

10:15:35 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**

2 **6TH DECEMBER 2007, AT 10.30 A.M:**

3

4 CHAIRMAN: Good morning, Mr. Murphy.

10:38:58 5

6 MR. MURPHY: Good morning, Chairman. Good morning, members.

7

8 Mrs. Gunne, please.

9

10:39:14 10 **MRS. MAUREEN GUNNE HAVING BEEN SWORN, WAS QUESTIONED BY**

11 **MR. MURPHY AS FOLLOWS:**

12

13 CHAIRMAN: Good morning, Mrs. Gunne. Good morning.

14 Q. 1 MR. MURPHY: Good morning, Mrs. Gunne.

10:39:44 15 A. Good morning.

16 Q. 2 I'm over here.

17 A. Oh, sorry my apologies sorry.

18 Q. 3 You were married to Mr. Fintan Gunne, isn't that right?

19 A. That's correct, yes.

10:39:55 20 Q. 4 And sadly he died in 1997.

21 A. '97, October '97.

22 Q. 5 At that point he was and had been a well known and successful auctioneer in
23 Dublin, isn't that right?

24 A. Yes, thankfully.

10:40:07 25 Q. 6 Mrs. Gunne, if I could ask you about your understanding just briefly for a
26 moment, of your husband's relationship with Mr. Ahern. I have in mind the
27 '90's, say from the early '90s up to his death in 1997. I'm thinking in
28 particular around 1993, 1994. How you perceived their relationship?

29 A. All I know is that Fintan would have met Bertie Ahern An Taoiseach, on several
10:40:41 30 occasions socially.

10:40:44 1 Q. 7 Yes, yes.

2 A. But other than that --

3 Q. 8 Yes.

4 A. -- I wouldn't be aware of what was discussed or anything like that.

10:40:52 5 Q. 9 Of course. But ... and as far as you were aware, was Mr. Gunne a friend of
6 Mr. Ahern's and Mr. Ahern a friend of Mr. Gunne's?

7 A. Well Fintan would have considered himself a friend of Bertie Ahern, yes.

8 Q. 10 Yes. Was that a friendship that came from the political arena or was it a
9 friendship or how did it arise, did it go back a number of years, had it
10:41:20 10 nothing to do with politics, was it a friendship in the broader sense of things
11 if you understand me?

12 A. Well I'm actually not aware of how it actually started. It was just when they
13 met socially that Fintan would have mentioned to me that he would have met
14 Bertie Ahern.

10:41:39 15 Q. 11 Yes. Could you say perhaps this is an impossible task, but in the early 1990's
16 perhaps '93/'94, would you have any idea would they have met socially, once a
17 month or once a year or once a week or how regular would their contact have
18 been?

19 A. That I wouldn't know. I'm sorry but my memory because the only things I can
10:42:06 20 relate to would be we'll say moving up to Dublin, which was in '82 and anything
21 after that I'm afraid I would, I just couldn't be specific about years.

22 Q. 12 I understand.

23 A. Honestly, I really. I'm disastrous on dates.

24 Q. 13 I understand. Would they have had a drink together do you know would they have
10:42:27 25 gone to a match together, would they have done that kind of thing?

26 A. They would have met at matches, yes, yes, and out socially.

27 Q. 14 Do you think they were personal friends?

28 A. I wouldn't, I just can't answer that. I know Fintan considered himself a
29 friend of Bertie Ahern.

10:42:46 30 Q. 15 All right. Had it anything to do with politics?

10:42:51 1 A. No, definitely not.

2 Q. 16 And you know that your husband regarded himself as a friend of Mr. Ahern. Do
3 you think he regarded himself as a close friend of Mr. Ahern?

4 A. That I am sorry I don't know.

10:43:11 5 Q. 17 All right. And can I just ask you in relation to Mr. Richardson. Sorry. Were
6 you a friend of Mr. Ahern's, did you know Mr. Ahern?

7 A. Just to say hello to. Yes, I would have met him.

8 Q. 18 All right. And Mr. Richardson, was your husband a friend of Mr. Richardson?

9 A. Yes, Fintan I would have known Des Richardson. We used to meet him after mass
10 on a Sunday.

11 Q. 19 Right.

12 A. In Donnybrook Church but other than that, I don't know.

13 Q. 20 Would you your and your husband have known Mr. Richardson better than your
14 husband would have known Mr. Ahern, do you think?

10:43:45 15 A. Oh, no certainly not.

16 Q. 21 Certainly not.

17 A. No.

18 Q. 22 And what about Mr. Gerry Brennan, the deceased solicitor, did you know him at
19 all?

10:43:55 20 A. Gerry Brennan, I can't say that I do, no. Fintan might. Fintan knew a lot of
21 business people and solicitors and whatever.

22 Q. 23 All right. Now, Mrs. Gunne, I'm just going to, no -- sorry. The Tribunal
23 knows and you may know, Mrs. Gunne, insofar as to what extent you follow the
24 Tribunal. But that Mr. Richardson. Sorry, Mr. Ahern has said that he received
10:44:31 25 a sum of 22,500 pounds in December 1993. And that sum of 22,500 included a sum
26 of 15,000 pounds in cash. And Mr. Richardson has told the Tribunal that he was
27 collecting contributions from a number of people and that the 15,000 pounds in
28 cash was made up of six contributions from six close friends of 2,500 pounds
29 each in cash, from each of these friends, one of whom was your husband,
10:45:04 30 Mr. Gunne?

10:45:04 1 A. So I believe.

2 Q. 24 You believe, you know that now?

3 A. Well I wasn't aware of it but I believe it so, yes.

4 Q. 25 That was my next question. Were you aware of that at that time?

10:45:14 5 A. No, I certainly wasn't, no.

6 Q. 26 When did you become aware of it?

7 A. Obviously through the media and my son rang me up to say that it would be on

8 the news --

9 Q. 27 All right.

10:45:26 10 A. -- the following day to say that Fintan had contributed and it was a surprise

11 to me.

12 Q. 28 All right. That was this year or last year, was it?

13 A. Last year.

14 Q. 29 All right. So you knew nothing about this contribution of 2,500 pounds in cash

10:45:41 15 from your husband Mr. Gunne, to Mr. Ahern back in December 1993, you didn't

16 know it at that time?

17 A. Absolutely not, no.

18 Q. 30 According to Mr. Richardson it was in cash. Were you aware of your husband

19 having easy access to a substantial cash amount such as 2,500 pounds?

10:46:03 20 A. Yes, he would have been through the mart down in Carrickmacross.

21 Q. 31 Yes.

22 A. We had a mart.

23 Q. 32 I see.

24 A. And there was always a lot of cash.

10:46:16 25 Q. 33 All right. And would cash have been kept at home?

26 A. No, definitely not, no.

27 Q. 34 No. All right. Where would it have been kept?

28 A. In the Carrickmacross office.

29 Q. 35 In the office?

10:46:28 30 A. There is a vault or a safe, pretty large down there.

- 10:46:32 1 Q. 36 Would this have been the case in the '90's?
- 2 A. Yes, yes, it would.
- 3 Q. 37 You had that mart in 1993?
- 4 A. We still have a mart.
- 10:46:41 5 Q. 38 Yes.
- 6 A. Yes, in Carnross.
- 7 Q. 39 All right.
- 8 A. The office is still there but the mart isn't.
- 9 Q. 40 So I think it wouldn't have been difficult for Mr. Gunne to have got his hands
- 10:46:57 10 on 2,500 pounds in cash is that correct or is that ...?
- 11 A. No, that would be correct. The farmers were inclined to pay up with cash.
- 12 Q. 41 Now, when your husband died in October 1997, do you know if Mr. Ahern attended
- 13 the funeral?
- 14 A. Oh, yes, he did.
- 10:47:20 15 Q. 42 He did.
- 16 A. Yes.
- 17 Q. 43 And he'd have spoken to you, I assume at the funeral?
- 18 A. Yes.
- 19 Q. 44 Did he make contact with you afterwards on a sort of social friendly basis a
- 10:47:28 20 phone call or did he call to see you or did you meet him?
- 21 A. I would have met him, yes.
- 22 Q. 45 Within a few weeks or perhaps a few months of your husband's death?
- 23 A. I probably wouldn't have gone out for a long time afterwards.
- 24 Q. 46 No. All I'm thinking of is would he have made a support, a friendly call on
- 10:47:45 25 the phone or to the house or would you have met him somewhere where he would
- 26 have said he was sorry about your husband's death or anything like that?
- 27 A. I would have met him out socially.
- 28 Q. 47 You would have met him. All right.
- 29 A. Yes.
- 10:47:54 30 Q. 48 And at any time then did he mention the contribution that your husband had made

10:47:59 1 to him by way of whether by way of gift or loan?

2 A. No, he didn't.

3 Q. 49 Some years earlier?

4 A. No.

10:48:05 5 Q. 50 He never mentioned it?

6 A. No, he didn't.

7 Q. 51 Now, if I could just put up on screen 17834, please. The first time,

8 Mrs. Gunne, that the Tribunal heard about Mr. Gunne's contribution to Mr. Ahern

9 was when the Tribunal received a report from Mr. Ahern's accountant, Mr. Peelo.

10:48:39 10 And I'm just putting up on screen the relevant page in relation to that. And

11 you will see there, if you look at the screen.

12

13 It says, it's paragraph 15. And it says, this answer is in relation to 15,000

14 pounds cash lodgement as part of a 22,500 composite lodgement to Allied Irish

10:49:01 15 Bank Special Savings Account and gives the number on the 30th of December 1993.

16 "A, this 15,000 pounds comprised six individual cash contributions of 2,500

17 pounds each from the following persons." And you will see that the third

18 person is your husband.

19 A. That's correct, yes.

10:49:17 20 Q. 52 Deceased. And at paragraph B it goes on to say "All of the foregoing are

21 personal friends of Mr. Ahern known to him mainly through political life".

22

23 "At the time when Mr. Ahern had no home the 15,000 pounds (22,500 pounds in

24 total) was intended as a goodwill loan to help fund his legal costs. The loan

10:49:40 25 was unsolicited by Mr. Ahern."

26

27 Now, this is the first time that the Tribunal learnt about Mr. Gunne making a

28 payment of this money to Mr. Ahern. Just what I want to ask you is; did

29 anybody, did Mr. Ahern or anybody else. Sorry. The Tribunal received this in

10:49:58 30 April of 2006. So this is a few months before it came into the public domain.

10:50:03 1 A. Right.

2 Q. 53 And I want to know. I'm just asking you if Mr. Ahern or anybody contacted you

3 around that time or at an earlier date to mention the fact that your husband's

4 name would be given to the Tribunal in this context?

10:50:18 5 A. No, no, no one. No one mentioned it to me.

6 Q. 54 All right. And we know that a few months later in September of last year,

7 Mr. Ahern gave an interview to Mr. Dobson on the television, isn't that right?

8 A. That's right, yes.

9 Q. 55 Were you watching that?

10:50:41 10 A. I did, yes.

11 Q. 56 And in the course of that interview Mr. Ahern mentioned your husband's name in

12 connection with this payment, isn't that right?

13 A. There again I can't honestly say that I. I know this sounds. I've a very bad

14 memory of that. I remember looking at it but I don't remember.

10:50:59 15 Q. 57 That's fine. Well if we just put up on screen 24682, please. And in the

16 middle column if we go down to the second last answer by Mr. Ahern. Sorry,

17 Mr. Dobson asks what were the figures involved. If we could highlight that.

18 It's just a little bit higher. Do you see that, Mrs. Gunne, in the middle

19 column there "BD: That's Mr. Dobson the interviewer what were the figures

10:51:27 20 involved Mr. Ahern answering.

21 A: Well what he, he raised. Should I say first of all, they came to me a

22 month earlier. My High Court case had been dragged out. I separated in 1987,

23 and I had been in the High Court a number of times in 1993, and it concluded in

24 the November 1993. Gerry Brennan came to me and he said that they wanted to

10:51:47 25 raise a function for me 1,000 pounds Irish a head, 25/30 people I said no, I

26 wasn't going to do that. That was personal.

27

28 Anyone does that it's for politics so I refused. So then unknown to me he went

29 to personal friends of mine, Paddy Reilly, Des Richardson, Padraic O'Connor,

10:52:03 30 Jim Nugent, David McKenna, Fintan Gunne who was deceased, Mick Collins, Charlie

10:52:08 1 Chawke, all personal friends of mine and they gave me 22,500 Irish Pounds
2 either Christmas Eve or Stephen's day in 1993".
3
4 And I think I'm right in saying, Mrs. Gunne, that this was the first time this
10:52:22 5 came out in public and it was the first time that your husband's name was
6 mentioned. And you may not remember precisely that that's the case.
7 A. Right.
8 Q. 58 Did you watch that interview?
9 A. Yes, I did.
10:52:33 10 Q. 59 Yes.
11 A. Yes.
12 Q. 60 Do you recall having any -- did you notice your husband's name being mentioned?
13 A. Yes, I'm sure at the time I did. So much has happened in the meantime that you
14 know it's just common knowledge now that Fintan gave a donation and I just
10:52:52 15 don't consider it of any news.
16 Q. 61 All right. Did you say that you got a phone call from your son the night
17 before this or was it something else, telling you that there would be some
18 reference to Mr. Gunne?
19 A. I got a phone call from my son Pat.
10:53:05 20 Q. 62 Yes.
21 A. Prior to it being on the six o'clock news.
22 Q. 63 Yes.
23 A. And whether that was after or before I don't know, I can't remember.
24 Q. 64 I see. Anyway, around that time you were learning for the first time that
10:53:19 25 Mr. Gunne had contributed to Mr. Ahern, isn't that right?
26 A. Yes, that's true.
27 Q. 65 Did that come as a surprise to you?
28 A. Yes, it did. Though Fintan was very generous with people who were in need.
29 Q. 66 Yes. Would you be aware of if he, would he discuss those sort of things with
10:53:37 30 you?

10:53:37 1 A. No, no, but I know from people since Fintan has passed away, that he was very
2 generous.

3 Q. 67 All right. Were you aware of him giving any other financial assistance to
4 Mr. Ahern?

10:53:49 5 A. No, I wasn't.

6 Q. 68 But you are aware of him giving financial assistance to other people?
7 A. Yes.

8 Q. 69 And would you have --
9 A. Only since Fintan has passed away.

10:53:58 10 Q. 70 I understand that.
11 A. People have let me know.
12 Q. 71 Expressed their appreciation.
13 A. Exactly.
14 Q. 72 Would you be aware of the sums involved?

10:54:07 15 A. No, no.
16 Q. 73 Page 21688, please. Now, this is a letter you are familiar with and in fact
17 you have provided to the Tribunal, Mrs. Gunne. And it's a letter written by
18 Mr. Ahern dated the 29th of September 2006.
19

10:54:29 20 And says: "Dear Maureen, I enclose a cheque in the amount of 5,914 Euro in
21 full and final settlement of the outstanding loan your late husband, Fintan
22 extended to me all those years ago. I would like to pass on my sincere thanks
23 for that support and I apologise for the delay in settling this outstanding
24 matter. Yours sincerely Bertie Ahern".

10:54:51 25
26 Did this letter come as a surprise to you?
27 A. No, because obviously there was something in the media that Bertie Ahern was
28 repaying the loan, loans.

29 Q. 74 All right. But he or nobody on his behalf had contacted you before you got
10:55:09 30 this letter, is that right?

10:55:10 1 A. No, no, that's true.

2 Q. 75 Did the sum mean anything to you?

3 A. Absolutely not, no.

4 Q. 76 All right. Did you just assume that this must be correct that your husband had
10:55:24 5 given a loan to Mr. Ahern?

6 A. Yes, yes, I took it at face value.

7 Q. 77 All right. And who did you discuss this letter with anybody after you got it?

8 A. Yes, I discussed it with my children.

9 Q. 78 Yes.

10:55:36 10 A. And we decided that for sentimental reasons that we would hold on to it.

11 Q. 79 Yes.

12 A. And they suggested that I give the equivalent to the Mater Hospital. There is
13 a Fintan Gunne lecture theatre and all monies that were given and donated
14 through Fintan's name, were -- was put in to this lecture theatre, which is in
10:56:09 15 the Mater and it's dedicated to Fintan.

16 Q. 80 I see. You say that, I think the words may have been that you wanted to hold
17 on to it for sentimental reasons, that is to do with your husband's
18 relationship with Mr. Ahern, is that right?

19 A. Well mainly because it's Bertie Ahern and because he is Taoiseach.

10:56:36 20 Q. 81 Yes.

21 A. And it's just something that we decided it would be nice to have.

22 Q. 82 I'm sorry, I do understand that correctly. You mean physically to hold on to
23 the cheque, is that right? To retain the cheque and the letter, is that what
24 you mean?

10:56:50 25 A. Yes, yes.

26 Q. 83 Now, obviously if your husband had given a loan of 2,500 Irish converting into
27 whatever in Euro, and ending up in a repayment of 5,914 Euro you were perfectly
28 entitled to lodge that to your account and to spend, it isn't that right?

29 A. Oh, that's true, yes. But I had no wish to do so.

10:57:13 30 Q. 84 Why is that.

- 10:57:14 1 A. Because we decided. The children and I decided we'd just hold on to it.
- 2 Q. 85 Yes.
- 3 A. For sentimental reasons. Something nice to have.
- 4 Q. 86 Yes. For example, you could hold on to the letter but you could still cash the
- 10:57:28 5 cheque and you'd have the money.
- 6 A. Yes.
- 7 Q. 87 Which was your entitlement.
- 8 A. Yes, one without the other isn't much addition.
- 9 Q. 88 All right. Was there any doubt in your mind, Mrs. Gunne, that perhaps there
- 10:57:54 10 had been no loan by Mr. Gunne to Mr. Ahern?
- 11 A. No, there wasn't. If Bertie Ahern had said that there was a loan, well then it
- 12 was, to me it was a loan.
- 13 Q. 89 Yes. And you didn't want to cash the cheque and you wanted to retain the
- 14 cheque and the letter for sentimental reasons?
- 10:58:18 15 A. Yes, and donate the equivalent to the Fintan Gunne lecture theatre in the
- 16 Mater.
- 17 Q. 90 Yes.
- 18 A. It was my way of giving it back to Fintan.
- 19 Q. 91 Yes.
- 10:58:32 20 A. Or his memory.
- 21 Q. 92 So by doing that then your husband's loan to Mr. Ahern was going to cost him or
- 22 you double, isn't that right?
- 23 A. I actually didn't even think of it that way. I was just happy to donate the
- 24 equivalent.
- 10:58:52 25 Q. 93 All right. And if we look at, we'll just put the cheque up on the screen for a
- 26 second, 26189, please. That's a cheque dated the same day as the letter I
- 27 think the 29th of September 2006, made out to you in the sum of 5,914 pounds on
- 28 Mr. Ahern's current account, isn't that right?
- 29 A. That's true, yes.
- 10:59:22 30 Q. 94 All right. And if we look at page 19578, please. Which is a letter which is

10:59:29 1 part of the receipt from the Mater, it's a letter dated the 11th of October
2 2006, from the Institute for Cancer Research Trust. And it's from the
3 consultant medical oncologist. And in the first sentence it says:
4

10:59:44 5 "Dear Maureen. On behalf of the staff and my colleagues here in the Mater
6 Hospital, please accept our sincere thanks for your generous contribution to
7 our cancer research unit."
8

9 I don't think that there's any need to read any more. That is the doctor
10:59:56 10 acknowledging your payment of, your contribution to the centre.
11 A. Professor Des Carney, yes, who looked after Fintan.
12 Q. 95 Yes, I see. And 19580, please, is the actual receipt and I think it says:
13
14 "Cancer Research Fund Mater Hospital and goes on to say we acknowledge.
11:00:26 15 Receipt of 5,914 Euro from Mrs. M Gunne" and it's signed I think by Mr. Carney
16 and it's dated the 11th of October 2006, isn't that correct?
17 A. That's correct, yes.
18 Q. 96 All right. Now, 19579, please. This is a letter, Mrs. Gunne, from you to
19 Mr. Ahern, it's dated the 24th of October 2006. It says:
11:01:08 20
21 "Dear Bertie. Enclosed please find receipt which may be of use to you for your
22 personal files. Delighted to see you in top form again. Kind regards Maureen
23 Gunne."
24

11:01:11 25 That's a letter that you wrote to Mr. Ahern?
26 A. Yes.
27 Q. 97 Some days after the date.
28 A. The 24th of October.
29 Q. 98 Yes. And the letter from the Mater was dated the 11th of October 2006. The
11:01:24 30 receipt that you are enclosing to Mr. Ahern there, is that the receipt that you

11:01:29 1 got for the sum of 5,914 from the Mater?

2 A. Yes, it was.

3 Q. 99 Why were you sending that receipt, Mrs. Gunne, to Mr. Ahern?

4 A. I just wanted Bertie Ahern, or An Taoiseach to know that while I had read in

11:01:49 5 the paper that the rest of the people who had loaned him money had given or

6 endorsed the cheques to his wife's, Miriam.

7 Q. 100 Charity?

8 A. CARI. That I wanted him to know that my cheque was put to good use as well.

9 Q. 101 Yes. You could have done the same thing and endorsed Mr. Ahern's cheque over

11:02:22 10 to the Mater Cancer Unit, isn't that right?

11 A. That's correct but I decided for sentimental reasons to hold on to the cheque.

12 Q. 102 Yes. So that Mr. Ahern wouldn't in fact have to pay the money, is that right,

13 so he wouldn't be out-of-pocket?

14 A. That didn't cross my mind.

11:02:43 15 Q. 103 And in writing that letter why do you say "which may be of use to you for your

16 personal files". What does that mean?

17 A. So as that if he were to meet any of the other, other friends who donated the

18 money that he wouldn't think I was being a scrooge.

19 Q. 104 Yes. You didn't choose to explain to him that you wanted to hold on to his own

11:03:16 20 cheque for sentimental reasons or for giving that explanation or not and that

21 you'd sent your own cheque to the Mater. You didn't explain that to him?

22 A. No, I wasn't going to complicate things.

23 Q. 105 Yes. Was he intended to assume that the cheque that he sent you for 5,914 was

24 passed onto the Mater?

11:03:41 25 A. Well he would have known. Oh, well sorry. I don't know what he would have

26 expected or what he thought.

27 Q. 106 Yes.

28 A. But I was just letting him know what I did.

29 Q. 107 All right. And 19577, please, this is a typed letter dated the 14th of

11:04:15 30 December 2006, to Mr. Bertie Ahern TD:

- 11:04:18 1 "I acknowledge with thanks cheque for 5,914 Euro comprising 3,174 loan
2 repayment and 2,740 interest on the loan. Signed" and what does that say
3 there?
4 A. That's my son Pat Gunne on behalf of Gunne family.
- 11:04:35 5 Q. 108 All right then your name is typed underneath with your address.
6 A. I wasn't aware of that.
7 Q. 109 Oh, you're not aware of that acknowledgement, is that right?
8 A. No, I don't know where that came from.
9 Q. 110 All right. I presume as far as you were concerned the letter that you had
11:05:02 10 written to Mr. Ahern on the 24th of October, was an acknowledgement of the
11 cheque that he had sent to you?
12 A. Yes, that's true.
13 Q. 111 But you know nothing about this letter?
14 A. No, obviously Pat did it on his own accord seeing that he is head of the family
11:05:18 15 now.
16 Q. 112 And would he not have had to come to you before he signed that? I mean?
17 A. Pat took over the running of the company and the family and --
18 Q. 113 Yes.
19 A. -- and I left things like that to Pat because he ...
11:05:36 20 Q. 114 Yes.
21 A. Has done us all proud.
22 Q. 115 Of course. Just for example, Mrs. Gunne, the letter that came to you enclosing
23 the cheque of 5,914. You had held on to that for your own reasons.
24 A. That's true, yes.
11:05:50 25 Q. 116 So how would your son have known that it was all right to sign this
26 acknowledgement without talking to you about this detail in it?
27 A. Well because as I mentioned, I discussed it with the children what we were
28 going to do with the cheque and Pat has a good head for figures and I'm sure he
29 didn't even have to write it down.
11:06:10 30 Q. 117 All right. And the first letter that came in to you just mentions the sum of

- 11:06:14 1 5,914 whereas this breaks it into an amount for a loan and an amount for
2 interest.
- 3 A. Right.
- 4 Q. 118 So how would he have got that information, do you know?
- 11:06:24 5 A. I honestly don't know.
- 6 Q. 119 All right. Now, on the 23rd of April 2007, the Tribunal wrote to you,
7 Mrs. Gunne, sorry 21686, please. And the letter reads as follows:
8
9 "Dear Mrs. Gunne. I confirm that I am directed by the Members of the Tribunal
11:06:52 10 to write to you concerning the estate of your late husband, Mr. Fintan Gunne.
11 As you are aware Mr. Bertie Ahern discharged monies to the estate of Mr. Gunne
12 in or around October 2006. The Tribunal members are now anxious to identify
13 the executor of the estate of your late husband, and accordingly I would be
14 obliged if you would revert by return, and advise the Tribunal of same. I
11:07:14 15 apologise for any inconvenience caused. Yours sincerely Susan Gilvarry
16 solicitor to the Tribunal." Do you recall getting that letter?
17 A. Yes, I do.
- 18 Q. 120 And I think you probably handed that to your solicitor.
- 19 A. Yes, did I, David Larney.
- 11:07:24 20 Q. 121 21687, your solicitors replied to the Tribunal as follows by letter dated 2nd
21 of May 2007:
22
23 "Dear Ms. Gilvarry. I refer to your letter 23rd of April 2007, addressed to my
24 client. I wish to advise that the executors of the estate of the late Fintan
11:07:41 25 Gunne were Mr. Sean Mooney of KPMG accountants, 1 Stokes Place, St Stephen's
26 Green, Dublin 2 and Mr. Ciaran Connolly of Messrs. Moran and Ryan solicitors
27 Arran House, 35/36 Aaron Quay, Dublin 2.
28
29 My client has advised that she received a cheque and covering letter from
11:07:55 30 Mr. Bertie Ahern, copies of which are attached. The executors of her husband's

11:08:00 1 estate from were not consulted about and would not have known about same.

2

3 Having regard to the friendship with which existed between her husband and Mr.

4 Ahern, my client did not have any desire to present the cheque for payment.

11:08:10 5 The cheque is now out of date. She has retained and wishes to retain it for

6 sentimental reasons".

7

8 Is that the position?

9 A. Yes, that's it.

11:08:21 10 Q. 122 And you didn't inform the executors about this payment?

11 A. No, I didn't.

12 Q. 123 All right. And has the estate been administered?

13 A. Yes, it has.

14 Q. 124 You would regard the payment that you made of that money to the Mater as

11:08:46 15 effectively Mr. Ahern's repayment of his loan, is that right?

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

17 Q. 125 All right. Thank you, Mrs. Gunne.

18 A. Thank you very much.

19

11:08:56 20 CHAIRMAN: Mrs. Clarke, do you want to?

21

22 **THE WITNESS WAS QUESTIONED BY MS. CLARKE AS FOLLOWS:**

23

24 Q. 126 MS. CLARKE: Just one question, Mrs. Gunne.

11:09:01 25 I think you have said in answer to Mr. Murphy that the cheque remains uncashed?

26 A. Yes, that's true.

27 Q. 127 And he asked you how Mr. Ahern was to know -- how would Mr. Ahern know whether

28 or not it had been his cheque which went to the Mater rather than your own

29 contribution. Of course because the cheque is remains uncashed. It would

11:09:19 30 never have gone through his account, isn't that correct?

11:09:21 1 A. That's true. Well I'm sure in his statements it wouldn't have come up as.
2 Q. 128 So it would have been clear that that actual cheque had never been cashed?
3 A. Yes, that's true, yes.
4 Q. 129 Thank you.

11:09:35 5
6 CHAIRMAN: Thank you. Thank you very much, Mrs. Gunne
7 A. Thank you.

8
9 **THE WITNESS THEN WITHDREW.**

11:09:40 10
11 MS. CLARKE: Thank you, Chairman. If I could just thank the Tribunal for
12 facilitating Mrs. Gunne in relation to the date and for taking her today.
13 Thank you very much.

11:10:01 15 CHAIRMAN: Certainly. You are very welcome.

16
17 MR. O'NEILL: The next witness, Mr. Chairman is Mr. Desmond Maguire.
18 Mr. Maguire, could you come forward to the witness box, please.

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11:10:13 1 **MR. DES MAGUIRE HAVING BEEN SWORN, WAS QUESTIONED BY**

2 **MR. O'NEILL AS FOLLOWS:**

3

4

CHAIRMAN: Good morning, Mr. Maguire. You can sit down.

11:10:45 5

6

MR. RYAN: I appear for Mr. Maguire instructed by Denis McSweeney Solicitors
and I am seeking limited representation.

7

8

9

CHAIRMAN: Certainly.

11:10:57 10

11

MR. RYAN: Obligated.

12

13 Q. 130 MR. O'NEILL: Good morning, Mr. Maguire.

14 A. Good morning.

11:11:01 15

16 Q. 131 Mr. Maguire, you were a director of a limited liability company called Euro
Workforce Limited, is that so?

16

17 A. Yes.

18 Q. 132 If we could see document 24872. This was a limited liability company which was
19 incorporated in Ireland on the 7th of August 1992. Does that accord with your
20 memory of events?

11:11:26 20

21 A. Yes.

22 Q. 133 And the directors of that Irish company were yourself, Mr. Desmond Maguire and
23 your wife Cathleen, isn't that so?

23

24 A. Yes, correct.

11:11:39 25

26 Q. 134 And you became directors of that company shortly after its incorporation on the
27 11th of August 1992, isn't that so?

26

27 A. Yes.

28 Q. 135 The company had issued shares of 20,000 shares, isn't that correct?

29 A. Yes, it appears so, yes.

11:12:02 30

30 Q. 136 And of those 20,000 shares you owned 19,000 shares and your wife owned the

11:12:08 1 remaining 1,000 shares, isn't that so?

2 A. It appears so, yes.

3 Q. 137 So that it was a wholly owned company by you and your wife, a family company,

4 isn't that correct?

11:12:23 5 A. Yes, yes, that's correct.

6 Q. 138 Whilst your wife was a director of the company, I think it's correct to say

7 that she was a non-executive director and she played no role in the operation

8 of the company or the administration of the company itself, isn't that so?

9 A. Yes.

11:12:46 10 Q. 139 She didn't manage the books, for example, or keep the accounts of the company

11 or have any role in its day-to-day operation, isn't that correct?

12 A. Correct.

13 Q. 140 As of that time in 1992, can you tell the Tribunal where that company operated

14 or conducted its business from?

11:13:15 15 A. 25 Merrion Square, Dublin 2.

16 Q. 141 Yes. And was that company a company engaged in the recruitment business and

17 could it be fairly called an employment agency?

18 A. Yes.

19 Q. 142 Yes. Now, in addition to carrying on the business of an employment agency, did

11:13:33 20 it also engage in the conducting of health and safety surveys on premises?

21 A. Yes.

22 Q. 143 Was that business a business which had been conducted prior to the

23 incorporation of this company in 1992, by a company called Workforce Limited?

24 A. Yes.

11:13:58 25 Q. 144 And were you involved in the Workforce Limited company?

26 A. I work for Workforce Limited.

27 Q. 145 Was it the case that the business that is the nature of the business or type of

28 business being conducted by Workforce was mirrored exactly by the type of

29 business which you conducted as Euro Workforce albeit that the ownership

11:14:26 30 structure was different?

11:14:27 1 A. Yes.

2 Q. 146 Now, if we look to document 18904 on screen, please, we'll see an invoice. If
3 you can turn that, please. We'll see an invoice which bears the number 2789
4 and the date the 14th of December 1993. And it's addressed to NCB Group for
11:14:56 5 the attention of Mr. Padraic O'Connor, managing director. And it is for a
6 service of preparing a health and safety survey of premises at Mount Street,
7 Dublin in the amount of 5,000 pounds and with a VAT liability of 1,050
8 calculated at 21 per cent of the cost. Do you see that document in front of
9 you?

11:15:22 10 A. Yes, yes.

11 Q. 147 Now, as of August 1991, you were effectively the full owner of the Workforce,
12 Euro Workforce company, isn't that right? Your wife had a 1/20th shareholding
13 but you had 19,000 of the issued shares, isn't that right?

14 A. Not in 1991.

11:15:47 15 Q. 148 In '92. Did I say '91, I'm sorry if I did?

16 A. '92, yes.

17 Q. 149 When Euro Workforce came into play, in other words, as and from August of 1992
18 it was effectively a one man operation as regards its ownership, isn't that
19 right?

11:16:04 20 A. Yes.

21 Q. 150 You owned it and you ran it?

22 A. Yes.

23 Q. 151 You conducted the affairs of the company as a director but you also were
24 engaged in the day-to-day running of the company, isn't that right?

11:16:17 25 A. Yes.

26 Q. 152 In the course of running that company have you ever had dealings with
27 Mr. Padraic O'Connor?

28 A. No.

29 Q. 153 Did you ever meet with or discuss any of the affairs of NCB Group with any
11:16:35 30 executive of NCB Group?

- 11:16:38 1 A. Not that I recall.
- 2 Q. 154 Have you any memory of the generation of this invoice on the 14th of December
- 3 of 1993?
- 4 A. No.
- 11:16:54 5 Q. 155 If there was to have been a health and safety survey of a premises in 1993 in
- 6 December, is it something which would have flowed from a contact made by you
- 7 with a customer leading to such a survey being carried out?
- 8 A. Probably.
- 9 Q. 156 Insofar as you qualify that Mr. Maguire, can you indicate who other than you in
- 11:17:22 10 this company could have organised for a health and safety survey to take place?
- 11 A. It would have to be me that would have to organise it, yes.
- 12 Q. 157 It would have to be you?
- 13 A. Yes.
- 14 Q. 158 So can we rule out probably then and say certainly it would be you?
- 11:17:38 15 A. It should be me, yes.
- 16 Q. 159 Well do you know then how this invoice could have been generated in
- 17 circumstances where you have no memory of dealing with any person from NCB
- 18 Stockbrokers?
- 19 A. I don't know how it was generated.
- 11:17:57 20 Q. 160 We're not talking, Mr. Maguire, about a very large corporation with numerous
- 21 executives who might be overlapping in their responsibilities and generating
- 22 perhaps invoices in duplicate or individually for services that mightn't be
- 23 known to other executives. You were the sole operator of this entity, isn't
- 24 that right?
- 11:18:18 25 A. Yes, correct.
- 26 Q. 161 Well can you indicate how it is then that an invoice from your company could be
- 27 generated when you have indicated that you never met with any of the persons to
- 28 whom the invoice was sent?
- 29 A. Well I don't know how it or who did it but it looks like a Euro Workforce
- 11:18:42 30 Limited invoice.

- 11:18:44 1 Q. 162 Yes.
- 2 A. But I don't know who generated it. All I know is that I. And I wouldn't have
- 3 generated invoices anyway. It wouldn't be my responsibility to do that.
- 4 Q. 163 Right. Are you going to refer now to Ms. Sandra Fallon who was a book keeper
- 11:18:58 5 within the company, whose function it was to actually printout the invoices and
- 6 day sheets?
- 7 A. Sandra was responsible for that. She was the financial controller in the
- 8 business.
- 9 Q. 164 Yes.
- 11:19:17 10 A. She looked after all financial aspects of the business.
- 11 Q. 165 Yes. But I'm sure that having generated an invoice she did so on the basis of
- 12 information provided to her. She was not a person who was engaged in the
- 13 business of recruiting or canvassing work for the company, isn't that right?
- 14 A. Correct.
- 11:19:33 15 Q. 166 She dealt only with the in-house invoice generation process which would follow
- 16 upon the work having been done, isn't that right?
- 17 A. Yes.
- 18 Q. 167 She also I think would have a role in following up invoices which were unpaid,
- 19 isn't that right?
- 11:19:49 20 A. Yes, that was the primary responsibility.
- 21 Q. 168 But as regards contacting or canvassing potential customers and selling the
- 22 service the of company, she would have nothing to do with that?
- 23 A. No, nothing.
- 24 Q. 169 So she would be preparing an invoice only after the work had been done for a
- 11:20:05 25 start, isn't that right? There was no prepayment for work?
- 26 A. No.
- 27 Q. 170 So she could only do that on the basis of information which was provided to her
- 28 by somebody who had actually carried out the work, isn't that right?
- 29 A. Well she would prepare invoices on information supplied to her.
- 11:20:24 30 Q. 171 Yes. And in the company as it existed in 1993, who other than you would

11:20:31 1 provide that information to her?

2 A. I don't know that.

3 Q. 172 No. Well --

4 A. It should be me.

11:20:38 5 Q. 173 It should be you. Well can I put it another way. Was there anybody else
6 authorised by you as the manager and director of this company to provide
7 information to your accounting staff for the purpose of producing invoices?

8 A. No.

9 Q. 174 Now, this invoice that we see here on screen was sent to the company NCB
11:21:07 10 Stockbrokers and we'll see how it progressed through the accounting system of
11 that company. And it resulted in a cheque being written in satisfaction of the
12 invoice itself. Firstly, at page 18905, you will see that this is a cheque
13 requisition form. It has been briefed to you already with documentation
14 relating to this transaction. You will see that it confirms that Euro
11:21:34 15 Workforce Limited's invoice for 6,050 was met by cheque 508690, dated on the
16 15th of December 1993. And we'll see that cheque now at page 18906. On
17 looking at that cheque, Mr. Maguire, you will see that it's made payable to EUR
18 Workforce, the O is missing?

19 A. Uh-huh.

11:22:08 20 Q. 175 I think that may be explained by the invoice itself. It has Euro is perhaps
21 not entirely clear if you look to the invoice at 18904. If we turn it again.
22 EUR and then you have a large dot which is part of the title of Euro Workforce,
23 isn't that right?

24 A. Yes.

11:22:37 25 Q. 176 Whoever looked at this document obviously interpreted it as being not an O and
26 they wrote the cheque EUR Workforce. If we go back to the cheque now. Have
27 you a memory of this cheque being received by your company?

28 A. No, I never saw that, no.

29 Q. 177 That cheque in the normal course if it was paid on foot of the invoice as it
11:23:15 30 appears to have been ought to have found itself in your offices in Merrion

11:23:20 1 Square, isn't that right?

2 A. Yes.

3 Q. 178 And I take it you would agree with me that it would be unusual, amongst for
4 other reasons but one of the reasons it would be unusual to receive such a
11:23:34 5 cheque is that this cheque is dated on the 15th of December, which was the day
6 after the invoice was generated, isn't that right?

7 A. Yes.

8 Q. 179 I take it in your experience of generating invoices you have not been paid the
9 day after the invoice has been issued by any of your customers, isn't that
11:23:53 10 right?

11 A. Correct, I don't think so anyway.

12 Q. 180 No. There are credit terms I think that apply which would mean that at least
13 30 days would elapse in the main before you received payment, isn't that right?

14 A. Yes.

11:24:07 15 Q. 181 Now, this particular cheque was produced for payment through Bank of Ireland
16 commercial finance and it was not honoured. Are you aware of that?

17 A. Through the documents I am, yes.

18 Q. 182 However, the amount of 6,050 pounds was in fact ultimately debited from the
19 account of NCB Stockbrokers, albeit on foot of another cheque, you are aware of
11:25:00 20 that?

21 A. Yes.

22 Q. 183 If we look to page 18927, please. We'll see this is a document within Bank of
23 Ireland Commercial Finance Limited. And it is dealing with a payment from NCB
24 under reference "780" which is an internal bank reference. It's for the sum of
11:25:31 25 6,050 pounds. And your firm is the firm through which this particular
26 transaction was attributed within Bank of Ireland Commercial Finance. In other
27 words, Bank of Ireland Commercial Finance acquired this cheque and they lodged
28 it to their account and in turn it was debited as we see at page 18921. It was
29 debited from the account of NCB Stockbrokers Limited. Now in, that sequence of
11:26:18 30 events, Mr. Maguire. I'll take you through it.

- 11:26:21 1 A. Uh-huh.
- 2 Q. 184 Your company raises an invoice on the 14th of December of 1993. That invoice
3 is sent to NCB Stockbrokers where it results in a cheque for 6,050 pounds being
4 written on the 15th of December, to satisfy that cheque. That invoice I should
11:26:42 5 say.
- 6 A. Yes.
- 7 Q. 185 Are you with me?
- 8 A. Yes.
- 9 Q. 186 That cheque finds itself substituted by a later cheque because the first cheque
11:26:52 10 which we saw was mutilated. You see that?
- 11 A. Yes.
- 12 Q. 187 And the fresh cheque is lodged to the account of Bank of Ireland Corporate
13 Finance and is honoured on this occasion, isn't that right?
- 14 A. Yes.
- 11:27:08 15 Q. 188 It's honoured and debited from the account of NCB. So the money has left NCB
16 and it has found itself in the account of Bank of Ireland Corporate Finance,
17 isn't that so?
- 18 A. Yes.
- 19 Q. 189 Now, when you set-up Euro Workforce you also set-up an arrangement with Bank of
11:27:31 20 Ireland Corporate Finance under which you would -- they would factor for the
21 company invoices generated by Euro Workforce, isn't that so?
- 22 A. Yes.
- 23 Q. 190 And if we look to page 19620. This is a factoring agreement, standard form of
24 factoring agreement entered into between your company Euro Workforce Limited
11:28:02 25 and the bank. We needn't go into the detail on this page. Probably the
26 summary of the trading terms contained in appendix one at page 19626, will show
27 us the material information that we need. If we could just enlarge that
28 slightly, can you read that Mr. Maguire on screen?
- 29 A. Yes, yes.
- 11:28:29 30 Q. 191 You will be familiar with this document was it was signed by yourself and your

- 11:28:33 1 wife in the bottom of the page there. Cathleen signed as director and you
2 signed it as secretary, isn't that right?
- 3 A. Yes, that's correct.
- 4 Q. 192 Right. What this provides for is that as and from the 10th of August 1992, for
11:28:53 5 a minimum period of 12 months and with a termination period of six months, 75
6 per cent of approved invoices would be met by the bank, isn't that so?
- 7 A. That's correct.
- 8 Q. 193 The effect of such an arrangement was that once your company had generated an
9 invoice it was free to submit details of that invoice to Bank of Ireland
11:29:32 10 Corporate Finance and in return for doing so, it could call down up to 75 per
11 cent of the value of that invoice, isn't that right?
- 12 A. Yes.
- 13 Q. 194 That means, I take it, that in relation to the Euro Workforce invoice which was
14 generated on the 14th of December of 1993, you were not dependent upon payment
11:29:57 15 by NCB to realise a benefit to Euro Workforce from the transaction, isn't that
16 so?
- 17 A. Yes.
- 18 Q. 195 Do you have a memory of processing the invoice which bears the number 2789 on
19 the 14th of December of 1993, under the terms of the factoring agreement?
- 11:30:32 20 A. Is it the invoice to NCB?
- 21 Q. 196 Yes. In the normal course of events, if we were to leave the NCB invoice --
- 22 A. All right.
- 23 Q. 197 -- aside for a moment. Once your company generated invoices it would generate
24 a computerised sales ledger, isn't that so?
- 11:30:52 25 A. Yes.
- 26 Q. 198 On a daily basis?
- 27 A. Whenever the process would be run.
- 28 Q. 199 Yes. And once it had generated those sales ledgers, it would provide those
29 sales ledgers by agreement to Bank Of Ireland Corporate Finance?
- 11:31:09 30 A. Yes.

- 11:31:09 1 Q. 200 And subject to the status of the account at the time, it would receive in
2 return payment of 75 per cent of the total value of those invoices, isn't that
3 right?
- 4 A. Yes, yes.
- 11:31:23 5 Q. 201 And at a later stage in the event that the customer paid the invoice the
6 invoice the cheque which came from the customer to Euro Workforce would be sent
7 to Bank Of Ireland Corporate Finance by Euro Workforce?
- 8 A. Yes.
- 9 Q. 202 It would be lodged and the balance of 25 per cent which was outstanding to Euro
11:31:46 10 Workforce would come to Euro Workforce, so that it now had 100 per cent of the
11 payment, isn't that right?
- 12 A. Yes.
- 13 Q. 203 But the 75 per cent which had already been advanced on foot of the factoring
14 agreement would be retained within the bank, isn't that so?
- 11:32:02 15 A. Oh, yes, yeah.
- 16 Q. 204 You wouldn't get paid on the double.
- 17 A. 25 per cent then.
- 18 Q. 205 So it's a two stage process from your company's point of view?
- 19 A. Yes.
- 11:32:14 20 Q. 206 You generate the invoice and you produce that invoice to the bank. You get 75
21 per cent, isn't that so?
- 22 A. Yes.
- 23 Q. 207 You wait until your customer pays you 100 per cent and when they do, you submit
24 that cheque to the bank and you get the balance of 25 per cent?
- 11:32:29 25 A. Yes.
- 26 Q. 208 You are now paid in full, isn't that so?
- 27 A. Yes.
- 28 Q. 209 But in two tranches.
- 29 A. Yes.
- 11:32:38 30 Q. 210 75 per cent and 25 per cent. Now, I'm asking you now specifically in relation

- 11:32:43 1 to the particular invoice that went to NCB. Do you know that that invoice was
2 submitted as part of the factoring process that I've just outlined to you?
- 3 A. I don't know but it appears to have been.
- 4 Q. 211 Okay. Well we'll look to the documentation passing between yourself then, your
11:33:10 5 company, I should say, and EUR Workforce Limited, Euro Workforce Limited.
6
7 Firstly, at page 24765, this is a letter which is undated but we can I think
8 establish the date upon which it was sent from. The fact that it was received
9 on the 15th of December of ... it should be 1993, but it seems to be 1988 for
11:33:49 10 some reason. 15th of December, and there is a reference at paragraph No. 2 "to
11 the invoices detailed on the attached computer printout dated the 14th of
12 December 1993, each page of which has been signed for the purpose of
13 identification by one authorised signatory. And I hereby assign to you each of
14 the debts to which these invoices relate".
- 11:34:18 15
16 Now, that document is a standard form document which is part of the factoring
17 process, isn't that right?
- 18 A. Yes.
- 19 Q. 212 And in this instance Sandra Fallon your bookkeeper, as one of the two
11:34:33 20 authorised signatories under the factoring arrangement, was sending to the bank
21 a certain number of invoices for the purpose of having them processed through
22 the factoring process, isn't that right?
- 23 A. Yes.
- 24 Q. 213 Now, accompanying that. Well firstly, if we look to the information contained
11:34:53 25 beneath the signature, there are details here of the transactions. Firstly, we
26 now see the date the 14th of December 1993, you see that? And it has a
27 schedule number and then there are two amounts A and B. The total of those
28 amounts being 7,137.06 pounds, you see that?
- 29 A. Yes.
- 11:35:19 30 Q. 214 Now, if we look to page 24766, this is one of the attached computer printouts.

11:35:31 1
2 MR. RYAN: Excuse me, Chairman. If I could just interrupt at this point briefly
3 to say when we sought documentation from the Tribunal we were supplied with
4 pages 24750 to 24763. We didn't receive either of these pages that have now
11:35:47 5 been put in front of us.

6
7 CHAIRMAN: Well that must be -- I don't know why that was so. It's probably
8 an error. But ...

9
11:35:54 10 MR. RYAN: This was received I should say, sent on the 4th of December.

11
12 MR. O'NEILL: The first instance, I can say that this documentation was only
13 received by the Tribunal on the 5th of December. And we try and circulate as
14 soon as we can. This was circulated yesterday having been received. Having
11:36:17 15 been sent the day before and received by us late that afternoon.

16
17 MR. RYAN: We did receive --

18
19 MR. O'NEILL: If there is any issue arising from it and if my friend feels
11:36:26 20 that he requires to take specific instructions from his client in relation to
21 it, I'm sure the Tribunal will accede to such a request.

22
23 CHAIRMAN: Well what we can do, Mr. Ryan we normally take a break in about ten
24 or 15 minutes for about 10 or 15 minutes so we can take that break now and you
11:36:43 25 can look at the documentation and your client can see it, so that he will have
26 some familiarity with it when it's put to him. All right.

27
28 MR. O'NEILL: Very good. Fifteen minutes.

29
11:36:54 30 CHAIRMAN: Very good. So we'll rise for fifteen minutes.

11:36:58 1

2

MR. O'NEILL: All right.

3

4

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

11:37:25 5

6

AND RESUMED AS FOLLOWS:

7

MR. O'NEILL: Mr. Maguire, please.

8

9

MR. RYAN: Chairman, I would like to thank you for the time. We did receive

12:00:14 10

circulated documents yesterday but the first ten pages of it were missing and

11

these pages were included in that. Thank you.

12

13

CHAIRMAN: All right.

14

12:00:25 15

Q. 215 MR. O'NEILL: Just before the break, Mr. Maguire, we were dealing with some of

16

the documentation which it appears was related to the factoring of invoices on

17

the 14th of December of 1993, isn't that so?

18

A. Yes.

19

Q. 216 And if we look to the documents on the screen. This is a photocopy of a

12:00:54 20

document which I'm sure is familiar to you. It was generated by Euro Workforce

21

Limited, isn't that right?

22

A. Yes.

23

Q. 217 And it is a sales ledger for the 14th of December 1993, isn't that so?

24

A. Yes.

12:01:09 25

Q. 218 And it accompanied the letter that we saw a little earlier which is the

26

standard form letter from Euro Workforce to the bank implementing the factoring

27

procedure in relation to the attached invoices, isn't that right?

28

A. Yes.

29

Q. 219 And if we look to the first of the items that is on that then we see an invoice

12:01:32 30

number on the left-hand side, isn't that so?

- 12:01:35 1 A. Uh-huh.
- 2 Q. 220 It's 2788 in the top left hand corner there?
- 3 A. Yes.
- 4 Q. 221 Invoice date and then as you move across "type, description, CR note, net
12:01:48 5 amount" shown as a minus, isn't that right?
- 6 A. Yes.
- 7 Q. 222 And VAT amount equally a minus. The amount in total as a minus. And the
8 customer reference within Euro Workforce, isn't that right?
- 9 A. Yes, yeah.
- 12:02:09 10 Q. 223 And we see that that customer reference with the negative figures against it is
11 Trent, you see that?
- 12 A. Yes.
- 13 Q. 224 Now, beneath that invoice No. 2789 is shown and it's a positive rather than a
14 negative invoice. It's a sales invoice for 5,000 pounds and VAT of 1,050 and a
12:02:34 15 total 6,050. And NCB is the customer, isn't that right?
- 16 A. Yes.
- 17 Q. 225 Now, an exercise is performed on the face of this ledger where the credit note
18 is deducted from the sales invoice so as to leave a balance, isn't that right?
- 19 A. Yes, it appears to be.
- 12:02:55 20 Q. 226 And the balance there is 1,520.55 pounds, you see that?
- 21 A. Yes, yes.
- 22 Q. 227 So that is one of the invoices that accompanied that letter. And if we look to
23 page 24767, we see a similar invoice in format. Sorry, a similar sales daybook
24 or sales ledger and again it records on the same day the 14th of December 1993,
12:03:28 25 a series of invoices all of which are sales invoices, isn't that right?
- 26 A. Yes.
- 27 Q. 228 And they are all with a different series or sequence of invoice numbers, isn't
28 that right there?
- 29 A. Yes.
- 12:03:45 30 Q. 229 2790, 2791 etc.

12:03:47 1 A. Yes.

2 Q. 230 And the total in that instance is 5,616.51 pound, do you see that?

3 A. Yes, I do.

4 Q. 231 Now, the next document I'd ask you to look at is page 24768. And this is a

12:04:12 5 similar standard form type letter identical to the last one in its format, but

6 the details of the invoice are different. It shows yet another transaction,

7 isn't that right?

8 A. Yes.

9 Q. 232 I will ignore for the moment the manuscript entry that Ms. Fallon has made on

12:04:33 10 it and just turn to the next page, 24769. And we see there a total sum of

11 1,597.29 pounds. You see that?

12 A. Yes.

13 Q. 233 And again the customer there is Trent, you see that?

14 A. Yes.

12:04:57 15 Q. 234 Now, just to complete this series of documents. If we look to page 24764, this

16 is the document which you would have received from Bank of Ireland Commercial

17 Finance, setting out the total value of the transactions which it conducted as

18 of the 15th of December. And its charge for so doing, isn't that right?

19 A. Yes.

12:05:32 20 Q. 235 And though it's a poor copy, the total value or total amount of the

21 transactions is 8,734.35 pounds.

22 A. Well I can hardly read it but I assume that's what it says.

23 Q. 236 It's where the number of documents is. If we move up slightly and to the right

24 it says number of documents, yes. That's it. Higher again, please. Number of

12:06:07 25 documents, it's a poor copy I accept but that's what it comes to.

26 A. Okay.

27 Q. 237 Now, that document is acknowledging that the total invoices that were processed

28 amounted to 8,734.35 pounds. And that sum I can tell you, Mr. Maguire, is made

29 up of three components. We have mentioned each of them in the past moment or

12:06:39 30 two. It is the addition of the sum of 1,520.55 pounds together with 5,616.61

- 12:06:52 1 pound. They are the two totals of the first two sales invoices. And if we
2 turn now to page 24765, we'll see how they totalled 7,137.06 pounds, you see
3 that?
- 4 A. Yes.
- 12:07:15 5 Q. 238 And if we turn to page 24768, we see the figure of 1,597.29 pounds.
6
7 Now when you add those two figures together you get 8,734.35 pounds, which is
8 shown on page 24764. That's the total value of those invoices. And it follows
9 that under the factoring agreement as of this date, you were entitled to
10 drawdown 75 per cent of that amount, isn't that so?
- 11 A. Yes.
- 12 Q. 239 75 per cent of that amount is 6,551.07 pounds. So that's a sum that would have
13 been available to be used by your company. Now, do I understand the procedure
14 in your company as regards receipt of funds from Bank of Ireland Corporate
15 Finance to be, that once you decided to drawdown on foot of the factoring
16 arrangement, the bank would give you a bankers cheque in Ballsbridge which
17 would be taken to your current account in Euro Workforce, St. Stephen's Green
18 account, is that so?
- 19 A. Yes.
- 12:08:41 20 Q. 240 Right. Now, if we turn to that account at page 24501, we see a printout of
21 your bank account details commencing on the 14th of December. And this is, as
22 I say, in St. Stephen's Green. This is the account which should be the
23 recipient of the monies generated by the factoring process, isn't that right?
- 24 A. Yes.
- 12:09:14 25 Q. 241 And we'll see that on the 15th there is a lodgement of 6,000 pounds, you see
26 that?
- 27 A. Yes, yes.
- 28 Q. 242 And if we turn to the next page, 24502. We'll see the lodgements for the 16th,
29 the following day. And that's also an amount of 6,000 pounds, you see that?
- 12:09:40 30 A. Yes.

- 12:09:42 1 Q. 243 Now, it would appear from reviewing these credits to this account that the
2 credits were invariably in round sum figures of 1,000 where possible, or 500 if
3 not 1,000, is that right?
- 4 A. Yes.
- 12:09:59 5 Q. 244 Yeah. Can you explain why that is in the context that as we know from the
6 transactions which were conducted on foot of the invoices of the 14th, you had
7 the capacity to drawdown 6,551.07 pounds but the lodgement to the account seems
8 to be for 6,000 only. Was that part of a policy of yours to roundup to the
9 lowest 1,000 when you were drawing the money down?
- 12:10:28 10 A. It's just the way I, Sandra used to do, a call for round figures would be
11 easier to trace them and stuff like that I think.
- 12 Q. 245 I could imagine that it would be simpler from your accounting point of view to
13 deal in round figures. I'm just wondering if that was in fact the reason why
14 we see round figures being lodged?
- 12:10:46 15 A. I think that is the reason because it was. We'd seldom take the full amount
16 out of the commercial finance. It would be just the nearest rounded figure
17 below it, I think that's the way it used to work.
- 18 Q. 246 Now, if we revert now back to the document at page 24766. It's clear from this
19 document that we see on screen, Mr. Maguire, that the invoice which was sent to
12:11:31 20 NCB Stockbrokers was used for the purpose of factoring monies for Euro
21 Workforce, isn't that right?
- 22 A. Yes, it appears that way.
- 23 Q. 247 The benefit, in other words, of having generated such an invoice resulted in
24 this instance in 75 per cent of the value of that invoice being available to
12:11:59 25 Euro Workforce subject to a qualification that a credit is offset against it,
26 isn't that right?
- 27 A. Yes.
- 28 Q. 248 So the Tribunal has on occasion seen circumstances where persons have taken
29 invoices from companies and have used those invoices for the purpose of
12:12:20 30 receiving money from others but the company never gets the benefit of the

- 12:12:25 1 money. In this instance, this invoice 2789 was used by Euro Workforce and
2 reproduced money which went in to the Euro Workforce account albeit the
3 corporate finance account, isn't that so?
- 4 A. Yes.
- 12:12:46 5 Q. 249 Can you explain the reference here to the credit note? In other words, we have
6 gone through the factoring arrangement so far and we understand it to be that
7 where you produce an invoice you get 75 per cent of its value. In this
8 instance we see that an invoice 2788 had the effect of depleting the account by
9 the total value of the transaction there. Is that because an invoice in that
12:13:17 10 amount had not been met within the period?
- 11 A. It could be that or it could be just a credit note issued to the customer.
- 12 Q. 250 I see.
- 13 A. For whatever reason.
- 14 Q. 251 Okay. The reference here to the customer, Trent, whose affairs were being
12:13:37 15 dealt with on the 14th, both in this instance of getting a credit note for
16 4,529 and also in the next invoice of being invoiced at page 24769, being
17 invoiced for 1,597.29. Those entities -- that entity, that customer you were
18 dealing with at the time, Mr. Maguire, can you tell us who is it, what the full
19 title of Trent is?
- 12:14:20 20 A. I don't, I can't remember Trent but obviously it is a company of some sort.
21 What I would suggest is the credit note to do with, is that they have the
22 original invoice of, maybe too high and there was a credit note issued and then
23 a new invoice issued. That's the way it would work I think.
- 24 Q. 252 Is Trent, Trent Valley Limited, do you remember that company?
- 12:14:49 25 A. No, I don't know Trent.
- 26 Q. 253 Sorry.
- 27 A. I don't know Trent, Trent Valley.
- 28 Q. 254 You don't know Trent Valley?
- 29 A. No.
- 12:14:55 30 Q. 255 Do you know Trent?

- 12:14:56 1 A. No, I don't. I don't remember it, no.
- 2 Q. 256 Well have you had any dealings with a company called Trent Valley Limited
- 3 through Euro Workforce?
- 4 A. Not that I'm aware of but I see it there now.
- 12:15:10 5 Q. 257 Well what you see there now is Trent?
- 6 A. Yeah, Trent.
- 7 Q. 258 I'm asking you whether you have a recollection of having dealings with Trent
- 8 Valley Limited?
- 9 A. No, I do not.
- 12:15:20 10 Q. 259 Is it possible that this reference to Trent is an abbreviation for Trent
- 11 Valley?
- 12 A. It could well be, we don't put the full names of everything on there because it
- 13 can't be done.
- 14 Q. 260 Right. It can't be done because there isn't available space --
- 12:15:36 15 A. Yeah.
- 16 Q. 261 -- within the computer system?
- 17 A. That's correct.
- 18 Q. 262 But when generating the invoices, of course, it would contain the full detail.
- 19 A. Yes.
- 12:15:50 20 Q. 263 Now, full value for the 6,050 pounds invoiced on this account would only take
- 21 place I take it when the full payment of 6,500 pounds is received by Euro
- 22 Workforce via the cheque from NCB Stockbrokers in this instance, isn't that
- 23 right?
- 24 A. Yes.
- 12:16:20 25 Q. 264 Right. But in the meantime there was 75 per cent of that sum available for the
- 26 purposes of Euro Workforce, isn't that right?
- 27 A. Yes.
- 28 Q. 265 Now, we know that Euro Workforce's account at the bank in St. Stephen's Green,
- 29 that is the current account, was debited on the 17th of December 1993, with a
- 12:16:56 30 sum of 3,000 pounds. You see that at page 24504, cheque No. 1120 in the amount

- 12:17:12 1 of 3,000 pounds is the first debit on that page, you see that?
- 2 A. Yes.
- 3 Q. 266 Do you know that that sum was paid to Willdover Limited, a company with which
- 4 Mr. Des Richardson is connected?
- 12:17:53 5 A. I see it in the documents, yes.
- 6 Q. 267 Well then you know it, I take it, on that basis?
- 7 A. I know it, yes, yeah.
- 8 Q. 268 Yes. We'll see at page 24512, the lodgement of the sum of 3,000 pounds to the
- 9 account of Willdover and this is a document which was considered by
- 12:18:19 10 Mr. Richardson when doing a reconciliation and he believes that the "EW" here
- 11 beside 3,000 refers to Euro Workforce and if so, it would confirm that cheque
- 12 No. 1120 drawn on the account of Euro Workforce Limited found itself lodged to
- 13 the account of Willdover Limited on the 15th of December, and it was debited
- 14 from the account of Euro Workforce on the 17th. That's the two days is
- 12:18:55 15 accounted for by the fact that credit is given when the cheque is lodged but
- 16 it's debited when it arrives in the account of the bank that wrote the cheque,
- 17 isn't that right?
- 18 A. Yes.
- 19 Q. 269 In that series or sequence of events, Mr. Maguire, if we come back to dealing
- 12:19:12 20 with the invoices which were generated on the 14th. They generated a credit to
- 21 Euro Workforce of 75 per cent of the total value of 8,000 odd pounds which
- 22 translated as 6,051.07 pounds and in accordance with the procedures which your
- 23 bookkeeper operated, that was rounded down to the nearest 1,000 which is 6,000,
- 24 isn't that right?
- 12:19:48 25 A. Yes.
- 26 Q. 270 That 6,000 was lodged to the account on the 15th of December.
- 27 A. Yes.
- 28 Q. 271 And on the same day a cheque was written to Mr. Richardson's company in the sum
- 29 of 3,000 pounds, isn't that so?
- 12:20:05 30 A. Yes.

- 12:20:07 1 Q. 272 Now, you are a person who is involved, it's a one man show, as we have
2 discovered, in all of these transactions, isn't that right?
- 3 A. Well ... I wasn't aware of all of the transactions.
- 4 Q. 273 Well who would have signed a cheque to Mr. Richardson's company Willdover
12:20:36 5 Limited other than you?
- 6 A. There are two signatures on it myself and Sandra Fallon.
- 7 Q. 274 Right. Would Sandra Fallon have signed a cheque without consulting with you as
8 to what it was for particularly a cheque in the sum of 3,000 pounds which was
9 being paid out of this account?
- 12:20:52 10 A. She probably would have consulted with me.
- 11 Q. 275 Yes.
- 12 A. But that wouldn't be unusual to pay Willdover or Des Richardson because we were
13 paying him on an ongoing basis for the business.
- 14 Q. 276 Yes. Do you have a recollection as to with it was this particular payment of
12:21:17 15 3,000 pounds was made payable to Willdover for?
- 16 A. No, I wouldn't know that. Unless it was paid. We had an arrangement where it
17 gets paid so much every month as we go along.
- 18 Q. 277 Well, could I suggest to you that the payments which are acknowledged by
19 Mr. Richardson as having been received by him from Euro Workforce are not
12:21:45 20 payments which come on any monthly basis. We look to document. I just have to
21 get the Tribunal reference number for this.
- 22
- 23 Just bear with me for a moment, Mr. Maguire, I am going to produce a ledger
24 which is generated by Mr. Richardson's accountants and which itemises the
12:22:23 25 receipt of funds by his company Willdover Limited. Could I have page 24658 on
26 screen, please? If we could enlarge that. Just to familiarise yourself
27 perhaps with the content of this. Mr. Maguire, this document records the
28 lodgements which were made to Willdover from a period between 1993 and 1996.
29 And starting at February the 3rd on the top there, that's 1993, continues down
12:23:15 30 to the bottom of that column and then moves over to the next column for 1996

12:23:22 1 where there is one item there, all right? Now, when you turn to the narrative
2 there, the references which are "EW" references refer to payments which are
3 made to Mr. Richardson's company by Euro Workforce. If we look to the second
4 item down on February the 25th, I think it may be 4th or 5th it says "E" and
12:23:54 5 those words then after it are "Workforce" and there is a sum of 3,000, in fact
6 it's 8,192.29 pounds followed by 6,512.37 pounds. Followed by 6,845.84 pounds.
7 They are all attributed to Euro Workforce. You see that?

8 A. Yep.

9 Q. 278 And the next payment would be, those I should say were in February. You then
10 have to move to September for the next payment. The first of which under the
11 heading "EW" is 3,650. The second is again for 3,650. And then you move to
12 December to find on the 15th "EW 3,000" which is the figure we're now talking
13 about, you see that?

14 A. Yes.

12:24:57 15 Q. 279 So there isn't in any sense a monthly payment and there isn't an even amount
16 payment, there are sporadic payments made by you to Willdoover, isn't that so?

17 A. Yes.

18 Q. 280 Right. Now, I was asking what this particular payment was, given its timing
19 and given the fact that it appears to have been made out of funds which were
12:25:26 20 made available in part by the factoring of the NCB invoice of the 14th of
21 December, you understand?

22 A. Yes, I understand.

23 Q. 281 All right. What is the connection between these financial transactions? We
24 know that your company generated an invoice on the 14th which was sent to NCB
12:25:56 25 Stockbrokers for 6,050 pounds. We know that that was put in to the bank for
26 the purpose of being factored and that it was factored and that the benefit of
27 that factoring process came in to the account of Euro Workforce on the 15th of
28 December or the 16th, one or other. And we know that the funds that were in
29 that account then funded a cheque made payable to Mr. Richardson's company
12:26:25 30 Willdoover in the sum of 3,000 pounds.

- 12:26:28 1
2 Now, what is the connection between all of those independent items that I've
3 just mentioned?
- 4 A. I don't know the connection. I can't recall that there is a connection. There
12:26:40 5 may well be but I can't be sure that there is a connection.
- 6 Q. 282 Now, you may be aware, Mr. Maguire, from the documentation which has been
7 circulated to you and from the evidence which has been given in the past number
8 of days from a number of witnesses in NCB Stockbrokers. That they say that
9 this invoice for 6,050 pounds was a bogus invoice which was provided so as to
10 allow for a payment to Mr. Richardson to be made. You've heard that?
- 11 A. I've heard that, yes.
- 12 Q. 283 You know that to be the position, isn't that right?
- 13 A. I heard all about that, yes.
- 14 Q. 284 Right. You did not elect to challenge that account of events with any of these
12:27:32 15 witnesses, isn't that so?
- 16 A. Yes.
- 17 Q. 285 Do you accept it to be the case that this was a bogus invoice issued from your
18 firm for the purpose of facilitating a payment through Mr. Des Richardson, for
19 whatever purpose it may have been made?
- 12:27:46 20 A. I accept that an invoice from Euro Workforce was presented to NCB for a payment
21 but I did not authorise the invoice and I knew nothing about it.
- 22 Q. 286 But how can that be so, Mr. Maguire, if that invoice resulted in monies being
23 paid to your company on foot of the factoring agreement? This process as we've
24 just gone through indicates that Euro Workforce did in fact get the benefit of
12:28:19 25 this false invoice?
- 26 A. That may well be true but I would not be aware of the ins and outs of the
27 monies going into accounts and coming out on a day-to-day basis. I wouldn't
28 know about that.
- 29 Q. 287 You wouldn't know about the ins and outs of it coming in and out of your
12:28:39 30 account?

- 12:28:39 1 A. No, I wouldn't be aware of that.
- 2 Q. 288 No. You would know, 000, however, if you were company was paid. I take it
3 that you did a review either on a weekly or on a monthly basis of your customer
4 base?
- 12:28:52 5 A. Well we used to do three monthly management accounts and they would be done
6 internally by Sandra Fallon and then we would have external accounts and
7 auditors to look at it after that. So there was ... I mean there was no point
8 having a dog and barking yourself. I was doing a different type of the part of
9 the business. The accounts and the financials were being looked after by
10 Sandra Fallon and that's the way it operated.
- 12:29:19 11 Q. 289 The conduit of monies through to Mr. Richardson is therefore something of which
12 you say you are entirely unaware, is that right?
- 13 A. That is true.
- 14 Q. 290 Right. Now, because the cheque for 6,050 pounds was not honoured, it was
12:29:39 15 returned to the bank, Bank of Ireland Corporate Finance by AIB bank and they in
16 turn returned that cheque to Euro Workforce for the purpose of obtaining
17 another cheque, you appreciate that?
- 18 A. Yes.
- 19 Q. 291 Have you any recollection of seeing this cheque being returned to you and of
12:30:00 20 making an arrangement to have a duplicate or substitute cheque issued by NCB
21 Stockbrokers in March of 1994?
- 22 A. No, none whatsoever.
- 23 Q. 292 Though you accept that a cheque was in fact written to Euro Workforce, dated
24 the 16th of March 1994, isn't that right?
- 12:30:21 25 A. Yes.
- 26 Q. 293 And I think you accept that that cheque was lodged again as part of the
27 factoring process with Bank of Ireland Corporate Finance, isn't that so?
- 28 A. Yes.
- 29 Q. 294 And following upon that, it follows that the balance of 1,250 pounds of the
12:30:40 30 non-vatable element I should say, plus the VAT would then have become payable

- 12:30:46 1 to Euro Workforce, isn't that right?
- 2 A. Yes.
- 3 Q. 295 And again that sequence is somewhat unusual in that most of the, most of your
4 invoices were paid or unpaid but you didn't have instances where you had to
12:31:02 5 seek duplicate cheques from customers, isn't that right?
- 6 A. It would be quite unusual I would imagine.
- 7 Q. 296 And you have no recollection you say, of any part of the transaction that I've
8 just described from starting with the return of the cheque from the bank, the
9 necessity to go to NCB to obtain a subsequent cheque, the tendering of that
12:31:20 10 cheque and the putting of it through your accounts in Euro Workforce. You have
11 no recollection of any of that?
- 12 A. No, none whatsoever. As amazing as it may seem but that's the truth of the
13 matter.
- 14 Q. 297 And the second last witness who gave evidence in the Tribunal yesterday says
12:31:38 15 that he was told that Mr. Richardson had requested a second cheque from
16 Mr. O'Connor on the basis of there being a mutilation or an incapacity to have
17 the first cheque presented through the accounts. Do you have any recollection
18 of discussing with Mr. Richardson, either at the time when you wrote him the
19 cheque for 4,000. Sorry. For 3,000 pounds on the 15th of December, or
12:32:10 20 thereafter in March the question of NCB and its involvement with Euro
21 Workforce?
- 22 A. No.
- 23 Q. 298 No.
- 24 A. Sorry, can I can I just say.
- 12:32:25 25 Q. 299 Yes.
- 26 A. One quite unusual thing about this cheque that's being written on the 14th or
27 15th and supposedly coming to Euro Workforce.
- 28 Q. 300 Yes.
- 29 A. If we got that cheque or if I had the cheque it would be lodged to the account
12:32:37 30 straight away. It wouldn't be waiting for three months to be done. So I just

- 12:32:49 1 don't have any recollection of having a cheque, raising an invoice or
2 instructing anybody to raise an invoice in this matter.
- 3 Q. 301 You are referring, I think, Mr. Maguire, to the first cheque of the 14th of
4 December 1993. 15th I should say of December 1993, isn't that right?
- 12:32:58 5 A. Yes, yes.
- 6 Q. 302 You are satisfied from the documentation that has been provided to you that
7 that was an NCB cheque, isn't that right?
- 8 A. Yes.
- 9 Q. 303 It was written to your company Euro Workforce, albeit spelt EUR Workforce,
10 isn't that right?
- 11 A. Yes.
- 12 Q. 304 And it was presented ultimately in March 1994, some three months later, through
13 the channel which would have been the appropriate channel for a Euro Workforce
14 cheque to be presented through. By that I mean the Bank of Ireland Corporate
15 Finance account at Ballsbridge, isn't that so?
- 12:33:14 15 A. Yes, that's correct.
- 16 Q. 305 So everything to that point leads to the fact that that cheque was in the
17 possession of Euro Workforce before it was presented, isn't that so?
- 18 A. Yes, yeah.
- 12:33:35 19 Q. 306 And it was only when that cheque was dishonoured or not honoured because of its
20 mutilated state, that the next process involved the writing the second cheque
21 again to Euro Workforce, isn't that right?
- 22 A. Yes.
- 23 Q. 307 And that cheque again goes through the correct presentation procedures as
24 regards the factoring agreement, it has to be lodged to the factoring company's
25 account, isn't that right?
- 12:34:10 26 A. Yes.
- 27 Q. 308 And it was so lodged?
- 28 A. Yes.
- 29 Q. 309 Right. So all of that would indicate that Euro Workforce received the benefit
12:34:19 30

12:34:24 1 of the monies which were paid by NCB Stockbrokers, 6,050 pounds left NCB and
2 found itself for better or for worse with Euro Workforce, your company, isn't
3 that right?

4 A. Yes.

12:34:38 5 Q. 310 Right. For an invoice or on foot of an invoice for work which never took
6 place, isn't that right?

7 A. Apparently so.

8 Q. 311 Yes.

9 A. I don't recall it myself.

12:34:50 10 Q. 312 Now, that being so, Mr. Maguire, where did that 6,050 pounds go to? It
11 obviously went to somebody, whoever generated or requested this false invoice
12 to be generated did so for the purpose of using your company to get this money,
13 isn't that so?

14 A. It appears that way.

12:35:17 15 Q. 313 Yeah. So where is the payment out of this money? Where? How much was
16 retained by Euro Workforce, if anything, for providing this or being allowed or
17 being used as the vehicle or conduit to which the money went to the ultimate
18 person who had set it up?

19 A. I don't know exactly how it got out to the other recipients but if in a normal
12:35:46 20 course of events, Mr. Richardson would have received about 30 per cent of it
21 because that was his entitlements.

22 Q. 314 Now, perhaps you might just explain that starting at the beginning. What
23 monies would he be entitled to 30 per cent of?

24 A. Because of the nature of the way that Euro Workforce purchased the business
12:36:14 25 from Des Richardson's company, which was Workforce Limited I think it was. It
26 was structured in a way that Des Richardson or his company, Willdoover, would
27 receive 30 per cent, I think it was 30 per cent, of the gross profits of Euro
28 Workforce.

29 Q. 315 But that, could I suggest, is something that is entirely independent of
12:36:41 30 generating bogus invoices, isn't that right?

- 12:36:44 1 A. Oh, yes.
- 2 Q. 316 That would be what he would be entitled to from the legitimate operation --
- 3 A. Yes.
- 4 Q. 317 -- of the company's affairs, isn't that right?
- 12:36:51 5 A. Yes.
- 6 Q. 318 My question really was directed towards establishing from you, if we can, how
- 7 in circumstance where your company billed for a service that it had never
- 8 provided and was paid money which it had never earned, how it was that that
- 9 money found it's self with the itself with the person who had set-up that
- 12:37:13 10 arrangement?
- 11 A. I don't know exactly how that happened.
- 12 Q. 319 I see.
- 13 A. And I, I didn't preside over it. Obviously, it just got through without me
- 14 knowing it or something like that.
- 12:37:23 15 Q. 320 But could I suggest to you, that you couldn't have been unaware of the fact.
- 16 It is a very complex arrangement that was put in place here, isn't that right?
- 17 A. It appears to be.
- 18 Q. 321 Yeah. The fact that there was a factoring agreement in place?
- 19 A. Yeah.
- 12:37:43 20 Q. 322 Allowed for somebody to produce a false invoice in the knowledge that once they
- 21 presented that invoice through your accounts it would translate into 75 per
- 22 cent of that sum becoming immediately available, isn't that right?
- 23 A. Yes.
- 24 Q. 323 Is this the only incident that you're aware of in which your company was used
- 12:38:06 25 to put a bogus invoice through? Do you know if any other circumstances in
- 26 which that facility was utilised as a means of raising funds?
- 27 A. I do not know.
- 28 Q. 324 The relevance of the date the 15th of December 1993, to the Tribunal's inquiry,
- 29 Mr. Maguire, is that it is on that date that Mr. Des Richardson acquired a bank
- 12:38:40 30 draft for 5,000 pounds made payable to himself from the Bank of Ireland at

12:38:46 1 Montrose in Dublin. And Mr. Richardson has indicated that that bank draft was
2 acquired by him on the basis that it would represent a payment which was going
3 to be made to Mr. Bertie Ahern. The bank draft was in fact lodged to the
4 account of Mr. Bertie Ahern. And Mr. Richardson attributes that 5,000 pounds
12:39:19 5 in that draft as being the contribution of Mr. Padraic O'Connor of NCB
6 Stockbrokers, who he says paid 5,000 pounds as his contribution towards a loan
7 which was to be made to Mr. Ahern. You may be aware from what you've read in
8 the newspapers or indeed from the documentation which was within the brief
9 furnished to you, that that is Mr. Richardson's account of how it was he
10 came to pay the monies to Mr. Ahern, do you understand that?

11 A. Yes.

12 Q. 325 On the other hand, there is the evidence of the NCB Stockbrokers witnesses, who
13 say that the payment that they made at the request of Mr. Richardson, was paid
14 through the conduit of your company Euro Workforce on foot of the invoice that
12:40:12 15 was generated by that company, which we have examined this morning, isn't that
16 right?

17 A. Yes.

18 Q. 326 And your evidence is confirmatory of the fact that such an invoice was
19 generated within your company, isn't that right?

12:40:26 20 A. Yes.

21 Q. 327 It resulted in a sum of 6,050 pounds being paid to your company or value to
22 that amount I should say being given to your company, isn't that right?

23 A. Yes.

24 Q. 328 And you are not in a position to say where that money went once it was received
12:40:42 25 within your company, is that right?

26 A. Well I don't know where it went.

27 Q. 329 But you do know that on the same day the 15th of December, you wrote a cheque
28 to Mr. Richardson for 3,000 pounds?

29 A. Yes, it seems so, yes.

12:40:57 30 Q. 330 Do you think that that was part of the proceeds of the factoring operation that

- 12:41:03 1 had been conducted by means of this invoice which is a bogus invoice?
- 2 A. It is possible but I don't know for sure.
- 3 Q. 331 But could I suggest to you, Mr. Maguire, that you must know the circumstances
- 4 in which these affairs involving your company and your cheques took place.
- 12:41:26 5 That the Tribunal can go so far, Mr. Maguire, in setting out for you the
- 6 documentary evidence which indicates your involvement in this transaction and
- 7 that of your company. I am suggesting to you that it is you who are the person
- 8 who can tell us exactly what all of this was about.
- 9 A. I wish I could explain and say that this thing happened but I don't remember it
- 12:41:53 10 and I am under oath here and I am not going to say what I don't know for sure.
- 11 But it could happen but I'm not sure it happened! That's just the way it is for
- 12 me. I'm sorry I can't be more helpful but I would like to say I remember all
- 13 of this stuff but I don't remember it all.
- 14
- 12:42:08 15 CHAIRMAN: Mr. Maguire, who sat down and worked out and calculated the 30 per
- 16 cent that Mr. Richardson was entitled to on an ongoing basis? Was that
- 17 something that you did?
- 18 A. That was on way back when we acquired the business back in August September
- 19 1992.
- 12:42:29 20
- 21 CHAIRMAN: No but who actually as the business was ongoing in 1993, 1994. Who
- 22 actually calculated?
- 23 A. Oh, sorry.
- 24
- 12:42:39 25 CHAIRMAN: The 30 per cent that Mr. Richardson would be entitled to from time
- 26 to time?
- 27 A. It would be Sandra Fallon.
- 28
- 29 CHAIRMAN: And was that done without any involvement by you?
- 12:42:50 30 A. Well I just relied on what she presented as the figures. I mean there was no

12:42:54 1 point in me checking them again. I didn't.

2 CHAIRMAN: Yes but presumably it was based on figures calculated by her,
3 presented to you and then you would sign a cheque?

4 A. Yes that would be it yes. I wouldn't go along questioning the figures or
12:43:09 5 anything like that. I would just sign a cheque and that would be it.

6
7 CHAIRMAN: And these were odd figures, these were odd amounts 30 per cent
8 isn't going to work-out at exactly at an even sum or it's unlikely to.

9 A. Well just on the earlier figures here, we see in February March and April. You
12:43:32 10 will see that there were odd sums up along there in the early part of 1993.

11
12 Now, we, that was causing us a problem in terms of our cashflow at that time,
13 it began to choke us a little bit. So I think we may have renegotiated the
14 thing to pay a lesser sum to Mr. Richardson at that stage and you will see the

12:43:57 15 figures came down. Instead of 30 per cent it may be half of it or something
16 like that. So that was becoming an issue for us paying him because he would
17 have caused us the problem, so we renegotiated something which with him. I
18 don't know exactly what the deal was. It was less than what he was supposed to
19 get but it was pushed over maybe a longer period. So that's why those, the
12:44:18 20 higher numbers were in the early part of the year and then they stopped I see
21 in March or what are, I don't know what the numbers are there, during the
22 summer or something like that.

23
24 Q. 332 MR. O'NEILL: Mr. Maguire, I just want to correct a date that I put to you
12:44:33 25 there. I put to you that the draft was acquired from the bank on the 15th of
26 December. It was in fact acquired a week later on the 22nd of December, that
27 is the payment that went to Mr. Ahern. But I don't know that it alters the
28 position from your point of view. You were unaware of there being a payment to
29 Mr. Ahern in any way connected with Euro Workforce or with any payment to
12:44:59 30 Mr. Richardson, isn't that so?

- 12:45:01 1 A. Yes.
- 2 Q. 333 All of that was news to you. Mr. Richardson indicated on being shown the
- 3 document which acquired the draft for 5,000 pounds which went to Mr. Ahern,
- 4 which showed that that came from a company called Roevin. That he had an
- 12:45:23 5 account in the Bank of Ireland in Montrose in the name of Roevin Limited.
- 6
- 7 Now, you have indicated that your relationship with Mr. Richardson in the year
- 8 1993, included the buying out or the paying off in installments of his company,
- 9 Workforce Limited, by Euro Workforce, is that right?
- 12:45:50 10 A. Yes.
- 11 Q. 334 Probably more accurately I think it's correct to say that the business that had
- 12 been conducted by Workforce Limited was a business which you decided to
- 13 purchase from Mr. Richardson, is that right?
- 14 A. That's correct. The business --
- 12:46:09 15 Q. 335 You didn't buy Workforce Limited. You stepped in to the shoes effectively of
- 16 that company, is that right, by agreeing to buy out Mr. Richardson from it, is
- 17 that right?
- 18 A. I bought the business from his company and put it in to my own new company.
- 19 Q. 336 Yes. But you didn't buy the shareholding of Workforce Limited, isn't that
- 12:46:30 20 right?
- 21 A. That's right.
- 22 Q. 337 You never became a director of Workforce Limited?
- 23 A. No.
- 24 Q. 338 Isn't that right?
- 12:46:37 25 A. No, no.
- 26 Q. 339 You set-up a new company called Euro Workforce Limited of which yourself and
- 27 your wife were the directors?
- 28 A. Yes.
- 29 Q. 340 A clean slate as regards the corporate structure involved, isn't that right.?
- 12:46:50 30 A. Yes, that was the purpose.

- 12:46:51 1 Q. 341 But in fact a seamless progression where you continued with the same customers
2 as you had been dealing with, with Workforce, isn't that so?
- 3 A. Yes.
- 4 Q. 342 You had been the manager of the Workforce operation, you now became the owner
12:47:08 5 having bought out the owner's interest in the manner I described, is that
6 right?
- 7 A. Yes.
- 8 Q. 343 Now, I want to deal, if I may, with these companies Workforce Limited and its
9 predecessors. If we can look to document 24362, please. This document may be
12:47:43 10 familiar to you, Mr. Maguire, isn't that true?
- 11 A. Yes.
- 12 Q. 344 Then on the next page 24363. If that page 24363 and the next one 24364 can be
13 joined together, please, if that's possible on the same page. They are the
14 promotional literature for the company, isn't that right?
- 12:48:18 15 A. Yes.
- 16 Q. 345 Under the heading "Workforce the company" what this document says is that"
17 Workforce was established in 1973 to provide technical personnel on contract to
18 industry" etc. And if we turn to page 24365 under the heading "We are just a
19 phone call away" it says "Over the last 15 years Des Richardson, Des Maguire
12:48:59 20 and Tim Collins have gained considerable experience working with
21 architectural/engineering consultants, the construction industry and as
22 technical recruitment specialists in Ireland, the UK Germany, the USA and
23 middle east" isn't that right?
- 24 A. That's right.
- 12:49:19 25 Q. 346 That's what it says?
- 26 A. That's what it says.
- 27 Q. 347 And there are then three photographs of Mr. Des Richardson at the top with
28 managing director underneath him, Mr. Desmond J Maguire, yourself as
29 recruitment director and Tim Collins as sales director, isn't that right?
- 12:49:36 30 A. That's right.

- 12:49:39 1 Q. 348 Now, what that document is saying in effect as a prospectus to its customers is
2 that you three individuals had 15 years experience in this business as
3 described, isn't that right?
- 4 A. Yes.
- 12:49:53 5 Q. 349 And if we revert to the beginning of it. That Workforce the company has been
6 in being since 1973, isn't that so? That's what it says?
- 7 A. That's what it says, yeah.
- 8 Q. 350 But this isn't so, isn't that right? Workforce Limited the company which
9 issued this document and we'll see at page 24365, at the very bottom beneath
10 Workforce we see "Workforce technical people Workforce Limited 25 Merrion
11 Square North, Dublin 2".
- 12 A. Yes.
- 13 Q. 351 That company was not in existence in 1973, isn't that right?
- 14 A. I don't know.
- 12:50:16 15 Q. 352 That company came into existence in 1989 but there were a whole series of
16 companies in existence before that in which Mr. Richardson had an involvement
17 or persons associated with him had involvement, some of which included Roevin
18 and Roevin Workforce, do you know that?
- 19 A. I don't know that. I knew it was complicated but I didn't know the full
12:51:11 20 details of what was going on.
- 21 Q. 353 If we look to page 24581. This document tells us that the date of
22 incorporation of the company Workforce Limited was the 20th of March 1989. The
23 directors of that company were Mr. Tim Collins and Mr. Des Richardson. Now, to
24 put that company in context, Mr. Maguire, you in the promotional documentation
12:52:07 25 which is undated here, are shown to be a -- the recruitment director. Is it
26 the case that you were never a director of the company as such?
- 27 A. Yes.
- 28 Q. 354 Yeah.
- 29 A. That was just a title.
- 12:52:23 30 Q. 355 This was a title?

- 12:52:24 1 A. Uh-huh.
- 2 Q. 356 Right. The directorship of this company was in fact Mr. Collins and that's
- 3 Mr. Tim Collins in this instance, and Mr. Richardson, is that right?
- 4 A. Yes.
- 12:52:35 5 Q. 357 And when is it that you became involved with this company? We know now that
- 6 its incorporation, that's Workforce Limited is in March 1989. When did you
- 7 start working for this company?
- 8 A. I started working for Workforce, which I didn't know whether it was Workforce
- 9 Limited or Workforce whatever, I think it was September 1988.
- 12:53:05 10 Q. 358 September 1988.
- 11 A. Something of that order.
- 12 Q. 359 So it follows that you must have been employed with one of the predecessors to
- 13 Workforce Limited, is that right?
- 14 A. According to that documentation, yes.
- 12:53:26 15 Q. 360 Well did your company, did the company that you were a consultant to and in
- 16 respect of which you provided management services, did that call itself
- 17 Workforce?
- 18 A. Workforce was the main part of it, yes.
- 19 Q. 361 What did you know in 1988 of the company called Roevin Limited, if anything?
- 12:53:55 20 A. I knew little about it. I was after joining what I call, what I thought was
- 21 Workforce. And then a short time after that or some time after that a Roevin
- 22 company came in and took over the business. Which in turn was taken over by
- 23 another company called Doctus plc and it was rolling on like that. It was
- 24 difficult to keep track of all of the different ownerships.
- 12:54:23 25 Q. 362 Now, you started you say in September of 1988.
- 26 A. I think that was the time, yes.
- 27 Q. 363 We'll see that there was a company incorporated on the 21st of October 1988
- 28 under the name of Collins Workforce Limited at page 24845.
- 29
- 12:55:11 30 Now, while we saw a document under the Workforce Limited logo, in which Mr. Tim

12:55:19 1 Collins was a director, in this particular company Collins Workforce Limited,
2 the directors are shown as Mr. Des Richardson, Mr. Malcom Hughes with an
3 address in Bolton, Greater Manchester. And on the following page 24846
4 Mr. Brian Roebuck of Cheshire.

12:55:53 5
6 Now, that entity, Collins Workforce, was incorporated on the 21st of October of
7 1988. So it was incorporated within the period shortly after your engagement
8 to work for a Workforce company, isn't that right?

9 A. Yes.

12:56:21 10 Q. 364 And do you understand that in your dealings with the public at large who were
11 dealing as Workforce as that point in time, is that right?

12 A. Yes.

13 Q. 365 The reference to Collins Workforce Limited, were you aware of any connection of
14 Collins Workforce Limited with Workforce at that time?

12:56:45 15 A. No, there was a Mike Collins but he had stepped out of the company I thought
16 when I arrived or something like that.

17 Q. 366 Yes. The company Collins Workforce Limited which was set-up in 1988 was set up
18 after another company called Collins Workforce Limited had changed its name to
19 Michael Collins Consulting Projects Limited. If we look to page 24787, you
12:57:45 20 will see that that company, if we could move down to the directors, please.
21 The directors of that company were Michael Collins and Michael Costello, isn't
22 that right?

23 A. That's the names there, yeah.

24 Q. 367 Yes. And that Michael Collins is otherwise Mick Collins, is that right? Do
12:58:21 25 you know him as Mick Collins?

26 A. Mike Collins is how I heard him.

27 Q. 368 Mike Collins?

28 A. Yeah.

29 Q. 369 Mike Collins is, what do you know of Mr. Michael Collins?

12:58:35 30 A. Well he, when I joined the Workforce organisation he was stepping out of it,

12:58:42 1 was my understanding.

2 Q. 370 Yes.

3 A. He was moving on to something else, he must have sold his business to Roevin or

4 whatever, I don't know what the full details was. It was a bit complicated as

12:58:53 5 you can see and I didn't get involved in that aspect of it at all.

6 Q. 371 Mr. Michael Collins is in fact shown as a British resident, national for a

7 start and as an engineer by profession, did you know him to be that?

8 A. I knew he was from the UK, yes.

9 Q. 372 All right. Did you understand that he had been involved in the Workforce

12:59:23 10 business prior to your involvement with that company?

11 A. Yes.

12 Q. 373 The company which we saw there, Michael Collins Consulting Projects Limited,

13 that company had started its life as Collins Workforce Limited, sorry, it was

14 Collins Workforce Limited, having changed its name from Supaflow, a company

12:59:55 15 set-up by Mr. Des Richardson and his wife in 1984. Are you aware of that?

16 A. No, I wouldn't be aware of that.

17 Q. 374 I see. We'll see at page 24787, the incorporation of a company called Supaflow

18 Project Support Services Limited which is incorporated on the 2nd of October

19 1984. Mr. Des Richardson is shown as the director of that company. The next

13:00:40 20 page, please, and the top of that. Sorry, that's not the right ... 24787.

21 Sorry, I have given you a wrong number.

22

23 If we look to 24797, please. This is a return annual return of a company

24 called Supaflow Project Support Services Limited of the 14th of February 1985.

13:01:53 25 And if we turn to page 24799, we'll see that the accountants to that company

26 are outlining to the Companies Registration Office the shares transfers within

27 that company. On incorporation there were two shares issued. On the 6th of

28 November 1984, Des Richardson was allocated 98 shares. And on the 21st of

29 January 1985, Mr. M Collins, Michael Collins, was issued 881 shares and his

13:02:35 30 wife Cathleen Collins was issued 91 shares. And in 1985, the original

13:02:48 1 subscribers who were the holders of one share each transferred their shares to
2 Des Richardson and Mrs. Richardson, that's Fran Richardson, and Mr. Richardson
3 transferred his 99 shares to Mr. Collins. Mrs. Richardson transferred her 1
4 share to Mrs. Collins. So then in 1985 on the 14th of February, the ownership
13:03:21 5 of the company effectively was vested in Michael Collins and Cathleen Collins
6 being the owners of the 1,000 shares in that company, you see that?
7

8 Now, that company Supaflow Limited was to change its name to Collins Workforce
9 Limited and subsequently to change its name to Michael Collins Consulting
13:03:48 10 Projects Limited in 1986.
11

12 MR. RYAN: Mr. Chairman, with respect, I am just wondering is there any
13 relevance in all of this to Mr. Maguire. Insofar as it is admitted that he
14 didn't become involved in the company until 1988. Historical areas seems in no
13:04:22 15 way at all --
16

17 CHAIRMAN: We are enquiring into the link between Mr. Richardson and a number
18 of companies and Mr, I know Mr. Maguire has said that he only became involved
19 in 1988. But that doesn't necessarily mean that the inquiry should necessarily
13:04:45 20 stop there.
21

22 MR. RYAN: Very well.
23

24 MR. O'NEILL: It might be of assistance to Mr. Malone if I was to say that the
13:04:51 25 relevance of this firstly is that whilst Mr. Maguire was a, was described as a
26 director and the recruitment director of this particular company at a time
27 probably after 1989 and between 1989 and 1991 the documentation of that company
28 was claiming that it had been in being since 1973.
29

13:05:27 30 Firstly, the evidence would suggest that that isn't so and the company had only

13:05:27 1 been incorporated in 1989. Secondly, at the time when Mr. Maguire commenced
2 his employment as he understood it with Workforce, Workforce in fact was not a
3 limited company at that particular time but there were at least two companies,
4 one Collins Workforce Limited and the other Roevin Ireland Limited, which
13:05:49 5 seemed to be claiming to have the ownership of Workforce Limited. And in
6 respect of those companies, Mr. Des Richardson apparently was a director of
7 both of those companies and therefore both companies were in existence at the
8 same time though only one entity seems to have been trading as Workforce.

9
13:06:14 10 There also, it appears, was a company called Roevin Workforce and Roevin
11 Workforce was owned by Roevin which owned the title Workforce as well as Roevin
12 Workforce. And these in some way appear to be connected with the payment of
13 5,000 pounds from Roevin Limited in 1993 to Mr. Ahern. So I am not saying it's
14 simple. I am trying to establish what the connection is between them. But it
13:06:52 15 would appear on its face certainly that Mr. Maguire can assist the Tribunal as
16 and from 1988 until 1993, with the de facto operation of the Workforce entities
17 and the individuals who were behind those entities. They include Mr. Tim
18 Collins, Mr. Michael Collins, Mr. Des Richardson and Mr. Malcom Hughes and
19 Mr. Brian Roebuck, who are directors of the company from then, of some of these
13:07:23 20 companies in Manchester. And it's in that area that I hope to resume this
21 afternoon.

22
23 CHAIRMAN: All right. So we'll sit again at two o'clock.

24
13:07:32 25 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

26
27
28
29
30

THE TRIBUNAL RESUMED AS FOLLOWS AT 2.00 P.M.:

- 13:07:42 1
- 2
- 3 Q. 375 MR. O'NEILL: Mr. Maguire, please.
- 4
- 14:09:19 5 Mr. Maguire, before the lunch break we were examining the relationship between
- 6 the various Workforce companies or companies using the name Workforce. And I
- 7 appreciate that you were not a party to the Workforce name from 1973 onward,
- 8 isn't that so? You didn't come in, become involved with Workforce until 1988,
- 9 is that correct?
- 14:09:48 10 A. That's correct.
- 11 Q. 376 In September. Albeit that when we look to the promotional literature which was
- 12 distributed by the company Workforce Ltd. it claims that the company had its
- 13 origins in 1973, and it infers that yourself Mr. Tim Collins and Mr. Richardson
- 14 had 15 years experience in that business, isn't that so?
- 14:10:10 15 A. Yes.
- 16 Q. 377 We saw that documentation. Right. Arising out of that, I was asking you about
- 17 when you actually became involved in the business and you indicated that it was
- 18 in September of 1988. Now, in September of 1988, you indicated that you
- 19 understood that the company you were involved with was called Workforce
- 14:10:31 20 Limited, isn't that so?
- 21 A. Yes.
- 22 Q. 378 And we saw that the company Workforce Limited in fact wasn't incorporated until
- 23 March of 1989, about six months after you had started work with Workforce,
- 24 isn't that so?
- 14:10:46 25 A. Yes.
- 26 Q. 379 And it follows from that that you were involved with another entity which was
- 27 trading as Workforce, isn't that right?
- 28 A. Yes, yeah.
- 29 Q. 380 And we discussed the fact that there was an involvement immediately before you
- 14:11:02 30 started work of a man called Mike Collins, isn't that so?

- 14:11:07 1 A. Yes.
- 2 Q. 381 And you understood that Mike Collins had been involved in that recruitment
3 business called Workforce before you became involved, is that right?
- 4 A. Yes.
- 14:11:17 5 Q. 382 Right. Now, I don't intend to go through all of the documentation which
6 establishes that relationship. And I appreciate that you might not know of
7 this detail but you may be able to help on some of the issues.
- 8 A. Okay.
- 9 Q. 383 It would appear that in January 1985, the shares in a company called Supaflow
14:11:41 10 Project Support Limited, which was a company in which Mr. Des Richardson and
11 his wife were directors, were transferred to Mr. Mike Collins and his wife.
12 And they retained those shares in that company. That company then changed its
13 name in September 1986, to Collins Workforce Limited. It retained that name
14 until July of 1988, which is just before you started. And in July 1988, it
14:12:24 15 changed its name to Michael Collins Consulting Projects Limited.
16
17 Now, you are aware of the fact that Mr. Collins ceased to be involved in
18 Workforce just before your commencement in September '88, is that right?
- 19 A. Yes.
- 14:12:32 20 Q. 384 Now, this would suggest then that Mr. Collins set up or went off about his own
21 business called Michael Collins Consulting Projects Limited.
- 22 A. Yeah, he went off.
- 23 Q. 385 Your understanding?
- 24 A. He went off anyway and I don't know what he set up.
- 14:12:49 25 Q. 386 Do you know if he stay in the Ireland or otherwise, did he go back to England?
- 26 A. He was, all I know is he was in Ireland and England and Australia, lots of
27 places.
- 28 Q. 387 Right. Okay. And did you have any business dealings with him or did you know
29 of how, what business he was conducting from then on?
- 14:13:10 30 A. My understanding was that he was not doing any business, he wasn't allowed to

- 14:13:16 1 do this recruitment business for some time, due to the sale of the thing.
- 2 Q. 388 I see. Is that because he had closed off on Collins Consultancy Business?
- 3 A. Something like that but there was a restrictive clause that you can't set up
- 4 another business similar to that after you getting out of it.
- 14:13:32 5 Q. 389 Did he come back into the Workforce business, to your knowledge, at any time
- 6 after July of 1988?
- 7 A. No.
- 8 Q. 390 No. Now, in July 1988, or rather in September of '88, you came in to the
- 9 business and you may know that on the 9th of September 1988, a company called
- 14:13:54 10 Roevin Limited was incorporated in Ireland. And it then changed its name to
- 11 Roevin Ireland Limited on the 23rd of February 1989. Do you know that?
- 12 A. Well I know Roevin was involved but I don't know what their limited company
- 13 status was or something like that.
- 14 Q. 391 Now, Roevin had a business name. It had two business names in fact. It had
- 14:14:20 15 the business name Roevin Workforce and it also had the business name Workforce,
- 16 did you understand that to be the position?
- 17 A. Yes, we traded as Roevin Workforce for some time I think.
- 18 Q. 392 Yes. Now, that Roevin Workforce company had three directors, Mr. Des
- 19 Richardson, Mr. Malcom Hughes and Mr. Brian Roebuck. Did you ever meet those
- 14:14:44 20 two gentlemen?
- 21 A. I met Brian Roebuck, Malcom whatever I don't recall meeting him but he was
- 22 there. I knew he existed.
- 23 Q. 393 Of course, yeah.
- 24 A. Uh-huh.
- 14:14:56 25 Q. 394 Now, when you started to work in September 1988, who were you reporting to
- 26 within the company Workforce, as you understood it?
- 27 A. Des Richardson.
- 28 Q. 395 Right. And was your role there as manager, were you doing the work of the
- 29 company at that point in time?
- 14:15:15 30 A. Well my function was to generate business and fill the orders, that's, that was

14:15:23 1 my section of it.

2 Q. 396 Right. And what role had Mr. Richardson to play from 1988 onward?

3 A. He would be, you could call him maybe a business development and he would be

4 looking after the financials and things like that.

14:15:37 5 Q. 397 Okay. Now, whilst I mentioned to you that this company Roevin Limited was set

6 up in September 1988, on the 21st of October 1988 a company, a new company

7 called Collins Workforce Limited was set up.

8 A. Uh-huh.

9 Q. 398 And again the same three directors who were the directors of Roevin Limited

14:16:00 10 became the directors of that company, that is Mr. Des Richardson, Mr. Malcom

11 Hughes and Mr. Brian Roebuck. Do you know why there were two companies at that

12 point in time?

13 A. I don't, I didn't know there was two companies.

14 Q. 399 Of which -- now, the last of those companies was incorporated in October 1988.

14:16:26 15 And in March of 1989 a further company, this time called Workforce Limited, was

16 incorporated. And that's a company in which Mr. Des Richardson was a director

17 but neither of the two English directors of either Collins Workforce or Roevin

18 or Roevin Ireland Limited were directors but Mr. Tim Collins was a director of

19 that company. I'm talking now about March of 1989 about six months after you

14:16:59 20 had started work. Do you know whether or not Roevin Ireland Limited or Collins

21 Workforce Limited was running the company Workforce, that you worked for after

22 March 1989, or was it the company Workforce Limited that was running that

23 company?

24 A. I think it was Roevin, Roevin was part of it.

14:17:25 25 Q. 400 Okay.

26 A. Uh-huh.

27 Q. 401 So the Workforce company, that's Workforce Limited as a company, we saw its

28 name as the bottom of the documentation that indicated that you and the other

29 two had been working there for 15 years and that the company had been operating

14:17:51 30 since 1973, isn't that right?

14:17:51 1 A. Yes.

2 Q. 402 Right. That would suggest that that company was operating in and around
3 1988/'89. Does that accord with your recollection?

4 A. Sorry, which one are you talking about.

14:18:01 5 Q. 403 I'm trying to establish from you, if I can, Mr. Maguire, what role Workforce
6 Limited played, Workforce Limited is the company who we see published the
7 document at page 24362. You know that don't you?

8 A. I do, yeah.

9 Q. 404 The promotional literature.

14:18:21 10 A. Yeah, yeah.

11 Q. 405 The content of that document suggests that it was published some time in either
12 '88 or '89, is that so? Shortly after you had worked, started working there.

13 A. It would be after that. '89 anyway.

14 Q. 406 Right. It contains no reference to Roevin.

14:18:40 15 A. No.

16 Q. 407 No. Now, in 1989, we know there is a company incorporated on the 20th of March
17 1989, called Workforce Limited. And it is specifically named in this document
18 at the bottom of the document, Workforce Limited, do you understand?

19 A. Yes, yeah.

14:19:01 20 Q. 408 Now, at the same time you tell us that the company was also conducting business
21 as Roevin Workforce, is that so?

22 A. Yes, we used Roevin Workforce when it would be used Workforce, it wasn't
23 exactly a black-and-white situation I think.

24 Q. 409 Yes. Were there some circumstances in which there were the title Roevin
14:19:23 25 Workforce would be used for some instances and in other instances it would be
26 Workforce?

27 A. No, on the letterhead while we'd be using for whatever the period of time would
28 be it would be either Roevin Workforce or then it would be just Workforce after
29 that or before it I don't know which way it went. But we wouldn't mix the two
14:19:43 30 of them, not that I was aware of anyway.

- 14:19:45 1 Q. 410 Well we'll see from this document on screen here that it talks of Workforce,
2 you see that?
- 3 A. Uh-huh.
- 4 Q. 411 No mention of Roevin.
- 14:19:52 5 A. Uh-huh.
- 6 Q. 412 Now, if we look to the document at page 24893, we'll see a document with Roevin
7 Workforce on it. It has the same queue of persons to the left, the word
8 "Roevin" is interposed between that and Workforce, isn't that right?
- 9 A. Yes.
- 14:20:11 10 Q. 413 And that document is generated if the faxed track at the top is correct on the
11 29th of November 1989. You see that?
- 12 A. Yes.
- 13 Q. 414 So this document in November 1989, was being used for Roevin Workforce, isn't
14 that right?
- 14:20:27 15 A. Yes, yes.
- 16 Q. 415 And the other document which we see back to page 24362, whilst its undated, it
17 is Workforce simpliciter, isn't that right?
- 18 A. Yes, but I think the Workforce document on the screen --
- 19 Q. 416 Yes.
- 14:20:44 20 A. -- came after.
- 21 Q. 417 After.
- 22 A. After the Roevin Workforce.
- 23 Q. 418 So it probably then is 1990 or thereabouts.
- 24 A. Yeah.
- 14:20:54 25 Q. 419 Would that indicate that at some point Roevin ceased to have an input in the
26 Workforce business?
- 27 A. Yes.
- 28 Q. 420 And as best you can, are you in a position to say when was it that the business
29 started to be run by Workforce Limited as opposed to Roevin Workforce?
- 14:21:20 30 A. I think it was '90 or '91.

- 14:21:23 1 Q. 421 I see. Would it assist you in any way to identify what role Mr. Tim Collins
2 had in the company?
3 A. He was down as sales director.
- 4 Q. 422 Yes.
- 14:21:40 5 A. But he didn't have any input on a day-to-day operations, he didn't.
- 6 Q. 423 I see. So he was sort of a sleeping, non-executive director of the company, is
7 that it?
8 A. Yeah, he was there. He wasn't actively in the business.
- 9 Q. 424 Okay. So that doesn't help you date it?
14:21:59 10 A. No but the Roevin business -- the Roevin company in the UK --
11 Q. 425 Yes.
12 A. -- went into liquidation or some problems and that's what I'm trying to think
13 about. I'm almost sure it was 1990.
- 14 Q. 426 Okay. Do you think that Mr. Tim Collins came in to the company after the
14:22:18 15 Roevin directors, Mr. Malcom Hughes and Mr. Brian Roebuck had ceased to have an
16 input or do you think that he was involved in the company when they were
17 involved in the company, do you understand?
18 A. No, he wouldn't have been involved when the Roevin were involved.
- 19 Q. 427 Okay. So when he came on board effectively could we use that as the date upon
14:22:39 20 which the Roevin interest in Workforce practically ceased?
21 A. Probably, that would be correct.
- 22 Q. 428 Right. And if one was to take the date of incorporation of Workforce Limited
23 then as the 20th of March 1989. At that time apparently Mr. Collins was
24 appointed a director of that company. Would that not indicate that it was
14:23:10 25 probably in '89 rather than 1990, that Roevin ceased to be operating the
26 company?
27 A. That may be but my memory tells me that the duration was a bit longer than a
28 year I was there with the people, that's all.
- 29 Q. 429 All right. Mr. Collins resigned from the company in November 1991. And his
14:23:32 30 shareholding was then held by Mr. Richardson's wife and she was the other

- 14:23:37 1 director of the company from that point to the point when you bought the
2 company in 1992. Does that that accord with your recollection of events?
- 3 A. Yes, something like that. That. Sorry, can you repeat that date again,
4 please?
- 14:23:51 5 Q. 430 The date upon which Mr. Collins resigned was the November of 1991. I'll just
6 get you the exact date. The 14th of November 1991, Mr. Collins resigned as a
7 director of Workforce Limited. And he transferred his single share to
8 Mrs. Francis Richardson who then became a director of the company.
- 9 A. Yeah.
- 14:24:17 10 Q. 431 So from November of 1991, Mr. Collins no longer had an input in the company, is
11 that right?
- 12 A. Yes. And that would coincide probably more correctly with the date of which
13 Roevin dropped out.
- 14 Q. 432 I see. So do you know of any trading that Roevin would have done or any income
15 generating business that Roevin would have carried out through a Workforce
16 company in Ireland after that date in '91?
- 17 A. No, I don't think so.
- 18 Q. 433 All right. Did you know, did you have any dealings with an account of Roevin,
19 did you ever pay monies from Workforce when you were a manager of Workforce,
14:25:08 20 that is before you bought it in your role as Euro Workforce. Did you have any
21 dealings with in 1990, '91, '92 with the company Roevin Ireland Limited or
22 Roevin Workforce Limited?
- 23 A. '89 and '90 --
- 24 Q. 434 Yes.
- 14:25:28 25 A. -- it would be Roevin Workforce is what the trade, what the business name would
26 be.
- 27 Q. 435 Yes.
- 28 A. It was operating as that at that time. And then up to late '91 when it was
29 finished and that was the end of it after that.
- 14:25:42 30 Q. 436 Right.

- 14:25:43 1 A. That's my understanding anyway.
- 2 Q. 437 All right. You had no business dealings with Roevin after 1991?
- 3 A. Yes.
- 4 Q. 438 And you don't know any reason for them to have an account operating in 1993 in
- 14:26:01 5 Ireland?
- 6 A. No, I wouldn't be familiar with that.
- 7 Q. 439 No. You tell us then that at a point prior to August of 1992, you decided that
- 8 you were going to consider setting up a business of your own, is that right?
- 9 A. Yes.
- 14:26:27 10 Q. 440 Was that prompted by the fact that the Roevin company had effectively ceased?
- 11 A. Yes, it had a part to play in it, yes.
- 12 Q. 441 Right. I know that the, ultimately what you did was to enter into an
- 13 arrangement whereby you took over what was being conducted previously by
- 14 Mr. Richardson, isn't that right?
- 14:26:49 15 A. That's correct.
- 16 Q. 442 Right. But was it the case that before that you in effect were running that
- 17 company in any event?
- 18 A. Yes.
- 19 Q. 443 Even though Mr. Richardson effectively owned it, is that right?
- 14:27:03 20 A. That's correct.
- 21 Q. 444 So you had the option of setting up on your own or of buying out the existing
- 22 business?
- 23 A. Yes.
- 24 Q. 445 Is that right?
- 14:27:11 25 A. Yes.
- 26 Q. 446 And to buy out the existing business you set up a new company which was Euro
- 27 Workforce Limited, is that right?
- 28 A. Yes.
- 29 Q. 447 So insofar as there was a connection between Mr. Des Richardson and Workforce
- 14:27:28 30 companies, that is companies either having the name Workforce within their

- 14:27:33 1 title or owning the business name Workforce or Roevin Workforce, that ceased in
2 1992, is that right?
- 3 A. Yes.
- 4 Q. 448 Yeah. I know that you had to go through a buy out procedure under which you
14:27:54 5 paid Mr. Richardson for the company. But is it the case that none of that
6 documentation is now available to you. You don't have the agreements that were
7 entered into?
- 8 A. No, I don't.
- 9 Q. 449 No. Your solicitor's file apparently is no longer available on that issue.
- 14:28:14 10 A. Yes.
- 11 Q. 450 Your accountant's files aren't available, is that so?
- 12 A. Yeah, everything appears to be gone.
- 13 Q. 451 Everything is gone. So there's no paperwork left to analyse exactly how this
14 transition took place, is that right?
- 14:28:27 15 A. Yes.
- 16 Q. 452 But are you satisfied that Mr. Richardson was not in any sense a shadow
17 director or a controller in any way of Euro Workforce Limited, that that was
18 solely and exclusively your company with your wife having the interest which
19 she did, that is 1/20th of the company?
- 14:28:49 20 A. Yes, and just from what you said in the last few minutes. You probably can see
21 why I wanted to set up a separate entity for myself, because the other stuff
22 was very complicated, so I wanted to have a clean sheet going forward.
- 23 Q. 453 Right. Well, is it the case that you went through some form of a due diligence
24 examination of Workforce Limited before you elected to set up your own company,
14:29:18 25 Euro Workforce, to conduct the business rather than to buy out the shares which
26 might be a more usual way of acquiring the business?
- 27 A. Well yes there was. Well a reasonable due diligence in a sense that I was
28 working there.
- 29 Q. 454 Yes.
- 14:29:33 30 A. And all I wanted from, was the business part of it not all the shares or the

14:29:39 1 other parts of it.

2 Q. 455 Yes. The other parts, I suppose, including its tax history and other issues

3 that might arise.

4 A. Well any possible problems like that.

14:29:50 5 Q. 456 Yes. And in your relationship then with Mr. Richardson from August 1992, up to

6 this period that we're considering in December 1993, the payments which you

7 made to Mr. Richardson in that period were on what basis?

8 A. It was on a portion, I think it was 30 per cent of the gross profits of the

9 company.

14:30:20 10 Q. 457 Yes. There was an indication I think given by you that in addition to that, he

11 was a consultant to the company and that he was being paid money by the

12 company, is that so?

13 A. He was a consultant but in a sense that he had to stay looking after the

14 interests of the company while the airing out was going on.

14:30:47 15 Q. 458 I see. So effectively he was tied to the company to the extent that he had to

16 be involved as necessary until such time as he had been paid off, is that

17 right?

18 A. Yes, that's standard sort of scenario.

19 Q. 459 And I think that the company Euro Workforce had itself a relatively short life,

14:31:07 20 it was sold on its business to Park, another company, is that right?

21 A. That's correct, yeah.

22 Q. 460 And was that in 1994?

23 A. 1995.

24 Q. 461 Right. And when that happened I think Euro Workforce was then dissolved, is

14:31:23 25 that right?

26 A. Euro Workforce as part of the deal had to change its name to a company called

27 Global Manpower Limited. And it was not permitted to use Workforce or any part

28 of it going forward, that was part of the deal.

29 Q. 462 And did you cease to have any connection then with Mr. Richardson after that

14:31:45 30 point?

- 14:31:45 1 A. Yes.
- 2 Q. 463 Thank you Mr. Maguire.
- 3
- 4 CHAIRMAN: Mr. O'Callaghan? Do you want to ask O'Callaghan yes, Chairman
- 14:32:06 5
- 6 **THE WITNESS WAS QUESTIONED BY MR. O'CALLAGHAN AS FOLLOWS:**
- 7
- 8 Q. 464 MR. O'CALLAGHAN: Yes, Chairman, if you wouldn't mind.
- 9
- 14:32:07 10 Mr. Maguire, I appear on behalf of Mr. Richardson. And I just want to ask you
- 11 a number of questions. Can I start in respect of the invoice that was issued
- 12 by Euro Workforce on 14th December 1993. And I just want to ask you some
- 13 questions about Euro Workforce. Was Mr. Richardson ever a director of Euro
- 14 Workforce Limited?
- 14:32:25 15 A. No.
- 16 Q. 465 And I think you confirmed to Mr. O'Neill a few minutes ago that he was never a
- 17 shadow director of Euro Workforce as well, isn't that right?
- 18 A. Yes, correct.
- 19 Q. 466 Was Mr. Richardson ever a shareholder in Euro Workforce?
- 14:32:41 20 A. No.
- 21 Q. 467 Did Mr. Richardson ever ask you, in your capacity in Euro Workforce, to issue
- 22 an invoice to NCB?
- 23 A. No.
- 24 Q. 468 Did Mr. Richardson have access in or around December 1993 to raising an invoice
- 14:33:00 25 within Euro Workforce himself?
- 26 A. Not that I'm aware of.
- 27 Q. 469 You saw the invoice 2789 that was dated the 14th of December 1993, and which
- 28 was issued to NCB and it's document 18904 in the Tribunal's numbering. Can I
- 29 ask you in respect of that invoice, Mr. Maguire, did Mr. Richardson have
- 14:33:26 30 anything to do with this invoice?

- 14:33:31 1 A. Not that I'm aware of but I'm not 100 per cent sure.
- 2 Q. 470 But to your knowledge he had nothing to do with --
- 3 A. To my knowledge, no.
- 4 Q. 471 And finally, in respect of the payments that were made by Euro Workforce to
- 14:33:44 5 Willdoover, am I correct in saying that you regard those payments and in
- 6 particular the payment that was made as on the 15th of December 1993, as being
- 7 fully orthodox?
- 8 A. Yes.
- 9 Q. 472 Thank you very much. Thank you very much.
- 14:33:59 10
- 11 CHAIRMAN: Mr. Ryan, do you wish to?
- 12
- 13 **THE WITNESS WAS QUESTIONED BY MR. RYAN AS FOLLOWS:**
- 14
- 14:34:03 15 Q. 473 MR. RYAN: Mr. Maguire, I wonder if we could have that invoice back up on the
- 16 screen, please. 18904. If we could turn it around. Now, Mr. Maguire, I
- 17 wonder could you look at that invoice. It is entitled Euro Workforce Limited.
- 18 Is there anything unusual about that invoice? First of all, if I could ask you
- 19 to look at the account number underneath that there's NCB?
- 14:34:45 20 A. Yes.
- 21 Q. 474 Now, would it be usual to have that as a description under account number
- 22 initials like that?
- 23 A. Yes but it may also have a number after that. The name of the account plus a
- 24 number.
- 14:34:57 25 Q. 475 You say it may also have a number?
- 26 A. It usually has a number.
- 27 Q. 476 Very good. And if we look underneath the address on the invoice there is
- 28 something Xed out over typed. Do you have any idea what those words might be?
- 29 A. I don't remember exactly but it's either for services or week ending, for week
- 14:35:22 30 ending.

- 14:35:22 1 Q. 477 Very good. Now, do you see the address NCB Group and the address Percy House
2 is given and then it's attention Mr. Padraic O'Connor managing director. If
3 you were raising an invoice or your company was raising an invoice for
4 preparation of health and safety survey at premises Mount Street, would you
14:35:49 5 normally address it in that manner to the managing director, to specifically to
6 the managing director?
- 7 A. Generally not to a managing director unless it was a very small company. It
8 would be directed to the facilities manager or the accounts payable or
9 something like that.
- 14:36:01 10 Q. 478 I see. Now, down at the bottom there is VAT number and it's pretty indistinct
11 on this copy of the invoice. But how was that VAT number fixed or put on the
12 VAT invoice, this particular invoice?
- 13 A. Well it's not very visible there. It appears to be stamped on.
- 14 Q. 479 A rubber stamp.
- 14:36:27 15 A. Something like that, yeah.
- 16 Q. 480 Now, your company started business in 1992, August 1992, is that correct?
- 17 A. Yes.
- 18 Q. 481 And what form of stationery would you have had in August 1992?
- 19 A. Well we would have the normal ones and the invoices but we may not have had the
14:36:50 20 VAT number at that stage when we did our first print run.
- 21 Q. 482 So you would have a print run without a VAT invoice number?
- 22 A. Yes.
- 23 Q. 483 Without a VAT number?
- 24 A. Without a VAT number, yeah.
- 14:37:01 25 Q. 484 I see.
- 26 A. So we had to stamp them on originally to start.
- 27 Q. 485 Are you saying that that did happen initially?
- 28 A. Yes.
- 29 Q. 486 Now, when this invoice was issued or raised on the 14th of December 1993, your
14:37:17 30 company was then in business some one year four months. What type of

- 14:37:23 1 stationery were you using in standard form at that time?
- 2 A. Well we would have all the numbers on it at that stage. This would probably be
- 3 an initial run for the first couple of months or whatever to get the number
- 4 sorted but at that stage we'd be up and running and have all of the numbers
- 14:37:39 5 printed on.
- 6 Q. 487 Including the VAT number pre-printed?
- 7 A. Yes, yeah.
- 8 Q. 488 I see. And are you aware of the original print run, was it fully used up or
- 9 was it still some of it left over?
- 14:37:58 10 A. I don't know how much would be left over. There would always be a few boxes of
- 11 it left for spare in the office, yeah.
- 12 Q. 489 And were they there at that time in December?
- 13 A. They would because it wouldn't have got rid of them.
- 14 Q. 490 Very good. So if somebody has wished to raise an invoice, which I think has
- 14:38:19 15 been referred to it was a bogus invoice, they would have access to that
- 16 original stationery, is that correct?
- 17 A. It's possible, yes.
- 18 Q. 491 And they wouldn't have had to use the later form of invoice which I think was
- 19 printed on a computer mostly, is that correct?
- 14:38:35 20 A. Yes.
- 21 Q. 492 So they would have access to a, as it were, a blank form and they could type in
- 22 the information?
- 23 A. Yeah, be easy enough.
- 24 Q. 493 Very good. Now, in addition to work placement, you carried out this business
- 14:38:56 25 of health and safety surveys, is that correct?
- 26 A. That's correct, yeah.
- 27 Q. 494 And part of that work, I think in fact the bulk of that work was for Allied
- 28 Irish Bank.
- 29 A. Yes, correct.
- 14:39:08 30 Q. 495 Which had been taken over from we'll call it Mr. Richardson's Workforce, is

- 14:39:12 1 that right?
- 2 A. That's correct, yeah.
- 3 Q. 496 Now, was that ongoing or was it coming to an end?
- 4 A. It came to an end I think around the end of 2000 or '93.
- 14:39:24 5 Q. 497 At the end of?
- 6 A. '93 or going down the early part of '94 I think.
- 7 Q. 498 And what was the basis of charge for these surveys?
- 8 A. That would be per unit survey per building. I think for the small ones for the
- 9 one or the maybe two rooms or branch, subbranch would be around 500 Euro or 500
- 14:39:54 10 pounds sorry.
- 11 Q. 499 And the bigger buildings more surveying a greater fee?
- 12 A. Yes.
- 13 Q. 500 Would a fee of 5,000 have been medium, large, what sort of rate would that be
- 14 in the fee structure?
- 14:40:18 15 A. Well that would be at the upper end but it depends on the size of the building.
- 16 Q. 501 Sorry.
- 17 A. It depends on the size of the building.
- 18 Q. 502 Yes. Would that fee have been commensurate with the building of the type used
- 19 by NCB or are you aware of?
- 14:40:29 20 A. I think I know the building in Mount Street and that's a fairly sizeable office
- 21 building but this would be probably a little bit expensive.
- 22 Q. 503 A bit expensive. More than you would expect to see on an invoice, is that
- 23 right?
- 24 A. Probably.
- 14:40:46 25 Q. 504 Very good. Now, you were, the AIB business was tailing off and if this was a
- 26 single transaction with NCB I'm quite sure it would cause some element of a
- 27 flurry insofar as it might be a new source of business, is that correct?
- 28 A. Yes, corrects.
- 29 Q. 505 Would you be likely to remember the work of this nature then was carried out
- 14:41:12 30 for this new client?

- 14:41:14 1 A. I would, particularly a new client like this.
- 2 Q. 506 And do you remember it?
- 3 A. I don't remember it.
- 4 Q. 507 And who would have carried out these surveys for you?
- 14:41:25 5 A. We had two main architects who was doing the job for us.
- 6 Q. 508 And have you discussed this work with them?
- 7 A. I have.
- 8 Q. 509 This alleged work, according to the invoice?
- 9 A. I have spoken with both of them and asked them.
- 14:41:40 10 Q. 510 Did they remember the work?
- 11 A. They didn't remember the work but neither could they say they didn't do it for
- 12 sure but they didn't remember doing.
- 13 Q. 511 So is it true then to say that would you accept, as I think so other persons
- 14 giving evidence to this Tribunal have accepted, from your state of knowledge of
- 14:42:01 15 the work and the business, would you accept that this appears to be a bogus
- 16 invoice?
- 17 A. From all the evidence available to me it appears that way.
- 18 Q. 512 Very good. Now, you have indicated then that you don't remember anything about
- 19 the survey. Do you remember did anyone approach you and ask you did
- 14:42:28 20 Mr. Richardson or anyone else ask you to prepare such an invoice?
- 21 A. No.
- 22 Q. 513 No. And would you remember it if somebody did?
- 23 A. I certainly. I think I would anyway.
- 24 Q. 514 What about the cheque that we know came in to the office and was factored, went
- 14:42:54 25 through the factoring system on the 14th or 15th of December? Would a cheque
- 26 of that size of have drawn anything to your mind or to your notice?
- 27 A. Well I always like to see big cheques coming in but I generally wouldn't be
- 28 involved in the collection of their, or the collating of the cheques as they
- 29 come in to the office.
- 14:43:16 30 Q. 515 Very good.

- 14:43:17 1 A. They wouldn't come to me.
- 2 Q. 516 And is it in fact true that we saw all of these various documents put up on the
3 screen today in connection with the factoring of this and other cheques at that
4 time, were those documents prepared by Sandra Fallon?
- 14:43:37 5 A. Yes, yes, has her signature on them.
- 6 Q. 517 Now, there were a number of them shown on screen. 24764 was the letter from
7 the bank but the actual 24766, that's a signature there, is that Sandra
8 Fallon's signature?
- 9 A. Yes.
- 14:43:58 10 Q. 518 And 24767 again, is that Sandra Fallon's signature?
- 11 A. Yes.
- 12 Q. 519 And 24768 authorised signatory there is?
- 13 A. Yes.
- 14 Q. 520 Sandra Fallon, is it?
- 14:44:16 15 A. Yes, yes.
- 16 Q. 521 And also on 24769 Sandra Fallon?
- 17 A. Yes.
- 18 Q. 522 And you haven't signed any of those documents?
- 19 A. No.
- 14:44:33 20 Q. 523 Now, is it true that Sandra Fallon was a former employee of Des Richardson in
21 his Workforce Limited company?
- 22 A. Yes.
- 23 Q. 524 She knew Des Richardson, Mr. Richardson?
- 24 A. Yes.
- 14:44:56 25 Q. 525 And can you tell me then a cheque for -- your company wasn't exactly very
26 solvent at the time, it was mostly in overdraft, is that correct?
- 27 A. Well it wasn't flush with funds.
- 28 Q. 526 It wasn't rolling in it, isn't that correct. So if a cheque for 6,050 came in,
29 as this one did, would you be likely to keep it until the 2nd of March before
14:45:30 30 presenting it?

- 14:45:31 1 A. Absolutely not.
- 2 Q. 527 And did you keep this cheque until the 2nd of March?
- 3 A. I never had the cheque to keep.
- 4 Q. 528 It doesn't seem to have been kept on the company file. It's more like what
- 14:45:44 5 would be described as a trousered cheque. You didn't keep it anywhere that
- 6 you're aware of or that you remember?
- 7 A. No, I did not.
- 8 Q. 529 And did you present it for payment ultimately on the 2nd of March?
- 9 A. No.
- 14:45:57 10 Q. 530 We've already heard from -- Mr. O'Neill has indicated that an earlier witness
- 11 had indicated that Mr. Richardson requested a replacement cheque from NCB and
- 12 this was eventually lodged for payment on the 21st of March. Now, I want to
- 13 know first of all first, did you have any knowledge of the first cheque the one
- 14 that was lodged, that was held for almost three months, two and a half months,
- 14:46:31 15 and eventually lodged on the 2nd of March. Did you have any notice that
- 16 payment had been refused on that cheque?
- 17 A. No.
- 18 Q. 531 Who would have been notified?
- 19 A. Normally would come to Sandra Fallon, those queries.
- 14:46:43 20 Q. 532 You would accept that it is possible, at least possible if not likely, that in
- 21 a situation like that there would be contact, there would have to be contact
- 22 with your bank, Bank of Ireland, and your company?
- 23 A. Yes, normally there would be, yes.
- 24 Q. 533 And would you remember such contact if it had arisen?
- 14:47:02 25 A. Well if it was brought to my attention, yes.
- 26 Q. 534 And do you remember any such contact?
- 27 A. No.
- 28 Q. 535 No. Did you have any contact with NCB with regard to the second cheque?
- 29 A. No.
- 14:47:19 30 Q. 536 Did you discuss it with anyone?

14:47:21 1 A. No.

2 Q. 537 But we do know that Mr. Richardson requested it?

3 A. That appears to be the case.

4 Q. 538 Did anyone discuss the NCB transaction with you at all?

14:47:34 5 A. No.

6 Q. 539 I mean the raising of the invoice, the first cheque, the withholding of it for

7 some unknown reason and the obtaining of the second cheque. Did anyone discuss

8 that with you?

9 A. No, none.

14:47:49 10 Q. 540 Did you know or have you ever -- had you ever met Mr. O'Connor of NCB?

11 A. No.

12 Q. 541 Had you ever spoken to him?

13 A. Never spoke to him, never met him.

14 Q. 542 Did you know Mr. Ahern, Mr. Bertie Ahern?

14:48:14 15 A. Well I know him.

16 Q. 543 Well we all know him. Did you everybody know him on the basis of any contact?

17 A. No.

18 Q. 544 You never met him?

19 A. No.

14:48:26 20 Q. 545 Were you aware at that, during this period '92, '93, '94, were you aware that

21 Mr. Richardson was active in Fianna Fail matters?

22 A. I was.

23 Q. 546 You were. Now, at that specific time 1993/'94 December 1993, up to March '94.

24 Were you aware in any way that Mr. Richardson was collecting money to pay for

14:48:56 25 Mr. Ahern?

26 A. No, I didn't know anything about that.

27 Q. 547 Did he ever discuss it with you?

28 A. No.

29 Q. 548 Or anybody?

14:49:02 30 A. No.

14:49:02 1 Q. 549 And finally, Mr. Maguire, these payments which were made to Willdoover, were you
2 aware of any of those being for a purpose other than for paying for the
3 purchase of the company?

4 A. No.

14:49:27 5 Q. 550 Were you ever presented with the cheque and it was indicated that it was for
6 any other reason such as passing on funds improperly?

7 A. No, no, I was not.

8 Q. 551 How would you come to sign these cheques, in what form would they be presented
9 to you?

14:49:45 10 A. Well, Sandra would have printed them off and put her signature on them first
11 and they would arrive on my desk, they usually come in lumps of cheque they
12 could be anything from maybe 30 to 50 cheques at a time. So I would just sign
13 them off without ever, I wouldn't double-check them again, if that was the
14 question. If Sandra had approved them and signed them I would just sign them
15 on.

16 Q. 552 So you place a lot of trust obviously in Sandra Fallon?

17 A. Absolutely, yes, and she was very good at her job.

18 Q. 553 Thank you very much, Mr. Chairman.

19

14:50:25 20 MR. O'NEILL: Sorry

21

22 **THE WITNESS WAS QUESTIONED BY MR. O'NEILL AS FOLLOWS:**

23

24

14:50:27 25 Q. 554 MR. O'NEILL: Just one matter if I may arising out of that, Mr. Maguire.

26 Would you agree with me that it's clear from all of the documentation which was
27 presented by Ms. Fallon that she carried out her job to the letter. She
28 properly recorded everything that was done, she sent, she completed all of the
29 documentation we've seen here in relation to submitting the ledger sheets to
14:50:53 30 the bank and the monies which were generated on foot of that were lodged to the

14:50:59 1 company's account?

2 A. Yes.

3 Q. 555 There was no inference, in other words, that she did anything other than

4 exactly as she was required to do, isn't that so?

14:51:07 5 A. That's correct.

6 Q. 556 Thank you.

7

8 CHAIRMAN: Could I have 18904 again. No. 18904. This is the invoice,

9 Mr. Maguire, could I just ask you if you forget for a minute or remove out of

10 that the typed in information, the address and the description of the work. Is

11 that, does that appear to you to have been an actual type of invoice that was

12 available in your company and was being used by your company or do you see

13 anything in the format which would suggest that it was a once off?

14 A. The only thing I would say, it might be typed up as distinction from printed on

14:52:05 15 the computer. But it's, the invoice is the official invoice.

16

17 CHAIRMAN: Yes. And do you see the type setting or the actual print. This is

18 the information that's printed on the document?

19 A. Yeah.

14:52:28 20

21 CHAIRMAN: Is that of the type or is that similar to the type of print used in

22 your company at the time or would you know?

23 A. I wouldn't be sure about the typeface now. I wouldn't be sure about the

24 typeface but it's very similar. It looks similar to me.

14:52:39 25

26 CHAIRMAN: All right. And do you see the description to prepare health and

27 safety survey of premises at Mount Street?

28 A. Yeah.

29

14:52:45 30 CHAIRMAN: Is that the way, if you, say, in relation to your work with I think

14:52:53 1 AIB doing this type of work for AIB. Is that the wording that would be used
2 for an invoice to be sent to AIB?
3 A. Yes, that's it. That's almost identical to the wording.
4

14:53:06 5 CHAIRMAN: And do you see the invoice number on the, up on the right-hand side
6 2789?
7 A. Yeah.
8

9 CHAIRMAN: Is that a genuine invoice number, do you know?
14:53:15 10 A. I don't know but it seems to follow from some of the invoice that is
11 Mr. O'Neill was speaking about earlier on there that was presented to the bank,
12 the commercial bank.
13

14 CHAIRMAN: So it seem to be roughly in sequence?
14:53:32 15 A. Yeah.
16

17 JUDGE FAHERTY: 24766 and 24767. That might help the Chairman. If you could
18 put them up side by side.
19

14:53:51 20 CHAIRMAN: Yes. It seems to be in sequence. And then just finally,
21 Mr. Richardson, Mr. Richardson in Mr. Richardson's involvement with the company
22 at this time in 1993, was for the purposes of being paid certain sums of money
23 at different intervals.
24 A. That's correct, yeah.

14:54:23 25
26 CHAIRMAN: Had he any involvement in the work of the company?
27 A. Well he was, his function would also be to be out there looking for work for
28 Euro Workforce.
29

14:54:35 30 CHAIRMAN: And would he have been in and out of the office?

14:54:38 1 A. Occasionally. He wouldn't be an every day person in and out. Just
2 occasionally might drop in if he was passing by. But in the early parts of
3 the, when we took over first he'd be a fairly regular visitor. Down this end
4 of the time he would be, you might see him once a month or less, you know.

14:54:59 5
6 CHAIRMAN: And he, would he be, he'd have had access to the office and so on?

7 A. Oh, yeah he'd be just like any of the rest of us I guess.

8
9 CHAIRMAN: All right.

14:55:09 10
11 JUDGE FAHERTY: Yes. It's really a variation on something the Chairman was
12 asking you, Mr. Maguire. If you look at the documents on screen before you. I
13 think you had said to your counsel a little while ago when you started off you
14 might have pre printed invoices but the VAT number wouldn't have been on it.

14:55:26 15 A. Yes.

16
17 JUDGE FAHERTY: It would be stamped on it, is that correct?

18 A. Yes.

19
14:55:30 20 JUDGE FAHERTY: But you suggested I thought that by December 1993, where you
21 had been in existence some 16 months, you might have invoices with the VAT
22 number already printed on it?

23 A. Yes.

24
14:55:42 25 JUDGE FAHERTY: Now, you also said that you thought you might have some old
26 stationery left around the place.

27 A. Yeah.

28
29 JUDGE FAHERTY: Which might account for the invoice.

14:55:51 30 A. Yes.

14:55:52 1
2 JUDGE FAHERTY: I just want to ask you. If you look at the invoices, the
3 document on the left. You have invoice No. 2788 and 2789, isn't that correct?
4 A. Yeah.

14:56:03 5
6 JUDGE FAHERTY: And I think the 2789 is the invoice that issued from, well on
7 the face of it, from Euro Workforce to NCB, isn't that correct?
8 A. That looks right, yeah.
9

14:56:13 10 JUDGE FAHERTY: If you look at the document on the right which is another
11 sales ledger detailing other invoices which were generated, I think on the same
12 date, yes 14th of December 1993. They would appear to run sequentially, isn't
13 that correct?
14 A. Yes.

14:56:28 15
16 JUDGE FAHERTY: 2790, 2791, 2792 right down to 2795 I think.
17 A. Yes.
18

19 JUDGE FAHERTY: So it would appear on the face of it at least that on the
14:56:40 20 four, that in December on the 14th of December 1993, this invoice that was
21 generated to NCB was one of a sequence of invoices generated by your company in
22 sequence.
23 A. Yes but the numbers, those numbers would not be on the invoice as printed.
24

14:57:04 25 JUDGE FAHERTY: Yes.
26 A. They would be as generated in the office.
27

28 JUDGE FAHERTY: Yes. The point I'm making is. This was business that was
29 conducted on the day.
14:57:16 30 A. Oh, yes, yes, yes, yes.

14:57:18 1
2 JUDGE FAHERTY: Yes. And are you saying that the number would, the number on
3 the invoice would be typed in.
4 A. Yeah, it would be. I'm almost sure the invoice would be generated by the
14:57:31 5 computer.
6
7 JUDGE FAHERTY: Yes. But obviously if you were doing business, did you
8 conduct your business on a sequential, you wouldn't be issuing an invoice with
9 the same number to any number of creditors.
14:57:56 10 A. No, it would be a unique number.
11
12 JUDGE FAHERTY: A unique number, yes. This is one of a sequence of invoices,
13 isn't that the point?
14 A. Yes.
14:57:56 15
16 JUDGE FAHERTY: That was generated on that particular day.
17 A. That particular day, yes.
18
19 JUDGE FAHERTY: Very well. And the other thing that I wanted to ask you,
14:58:03 20 Mr. Maguire. You said in response to Mr. O'Neill, and again I think you've
21 answered the Chairman. When you purchased the business back in August 1992,
22 that's what you purchased you say?
23 A. Yes.
24
14:58:16 25 JUDGE FAHERTY: And you changed the name to Euro Workforce, isn't that
26 correct?
27 A. Well it's a brand new name.
28
29 JUDGE FAHERTY: Yes. Yes. That was your business. And you said you were,
14:58:26 30 you had done a buy out deal with Mr. Richardson?

14:58:29 1 A. Yes.
2
3 JUDGE FAHERTY: And you were making payments to him, is that correct?
4 A. That's correct, yeah.
14:58:33 5
6 JUDGE FAHERTY: And I take it that the payments were a historical thing, that
7 was the manner in which you were paying for the business which you were buying,
8 is that correct?
9 A. That's correct, yeah.
14:58:42 10
11 JUDGE FAHERTY: And you said that your files, there would have had to have
12 been a written agreement then obviously if he was to get 30 per cent.
13 A. There was an official agreement, yeah.
14
14:58:53 15 JUDGE FAHERTY: And where is that agreement, Mr. Maguire?
16 A. I don't have it now. It was done through my solicitor.
17
18 JUDGE FAHERTY: Is it on your solicitor's file then?
19 A. I don't think he can find it or whatever.
14:59:07 20
21 JUDGE FAHERTY: And do you know if any copy of it is extant because obviously
22 if there are two people conducting business there would have to be more than
23 one copy of the agreement?
24 A. Yes.
14:59:17 25
26 JUDGE FAHERTY: To your knowledge do you know if that, is there an extant copy
27 of that agreement?
28 A. I don't know. I don't have one anyway.
29
14:59:25 30 JUDGE FAHERTY: All right. And I think you also said to Mr. O'Neill that your

14:59:30 1 accountant file, where is that file?

2 A. My accountant file.

3

4 JUDGE FAHERTY: Yes. I understood you said that they were both gone, is that

14:59:39 5 it?

6 A. As far as I'm aware, my accountant doesn't have any information on this either.

7

8 JUDGE FAHERTY: But if you were doing your accounts at the end of the year

9 there would have to be some description.

14:59:52 10 A. Oh, accounts were done at the time.

11

12 JUDGE FAHERTY: Yes.

13 A. They were done. Our accounts were done, what's called management accounts,

14 every three months as we went along.

15:00:02 15

16 JUDGE FAHERTY: Yes.

17 A. And the banks wanted those things. Maybe the banks may have them.

18

19 JUDGE FAHERTY: I see. Thank you.

15:00:12 20

21 JUDGE KEYS: Mr. Maguire, just clarify one thing. Who do you say had actual

22 control over the actual issuing of invoices from the company? I mean, who said

23 bill that person for the services we rendered to them?

24 A. Generally it may always nearly it would be me because I would be involved in

15:00:33 25 the business front of it. And I would bring the information to Sandra Fallon

26 who would then generate the invoice for it.

27

28 JUDGE KEYS: I would expect that because then you would have control over the

29 charges and what was to be charged to the client and so on.

15:00:48 30 A. Yeah, that was, yeah ...

15:00:50 1
2 JUDGE KEYS: And you have no no recollection whatsoever of an invoice coming
3 across or a request or a direction that an invoice should be issued to NCB for
4 work done?
15:01:01 5 A. No.
6
7 JUDGE KEYS: Do you believe that if it had come before you that you would
8 remember it?
9 A. I would expect so.
15:01:15 10
11 JUDGE KEYS: Would why would that be?
12 A. Because this would be what would be regarded as a blue chip client. A fairly
13 good job and those little things are important, particularly when you need the
14 work like that.
15:01:28 15
16 JUDGE KEYS: And who actually then draws up the invoice, is it Ms. Fallon or
17 A. It would be, it would be Sandra Fallon, yes.
18
19 JUDGE KEYS: Who would have access to the stationery. When I say stationery I
15:01:42 20 mean the particular invoices?
21 A. Well obviously Sandra Fallon would be.
22
23 JUDGE KEYS: She would be one. And yourself?
24 A. And myself, yeah.
15:01:49 25
26 JUDGE KEYS: Who else?
27 A. Probably, there was another girl in the office that would be a payroll girl
28 that would be doing that as well.
29
15:01:58 30 JUDGE KEYS: I see. No further questions.

15:02:01 1
2 JUDGE FAHERTY: Just one aspect, Mr. Maguire. Just on the agreement you say
3 you had with Mr. Richardson when you were paying him, what was the duration of
4 that agreement to be?

15:02:10 5 A. It was to run over about 18 or 24 months, that type of thing. But I know we,
6 the thing was going quite well for nearly a year and then we had some cashflow
7 problems and we had to cut down his payments in order to continue. And that's
8 why the higher payments were showing up down on the screen earlier on and then
9 we dropped back down.

15:02:38 10
11 JUDGE FAHERTY: Thank you.

12 A. All right.

13

14 CHAIRMAN: All right. Thank you very much, Mr. Maguire.

15:02:51 15

16 **THE WITNESS THEN WITHDREW.**

17

18

19 CHAIRMAN: That concludes the business of the day. We are sitting tomorrow at
15:02:51 20 half past ten.

21

22 MR. O'NEILL: Yes, half past ten.

23

24 CHAIRMAN: Thank you.

15:02:51 25

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

27 **7TH DECEMBER 2007, At 10.30 A.M.:**

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