in

26 relation to the circumstances and in relation to the association and

27 relationships that I had with people. And again, this is a man that has been

28 brought to me by another person. I did not seek out Mr. Walls. And to the

29 best of my belief Mr. Walls did not seek out me, other than advice from

15:39:25 30 somebody else, namely, Mr. Collins. Why Mr. Collins is advising Mr. Walls to

15:39:30 1 come to me, I can only allude to the opening statement that you made as to
2 Mr. Collins -- Mr. Walls view as to why he was coming me.

3 Q. 764 Can I put this to you Mr. Dunlop. Are you saying that it was the Collins
4 connection with the developer that led you to believe that the developer knew
15:39:51 5 that the monies would be required to be paid?

6 A. I don't know what -- just before I answer that. I don't know what took place
7 between Mr. Walls and Mr. Collins prior to coming to me.

8 Q. 765 I accept that.

9 A. But certainly, the involvement with Mr. Collins was a significant -- sorry.
15:40:06 10 Significant enough indication to me and in the context of the conversations
11 that took place that the parties at that meeting were aware of what was going
12 on.

13 Q. 766 That was because Mr. Collins was involved.

14 A. Yes.

15:40:17 15 Q. 767 Did you pay Mr. Collins in relation to this?

16 A. No, I didn't.

17 Q. 768 You didn't. I think you have given evidence that you paid him in relation to
18 ...

19 A. Once, Lissenhall.

15:40:25 20 Q. 769 The one that the meeting that had taken place on the 5th, on the Tuesday?

21 A. Yes.

22 Q. 770 But you hadn't paid in relation to the one on the Thursday.

23 A. Yes.

24 Q. 771 Were you asked for any money in relation to that?

15:40:35 25 A. In relation to Mr. Collins.

26 Q. 772 Yes.

27 A. No.

28 Q. 773 What was your understanding of Mr. Collins' role in relation to matter?

29 A. Well, my understanding is that Mr. Collins was an advisor or consultant or, as
15:40:47 30 I say, given what Mr. Collins' dimension at that particular time was, who he

15:40:51 1 was working with. But again, I hesitate all of the time to be using language
2 that might appear to be offensive. Mr. Collins was a fixer.

3
4 Mr. Collins was putting parties together. He had either Mr. Walls as a client
15:41:06 5 or he was an advisor to Mr. Collins -- or Mr. Walls. And he said to Mr. Walls
6 the only way you're going to get this done is to go to Frank Dunlop. And that
7 I hasten to add is a presumption on my part. But certainly in the
8 circumstances leading up to the meeting and the relationship would certainly
9 support that.

15:41:25 10 Q. 774 Now, following on that meeting, I think on the -- that was on the Thursday the
11 7th. On the same day at 554. At 2.21 that afternoon Mr. Gilbride rang you
12 at home, isn't that right? He was at home and he left a message in your
13 office.

14 A. Yes.

15:41:42 15 Q. 775 And then on the 8th. That's at 555. Mr. Gilbride rang you to tell you that
16 he was in Dublin County Council for the next hour or so and to call him. And
17 I think Mr. Collins rang you on the 8th also.

18 A. Yes.

19 Q. 776 Did you discuss the meeting between yourself and Mr. Walls with Mr. Collins
15:42:00 20 independently of the meeting? In other words, following on the meeting did you
21 and Mr. Collins have a side conversation?

22 A. Yes, I think that's a fair question. The likelihood is yes. I don't have a
23 recollection. But the likelihood is that Tim Collins would have asked me how
24 are things going or are you making any progress or whatever. But I cannot
15:42:20 25 absolutely categorically attest to that fact. It would be unusual, given my
26 relationship with Tim Collins, that from time to time when he did ring and
27 given the number of times that he is listed in my telephone records, that other
28 than the introductions that that was the end of it. It wasn't. I mean, he
29 may well be looking for progress reports. Because it may well be that he had
15:42:43 30 an arrangement with the client.

- 15:42:45 1 Q. 777 Do you know what arrangement he had with the client, if any, in this case?
- 2 A. No, I don't, no.
- 3 Q. 778 You -- he again rings you on Monday the 11th of January. At 556. At this
- 4 stage he wanted to set up a meeting I think with somebody else. That perhaps
- 15:43:02 5 is the other meeting that we referred to which I think is set out?
- 6 A. Which one are we at, sorry, Mr. Quinn. Oh yes 11.05. Sorry, yes, he rings
- 7 at 10.30 and then 11.05.
- 8 Q. 779 We know that you had a meeting with him on the 13th. If I have 558, please.
- 9 A. Sorry, that -- I do not recognise that name. I think that may well be a
- 15:43:26 10 misprint. It's done, the surname begins with a B and I think maybe my
- 11 secretary just ...
- 12 Q. 780 Got it wrong.
- 13 A. Got it wrong.
- 14 Q. 781 558 please. At 558 on the 13th of January. You write to Mr. Walls, isn't
- 15:43:38 15 that right?
- 16 A. Correct.
- 17 Q. 782 Arising out of a meeting on the 7th.
- 18 A. Correct.
- 19 Q. 783 Had you undertaken to write to Mr. Walls at the meeting?
- 15:43:46 20 A. I presume -- the only answer in the context of the discussions in relation to
- 21 costs.
- 22 Q. 784 Yes.
- 23 A. That I either made a proposal to him or said I would think about what was
- 24 involved.
- 15:43:56 25 Q. 785 Yes.
- 26 A. And I think probably the latter because I might well have wanted an opportunity
- 27 to talk to other people to see whether or not this was a runner or not.
- 28 Q. 786 And who would you have spoken to?
- 29 A. Well I could well have spoken to anybody in the local area. I certainly
- 15:44:11 30 wouldn't have been speaking to many people outside of the particular area, be

- 15:44:15 1 it Kinsealy, Malahide. That particular area. Because there was no point in
2 talking to anybody else until you established whether or not there was going to
3 be local support.
- 4 Q. 787 Yes. So you may or may not have given him an indication of cost at your
15:44:32 5 meeting of the 7th?
- 6 A. Yes.
- 7 Q. 788 But certainly by the 13th or as a result of your general inquiries in the area,
8 you are now in a position to give him an indication of costs?
- 9 A. Yes.
- 15:44:43 10 Q. 789 And I think your costs are an upfront fee of 2,500 pounds plus VAT?
- 11 A. Yes.
- 12 Q. 790 Plus outgoings plus a success fee, isn't that right?
- 13 A. Success fee of 10,000 pounds, yes. Yes, that's correct, yes.
- 14 Q. 791 So your income from this particular project is going to come by way of success
15:45:05 15 fee even though you don't believe there is any likelihood of success?
- 16 A. Well, my attitude is conditioned by the -- as I outlined to you earlier on.
17 Not giving people encouragement in the context of the discussion and the
18 meeting that we had. And given the attitude and the disposition of Mr. Walls
19 and Mr. Collins themselves. Mr. Walls had outlined to me briefly, though I
15:45:34 20 don't have an absolute recollection of all of the details. That, you know,
21 this was a situation where he had tried before and this was a last ditch
22 effort.
- 23 Q. 792 Would this not have been a classic example, Mr. Dunlop, of you loading the
24 upfront fee and reducing the success fee, since it was unlikely that there
15:46:01 25 would be a success fee?
- 26 A. It may well be. And I cannot attest to this and I don't wish to do so.
27 Other than to say it may well be that I did try that. And that it wasn't
28 acceptable.
- 29 Q. 793 After all, any disbursements in relation to councillors would have to come out
15:46:10 30 of your own pocket practically at this stage. Isn't that right?

- 15:46:14 1 A. Yeah.
- 2 Q. 794 And there was unlikely to be success. So therefore you were speculating on
3 the possibility of success?
- 4 A. The possibility of success.
- 15:46:21 5 Q. 795 I mean, as it happens, I think that you say that the fee was -- that the
6 expenditure in this case was only 1,000 to Mr. Gilbride.
- 7 A. Correct.
- 8 Q. 796 But nonetheless it could have been greater, isn't that right?
- 9 A. Yes it do have been. I accept that.
- 15:46:37 10 Q. 797 And you would have known that when you struck the fee with Mr. Walls?
11 A. Other than in circumstances that I have made contact with people prior to the
12 writing of the letter.
- 13 Q. 798 And in fact, in relation to the success fee. You reduced that further I think
14 in time to 6,000 pounds, isn't that right?
- 15:46:53 15 A. Yes.
- 16 Q. 799 You accept that?
- 17 A. Well I certainly have to say to you quite straight forwardly that until this
18 letter was discovered to the Tribunal, I had no recollection of any discussion
19 of the nature or the annotations contained in that letter by another hand.
- 15:47:10 20 Q. 800 But your recollection I think in 2000 in relation to the matter was that the
21 fee had been agreed at 5,000?
- 22 A. Correct.
- 23 Q. 801 Or at least whatever the agreed fee was you had been paid 5,000?
- 24 A. Correct, yes in or around 5,000.
- 15:47:26 25 Q. 802 What led you to that belief?
26 A. I had a residual belief that that's what I got. I can't say what exactly led
27 me to that belief but that -- I couldn't have imagined I'd suppose that I'd
28 ever have got anything less than 5,000 pounds. But certainly I don't have any
29 recollection of the discussion. If the discussion took place as per that
15:47:50 30 notation.

- 15:47:51 1 Q. 803 When you said that 5,000. Did you intend to convey to the Tribunal that you
2 got 5,000 in cash or that Frank Dunlop & Associates had received 5,000 pounds?
3 A. Well I can't absolutely say to you that I wanted to indicate one or the other.
4 Other than to say that certainly I had had dealings with Mr. Walls and that I
15:48:10 5 had received money.
6 Q. 804 But it was a round sum figure?
7 A. Yes.
8 Q. 805 Where I'm coming from, Mr. Dunlop. It wasn't 5,000 plus VAT or an odd figure?
9 A. No, no, you're quite right. It was a figure exclusive of VAT.
15:48:27 10 Q. 806 Do you dispute Mr. Walls' evidence and you have seen his statement. And he
11 himself will be giving evidence after Easter in relation to the matter. That
12 he had two conversations subsequently with you in relation to that letter?
13 A. Yes. It is quite possible. He had -- as the records show, my records show.
14 Yes, there was a relatively strong level of contact between Mr. Walls and
15:48:54 15 myself. And it is likely that we had such a discussion, yes. I cannot say
16 to you that I recollect it.
17 Q. 807 Just in relation to that level of contact. In your statement I think you said
18 that all of your contact was telephonic contact. Do you now accept that you
19 had at least two meetings with Mr. Walls?
15:49:12 20 A. Well I certainly had one.
21 Q. 808 We'll come, I think, to another meeting later in March?
22 A. It's possible, yes.
23 Q. 809 But you give the impression in your statement that you only ever spoke to
24 Mr. Walls on the telephone. That's not true.
15:49:23 25 A. Well certainly -- no. Other than the first meeting I had with him. I met
26 him physically otherwise I couldn't have been meeting.
27 Q. 810 Certainly.
28 A. The point I'm make something that the vast majority of the contact with him was
29 by telephone.
15:49:39 30 Q. 811 Now --

- 15:49:40 1 A. And I think. Sorry, Mr. Quinn, again, I think there is a reference in my
2 diary to a Mr. Walls. But it is specific to ring Paul Walls or ring Mr. Walls
3 rather than a meeting. I'm not sure.
- 4 Q. 812 I'll come to it, Mr. Dunlop. I think there is actually a ring and a meeting?
- 15:49:59 5 A. Yes, certainly I have some recollection of putting a note in saying ring Paul
6 Walls rather than actually meeting Mr. Walls.
- 7 Q. 813 If we could have 628, please.
8 You are absolutely correct in relation to the entry for the 8th of March, Mr.
9 Dunlop. "Paul Walls re meeting tomorrow."
- 15:50:26 10 A. Yes, yes.
- 11 Q. 814 If you look at the 9th of March. You see an entry for "Paul Walls today?"
12 A. Question mark.
- 13 Q. 815 Yes.
14 A. And then "Paul Walls at 11.00."
- 15:50:47 15 Q. 816 Yes.
16 A. Yes, I see that.
- 17 Q. 817 So do you accept now that ...
18 A. I yes, I accept if he's in there and the notations in relation to the
19 preparation for the meeting, yes.
- 15:50:47 20 Q. 818 Do you dispute Mr. Walls' suggestion that at a meeting or in a telephone
21 conversation with him that you agreed a success fee of 6,000 pounds if the 54
22 acres were rezoned?
23 A. Well the only -- what I've said earlier and what I've said is that I don't have
24 any recollection of that conversation.
- 15:51:04 25 Q. 819 Do you have any recollection of anything discussed at that conversation?
26 A. Well, can you put the note back up again, please.
- 27 Q. 820 Yes. It's 558, please.
28 A. Now.
- 29 Q. 821 On the left-hand side if we take it in sequence. There's a reference to the
15:51:23 30 14th of March '93 and a reference to pro rata?

- 15:51:26 1 A. Correct.
- 2 Q. 822 Now, do you recall any conversation with him. This would have been on receipt
3 of this letter by Mr. Walls and him ringing you as a consequence?
- 4 A. Yes.
- 15:51:34 5 Q. 823 Do you recall him ringing you the day after you sent the letter?
- 6 A. No, other than if he did ring and there's a record of it. I have no reason to
7 dispute or to contradict him that he did ring me in relation to it. I have no
8 reason to do that. But all I'm saying to you is I do not recollect it.
- 9 Q. 824 Goes on to say to speak to "N O" which I think Mr. Walls will say is Nora Owen.
15:51:56 10 "Will talk A Devitt", which is Councillor Devitt I think. And a reference to
11 function to whip?
- 12 A. What?
- 13 Q. 825 Do you see that on the bottom left?
- 14 A. What is it? This function?
- 15:52:10 15 Q. 826 "Function to whip at meeting." I think who is the Fianna Fail whip in 1993
16 can you recall?
- 17 A. The Fianna Fail whip in 1993 was ...
- 18 Q. 827 It had been GV Wright I think. But I think was he whip in '93?
- 19 A. Was it Pat?
- 15:52:28 20 Q. 828 Not the Chairperson, now.
- 21 A. Not the Chairperson. Pat wasn't the Chairperson, Pat Dunne. No, I don't
22 recollect who the whip was.
- 23 Q. 829 And again, he does have an entry for a phone call on the 22nd of January. You
24 say you have no recollection of that even though it would appear to record a
15:52:47 25 reduction in your success fee?
- 26 A. Yeah. Well I'm just looking at it. I don't -- certainly I don't have a
27 recollection of a conversation with Paul in relation to reduction in success
28 fee on the foot of the receipt of a letter from me. I would not dispute if
29 that is Paul's handwriting, that he made those an notations at that particular
15:53:11 30 time. But I don't have a recollection of it. It seems that -- I notice

15:53:15 1 question marks in relation to it as well. I don't know what is actually being
2 referred to.

3 Q. 830 And a reference to "we are only interested in 54 acres!"

4 A. Yes.

15:53:29 5 Q. 831 Do you recall a discussion perhaps about his lands being included in a greater
6 take of land that you might not be supportive in respect of?

7 A. Yes. I have seen, obviously, and I don't wish to suggest otherwise. I have
8 seen what Mr. Walls has said. And I have seen what Mr. Walls has said in
9 private session.

15:53:47 10 Q. 832 Yes.

11 A. So that be absolutely clear about that.

12 Q. 833 Do you take issue with that, Mr. Dunlop?

13 A. Well I don't have any recollection whatsoever of discussions in relation to
14 other landowners or including other lands. Neither do I have any recollection
15 about what is the name of the company?

15:54:02 16 Q. 834 Hydraulics.

17 A. That means absolutely nothing to me. Now, I know as you have outline in the
18 your opening statement that motion in relation to Hydraulics. That doesn't
19 trigger anything at all as far as I'm concerned.

15:54:19 20 Q. 835 I see. So you don't recall any discussion concerning other motions or any
21 discussions concerning other lands adjacent to the Kinsealy Lands?

22 A. No. I would hasten to suggest to you that talking about any other landowners
23 in relation to one land. My dealing with one landowner would certainly raise
24 all sorts of alarm bells in my head. I mean, if there were other landowners
15:54:43 25 going to be involved where was the motion, where was the opportunity for me.

26 Q. 836 To do --

27 A. To do business.

28 Q. 837 Yes.

29 A. And what was it going to entail. And anything above 54 acres in that
15:54:56 30 particular area at that time would certainly have raised a red flag.

15:55:00 1 Q. 838 Yes. On the 13th of January 1993, I think Mr. Collins rang looking for you.
2 If we could have 562, please.
3 And I think you met Mr. Collins on the 18th of January. At 564. Isn't that
4 right? Monday the 18th.

15:55:19 5 A. Yes, at 11.

6 Q. 839 Mr. Gilbride rang looking for you on Monday the 18th also on two occasions.
7 If we could have 565 he rang at 10.19?

8 A. Uh-huh.

9 Q. 840 He rang again on the 19th. At 567. At 11.00. Again, on the 20th at 2.14
15:55:39 10 will call again, moving around. That's 568. And again later at 569 on the
11 20th. 4.01 he's ringing looking for you.
12
13 Mr. Collins on the 21st. Tuesday 21st of January rings twice looking for you.
14 That's at 570 at 4.05 and 4.58. He is ringing again at on the 22nd January at
15:56:01 15 571 and again on Monday 25th you have a meeting with him. That's at 572.
16 That shows a substantial level of contact between you and Mr. Collins at that
17 time. Is that right?

18 A. Correct, yes.

19 Q. 841 And indeed, contact between you and Mr. Gilbride.

15:56:21 20 A. Correct.

21 Q. 842 At 573. On 25th of January 1993. Mr. Collins is seeking to set up a meeting
22 at 2.14 with presumably it's some other project. Isn't that right?

23 A. Sorry, where are we?

24 Q. 843 2.40.

15:56:36 25 A. Yes, that is.

26 Q. 844 The Tribunal is --

27 A. It was a simple matter and not a matter for the Tribunal.

28 Q. 845 That the Tribunal has any concern with.

29 A. No.

15:56:46 30 Q. 846 574. 3.03 he is again ringing for you. Now, if we could come to 575. Which

15:56:51 1 is the 27th of that month. Mr. Collins rings on four separate occasions. At
2 3.51 he is ringing looking for drawings and needs to speak to you on one or two
3 points. Is that in relation to the Walls/Kinsealy?
4 A. No. That came up before, Mr. Quinn.
15:57:09 5 Q. 847 That's the Lissenhall.
6 A. That's the Lissenhall.
7 Q. 848 That's okay.
8 A. I think in the context of what we were talking about.
9 Q. 849 And therefore, is it the Lissenhall map he's looking for again on the 28th of
15:57:19 10 January at 576, he rings at 10.30 re map have you got it for him?
11 A. Yeah.
12 Q. 850 Again at 12.22 re map.
13 A. Yes. No, I don't think that's -- maps or in relation to the Walls lands at
14 all. They're not referred to at all.
15:57:36 15 Q. 851 He is again looking for the map. And he rings twice on the 29th of January.
16 That's at 578.
17 A. He's persistent isn't he?
18 Q. 852 Sorry. He rings once on the 29th at 9.15, isn't that right? At 11.02
19 Mr. Walls rings you and he leaves a number.
15:57:52 20 A. Yes. North side number, yes.
21 Q. 853 Can you recall what your conversation with Mr. Walls was about on the 29th?
22 A. Well, I presume it was in relation to progress or what we were going to do or
23 what we were not going to do. Mr. Walls by this stage, I hasten to add, has
24 not paid me. I have received no payment from Mr. Walls, I think until the 1st
15:58:19 25 of March.
26 Q. 854 You haven't billed him by the same token.
27 A. Sorry.
28 Q. 855 You haven't billed him yet?
29 A. Exactly. But I think again for ease of Mr. Walls presumably. The likelihood
15:58:35 30 is we are discussing what the possibilities are. Have I spoken to anybody, do

15:58:39 1 I know anything more as to the possibilities. But I'm not suggesting
2 categorically that that was the situation. But I only ever spoke to Mr. Walls
3 ...

4 Q. 856 Yes.

15:58:48 5 A. In relation to these lands in Kinsealy. I did not speak to him about anything
6 else.

7 Q. 857 It's now four o'clock, Sir. It's unlikely that I would finish with Mr. Dunlop
8 this afternoon. We have a slight difficulty. In that I understand from
9 Mr. Redmond that Mr. Dunlop has some commitments. He has asked not to be
10 called back to the Tribunal until mid April -- May.

11
12 It was hoped to resume these proceedings in early May. Obviously, Mr.
13 Dunlop's evidence is quite important. I'm not sure if Mr. Dunlop, having
14 spoken with Mr. Redmond, would be in a position to return on the 2nd of May.

15:59:27 15
16 MR. REDMOND: Mr. Chairman, this is something which has been flagged to the
17 Tribunal for some long time back. And Mr. Dunlop has specific commitments of
18 which the Tribunal has been advised in mid to the end of May. And obviously
19 requires time to prepare in respect of same. And it had been indicated for
20 quite some time that he would not be available again before the 2nd of June.
21 And that remains the position, Chairman.

22
23 MR. QUINN: Perhaps he might make himself available for a morning in early May.

24
15:59:56 25 CHAIRMAN: Well, we'll see. I mean, obviously you've discussed that with
26 your colleague. If there is a commitment there. I don't want to discuss his
27 commitments in public. If there is a commitment there we'll have to honour
28 that. Is it absolutely necessary that his evidence be continued before any
29 other witnesses are called?

16:00:19 30

16:00:19 1 MR. QUINN: Well it has become customary for Mr. Dunlop's evidence to be taken
2 before.

3
4 CHAIRMAN: And how long would his evidence take?

16:00:27 5
6 MR. QUINN: I would hope to finish with him in a morning. In other words,
7 were we to sit at ten and I'm not sure how many people would have questions for
8 Mr. Dunlop. I don't envisage that there would be many. I think we could
9 give a commitment that he would be out by one o'clock.

16:00:42 10
11 CHAIRMAN: All right. You can discuss the matter with Mr. Redmond privately.
12 And if we can come to some arrangement we'll do so. And if not, we'll just
13 have to manage as best we can. I'm sorry Mr. Collins, you are here waiting
14 all day but you were going to have to come back anyway.

16:00:58 15
16 All right. We'll see. And we can make a decision then over the next couple
17 of days.

18
19 There will be no further sittings, public sittings until after Easter. And
16:01:10 20 the next public sittings will be notified on the web. And to the various
21 parties as soon as possible.

22
23 All right? Thank you.

24
16:03:32 25 **THE TRIBUNAL THEN ADJOURNED, DATE TO BE ANNOUNCED:**

26
27
28
29
30