

09:58:14 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY.**

2 **11TH JULY 2008, AT 10:30 A.M:**

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

10:33:30 5  
6 **MR. OWEN O'CALLAGHAN CONTINUED TO BE QUESTIONED BY.**

7 **MS. DILLON AS FOLLOWS:**

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

10:33:46 10 A. Good morning.

11  
12 Q. 1 MS. DILLON: Good morning, Mr. O'Callaghan. You will remember that yesterday  
13 at the conclusion of the hearings in which your evidence was being taken in  
14 connection with the three Shefran payments, I had referred you to the fact that  
10:33:58 15 Mr. Donagh had given evidence to the Tribunal in relation to his knowledge of  
16 Shefran, isn't that right?

17 A. Yes.

18 Q. 2 And I had indicated to you that it had been Mr. Donagh's, I think evidence to  
19 the Tribunal, that he received a telephone call in relation to the Shefran  
10:34:15 20 payments and on being told that it was Mr. Dunlop, he authorised the cashing of  
21 the cheque, isn't that right?

22 A. Yes, yes.

23 Q. 3 Now, can I put to you precisely what Mr. Donagh said on day 8, sorry I beg your  
24 pardon on day 851, please, at question 561. Which I think is page 99 or  
10:34:43 25 thereabouts. Now, in his reply to question 561, Mr. Donagh says as follows.

26  
27 "Okay. I will answer that in two parts so there is clarity.

28 Firstly, etc. the first time we reconciled and looked to reconcile all of the  
29 payments that were made in relation to all of the various people. And as you  
10:35:13 30 have already said earlier on, bar land sales the majority of them were

10:35:17 1 Shefran/Dunlop that's the first time we looked to reconcile. The first time I  
2 would have been aware of a payment to Shefran/Dunlop would have been in  
3 relation to the phone call I got sometime after Owen O'Callaghan advising me in  
4 April, that Frank Dunlop had been employed by him and a request from College  
10:35:33 5 Street branch to clear a 25,000 payment on Riga. I inquired as to what it was  
6 and I was told this was a Shefran payment. It meant nothing to me. I told  
7 College Street it meant nothing to me and said well we have Frank Dunlop here  
8 with us. I said oh, Frank Dunlop. Yes, he is being retained by Riga. That's  
9 in order to pay that cheque."

10:35:58 10  
11 And would you agree with me, Mr. O'Callaghan, that if Mr. Donagh's evidence to  
12 the Tribunal in this regard is correct, Mr. Donagh did not know that Shefran  
13 and Frank Dunlop were connected until he received the phone call, where College  
14 Green were seeking to pay the cheque to Mr. Dunlop, isn't that right?

10:36:17 15 A. That seems right, yes.

16 Q. 4 Right. It would follow from that then, that by the time you made the first  
17 payment to Mr. Dunlop through Shefran, you hadn't told to the bank that Mr.  
18 Dunlop was being paid through Shefran, isn't that right?

19 A. Yes.

10:36:30 20 Q. 5 Right. Now, we know that if Mr. Donagh's evidence is correct, that that had to  
21 be the first Shefran payment because we know that the first Shefran payment was  
22 25,000 pounds, isn't that right?

23 A. Yes.

24 Q. 6 And we know that that at 5,000 please. Was a cheque that you say was written  
10:36:49 25 by coincidence on the 16th of May 1991 but which is cashed by Mr. Dunlop in his  
26 bank at College Green on the 17th of May 1991. And you will see that from the  
27 stamp on the cheque, isn't that right?

28 A. Yes.

29 Q. 7 And that again is a cheque made out to Shefran and not to Shefran as we looked  
10:37:08 30 at yesterday, isn't that the position?

- 10:37:11 1 A. Yes.
- 2 Q. 8 It would follow from that then, Mr. O'Callaghan, that the bank were prepared to  
3 authorise payment of the cheque on discovery of the fact that in fact it was  
4 Mr. Frank Dunlop they were paying and not some company of which they were  
10:37:23 5 unaware, isn't that right?
- 6 A. Yes.
- 7 Q. 9 Right. Was there any reason why you wouldn't have disclosed to the bank your  
8 arrangement with Mr. Dunlop to fund him his professional fees through Shefran?
- 9 A. No, I don't think it ever arose, I don't think the bank asked me and I probably  
10:37:36 10 hadn't any opportunity to discuss it with them.
- 11 Q. 10 Yes.
- 12 A. And I also probably felt there was no need to discuss it with them.
- 13 Q. 11 Now, I think you met with the bank on the 14th of May 1991, and we looked at  
14 this yesterday at 5052. And Mr. Gilmartin and Mr. Owen O'Callaghan and Mr. Jim  
10:37:57 15 Donagh are present at this meeting, isn't that right?
- 16 A. Yes.
- 17 Q. 12 There isn't any reference in the course of this memorandum, which is dated the  
18 14th of May 1991, which is two days before you write the cheque to Mr. Dunlop  
19 through Shefran for 25,000 pounds of either Mr. Dunlop or of Shefran, isn't  
10:38:14 20 that right?
- 21 A. Yes.
- 22 Q. 13 Is that because Mr. Gilmartin was present at the meeting?
- 23 A. I would think so, yes. Possibly yes.
- 24 Q. 14 Because we have seen that on the 28th of April 1991, you told the bank you had  
10:38:34 25 retained Mr. Dunlop, isn't that right?
- 26 A. Yes.
- 27 Q. 15 And you did so in a telephone conversation at which Mr. Gilmartin wasn't privy  
28 to, isn't that right?
- 29 A. Can you just repeat that please?
- 10:38:36 30 Q. 16 You did so in a telephone conversation to the bank, isn't that right?

- 10:38:40 1 A. I told them sorry.
- 2 Q. 17 Yes. I think that you told them that you had retained Mr. Dunlop, isn't that  
3 the position?
- 4 A. Yes.
- 10:38:47 5 Q. 18 And in this meeting, which is a face-to-face meeting, on the 14th of May 1991,  
6 at which stage Mr. Gilmartin I suggest to you must have known that Mr. Dunlop  
7 had been retained, isn't that right?
- 8 A. Yes.
- 9 Q. 19 Because we have seen the faxes Mr. Dunlop sent on the 12nd of May 1991, both to  
10 yourself and to Mr. Gilmartin, isn't that right?
- 11 A. Yes, yes.
- 12 Q. 20 But what I want to ask you about, Mr. O'Callaghan, is this point; is that on  
13 the 14th of May 1991, you had in your possession three invoices from Shefran  
14 totalling 80,000 pounds, isn't that right, if your evidence is correct?
- 10:39:04 15 A. Yes.
- 16 Q. 21 And you knew even if nobody else at the meeting knew, that you had agreed to  
17 pay Mr. Dunlop 80,000 pounds or 100,000 pounds because it had gone past the 1st  
18 of May, isn't that right?
- 19 A. Yes.
- 10:39:22 20 Q. 22 There is no reference in this memorandum or note of any imminent payment to be  
21 made on behalf of Barkhill to Mr. Dunlop, isn't that right?
- 22 A. That's right.
- 23 Q. 23 Right. Neither is there any disclosure to the bank or to Mr. Gilmartin at this  
24 point in time of the fact that there is now a liability incurred by Barkhill to  
10:39:51 25 Mr. Dunlop in the sum of 100,000 pounds on foot of your agreement with him,  
26 isn't that right?
- 27 A. Yes.
- 28 Q. 24 And neither is there any indication in this memorandum that you are about to  
29 pay 25,000 pounds being the first payment to Mr. Dunlop, isn't that right?
- 10:40:07 30 A. Yes.

- 10:40:07 1 Q. 25 And I suggest to you that by the 14th of May 1991, if as you say the date of  
2 the cheque and the date of the council meeting is a coincidence only, you must  
3 have been contemplating paying Mr. Dunlop the first payment of 25,000 pounds,  
4 isn't that right?
- 10:40:21 5 A. Yes.
- 6 Q. 26 Why is it then, Mr. O'Callaghan, in the light of those circumstances and in  
7 view of the fact that you are about to layout 25,000 pounds of Barkhill's money  
8 in effect to Mr. Dunlop, did you not disclose to either the bank or Mr.  
9 Gilmartin at this meeting that you proposed within the next two days to pay  
10 25,000 pounds to Mr. Dunlop?
- 11 A. Well, I don't think it arose and there wasn't any great need for me to make the  
12 point at time, I don't see any reason why he should have had.
- 13 Q. 27 You have agreed with me that at this meeting, the only person who knows that  
14 Mr. Dunlop is retained via Shefran is yourself, isn't that right?
- 10:40:56 15 A. At this meeting.
- 16 Q. 28 Yes. Because we've seen from the earlier transcript of Mr. Donagh's evidence,  
17 with which you agree, that it was not until the cheque comes in for clearance  
18 that he becomes aware of Shefran and the fact that Shefran is Mr. Dunlop?
- 19 A. Is it just Shefran you are talking about now? At this particular stage I'm  
20 assuming Tom Gilmartin was aware of Frank Dunlop.
- 10:41:13 21 Q. 29 No. You misinterpret my questions to you, Mr. O'Callaghan. Which is geared to  
22 the apparent non-disclosure in this attendance of the fact that you were about  
23 to pay 25,000 pounds of, in effect, Barkhill's money --
- 24 A. Yes.
- 10:41:30 25 Q. 30 -- to Mr. Dunlop?
- 26 A. Yes.
- 27 Q. 31 And you have already agreed with me this morning that on the 17th of May 1991,  
28 Mr. Donagh becomes aware for the first time, if his evidence is correct, that  
29 Mr. Dunlop and Shefran are one and the same, isn't that right?
- 10:41:46 30 A. Yes.

- 10:41:46 1 Q. 32 He becomes aware for the first time of Shefran on the 17th of May 1991, isn't  
2 that right?
- 3 A. Yes.
- 4 Q. 33 Therefore, on the 14th of May 1991, Mr. Donagh who is at this meeting, does not  
10:41:56 5 know who Shefran is because nobody has told him about self Shefran, isn't that  
6 right?
- 7 A. Mr. Donagh, correct, yes.
- 8 Q. 34 Yes. Mr. Gilmartin may know of Mr. Dunlop but he doesn't know of Shefran or  
9 that there is going to be a payment to Mr. Dunlop through Shefran, isn't that  
10:42:10 10 right?
- 11 A. Yes. Yes.
- 12 Q. 35 So when you suggest to the Tribunal that the issue wasn't raised at the  
13 meeting, can I suggest to you, Mr. O'Callaghan, that's because you didn't raise  
14 it because you were the only person who knew at this meeting that these events  
10:42:22 15 were about to happen, isn't that right?
- 16 A. That's correct, yes.
- 17 Q. 36 So for some reason on the 14th of May 1991, you did not disclose to either the  
18 bank or your potential partner in Barkhill the fact that you were about to pay  
19 25,000 pounds to Mr. Dunlop via Shefran and effectively that money was going to  
10:42:44 20 be a charge against Barkhill ultimately, isn't that right?
- 21 A. That right.
- 22 Q. 37 Now, I'd like you to explain to the Tribunal, Mr. O'Callaghan, if you can, why  
23 it was two days before you paid 25,000 pounds to Mr. Dunlop, you did not  
24 disclose to either the bank or to Mr. Gilmartin the fact that you intended to  
10:42:57 25 pay him this money in the circumstances in which you did?
- 26 A. Well I can't say to you, probably the real reason or the main reason why I  
27 didn't discuss it there was because I hadn't decided at that stage to pay Frank  
28 Dunlop or to pay Shefran the 25,000 pounds --
- 29 Q. 38 So --
- 10:43:13 30 A. -- on the 14th.

- 10:43:14 1 Q. 39 Yes.
- 2 A. The cheque was not paid until the 16th. It was probably on the 16th I decided
- 3 to pay it.
- 4 Q. 40 I suggest to you that that's probably not correct, Mr. O'Callaghan, and I will
- 10:43:23 5 suggest it to you for this reason. You came to Dublin on or before the 16th,
- 6 isn't that right, to attend the meeting?
- 7 A. Yes.
- 8 Q. 41 And it's likely I'd suggest to you that you were in Dublin all of the time
- 9 between the 14th, 15th and 16th, isn't that right?
- 10:43:37 10 A. Yes.
- 11 Q. 42 And you were meeting councillors because in this memorandum you are telling the
- 12 bank over the next two days you are going to be meeting councillors, isn't that
- 13 right?
- 14 A. Yes.
- 10:43:46 15 Q. 43 So you either had in your possession on the 14th of May 1991, the cheque signed
- 16 by Mr. Lucey and written to Shefran, isn't that right?
- 17 A. That's possible.
- 18 Q. 44 Or alternatively, it had to come to Cork from you within the next two days?
- 19 A. That's right.
- 10:44:00 20 Q. 45 And if he it if it came to you from Cork in the next two days there is no paper
- 21 or direction instruction that the cheque was couriered up or brought up by
- 22 anybody else from Cork, isn't that right?
- 23 A. Yes.
- 24 Q. 46 And Mr. Lucey has given evidence to the Tribunal that if you presented him with
- 10:44:18 25 the cheque that he would sign the cheque on foot of your direction. And that
- 26 often you took away with you cheques which were signed but in this case it was
- 27 written out but which weren't written out. And I assume you don't dispute Mr.
- 28 Lucey's evidence?
- 29 A. No.
- 10:44:31 30 Q. 47 Right. It follows from that, Mr. O'Callaghan, that if you are in Dublin the

- 10:44:34 1 14th, 15th and 16th of May 1991, when you are sitting at the meeting in the  
2 bank with Mr. Gilmartin and Mr. Donagh, you have either organised the cheque  
3 for Mr. Dunlop through Shefran or you have it in your pocket, isn't that right?
- 4 A. Possible.
- 10:44:51 5 Q. 48 Right. If you had it in your pocket, Mr. O'Callaghan, on the 14th of May 1991,  
6 which I suggest to you was the most likely scenario?
- 7 A. I can't say for definite but it is possible, yeah. Possible.
- 8 Q. 49 Yes. Well I'll come back to deal in a minute about the other circumstances in  
9 which yourself and the cheque might have come together as it were by the 16th.
- 10:45:11 10 A. Okay.
- 11 Q. 50 To see if that will cast any light on it. But assuming for the moment that the  
12 most likely scenario that I have outlined to you is correct, and that you are  
13 sitting in the bank on the 14th of May 1991, with a cheque made out to Sheafraan  
14 in the sum of 25,000 pounds and it's in your pocket, Mr. O'Callaghan. Why  
10:45:25 15 didn't you tell the bank or Mr. Gilmartin about it?
- 16 A. Because it's quite possible more than likely that I hadn't decided at that  
17 stage as to when I was going to give the cheque to Frank Dunlop. It could have  
18 been a week, it could have been two weeks, it could have been a month later.
- 19 Q. 51 And would --
- 10:45:42 20 A. It would have depended on how our own funding situation was available in Cork.
- 21 Q. 52 Yes. And what difference in the funding situation was there in Cork between  
22 the 14th and the 16th of May 1991, Mr. O'Callaghan?
- 23 A. It's quite possible that on the 16th, Frank Dunlop put me under pressure for  
24 his cheque and I would have checked with Cork to see everything was okay and I  
10:46:03 25 would have then given him the cheque. I also could have kept the cheque in my  
26 pocket for a moment.
- 27 Q. 53 Let's assume, Mr. O'Callaghan, that you are correct in that and that what is  
28 holding you up is the fact that you haven't decided when to pay Mr. Dunlop?
- 29 A. I have not decided when to pay him. That's correct, yes.
- 10:46:17 30 Q. 54 In other words, you haven't decided on the 14th of May, when you are going to

- 10:46:21 1 pay Mr. Dunlop?
- 2 A. Yes.
- 3 Q. 55 I suggest to you that doesn't assist in understanding why it was that you
- 4 didn't disclose your obligation to pay Mr. Dunlop, isn't that right?
- 10:46:28 5 A. Well, there was probably no reason at that stage. I hadn't decided when to pay
- 6 Frank Dunlop. If I did have my cheque in the in my pocket, and that's
- 7 possible, I'm not saying it is. But if I did have the cheque in my pocket I
- 8 hadn't decided when to give it ot Frank Dunlop. I would only give it when
- 9 pressure arose because as I repeated on a few occasions, the financial
- 10:46:54 10 situation with Barkhill always was a problem.
- 11 Q. 56 Yes. You are the person who has suggested to the Tribunal that it is only a
- 12 coincidence that Mr. Dunlop is paid on the same date as the first successful
- 13 vote for Quarryvale, isn't that correct?
- 14 A. Yes.
- 10:46:59 15 Q. 57 So sometime between the 14th of May 1991, when you don't disclose the existence
- 16 of this agreement to Mr. Dunlop, to the bank or Mr. Gilmartin because you
- 17 haven't yet decided to pay Mr. Dunlop and the 16th of May 1991. You decided to
- 18 pay Mr. Dunlop, isn't that right?
- 19 A. I decided because I was more than likely asked.
- 10:47:17 20 Q. 58 Yes. And do you still maintain to the Tribunal that the payment on the 16th of
- 21 May 1991 was unconnected to the successful Quarryvale vote?
- 22 A. Yes and as I said to you yesterday, no, no what I said in my evidence yesterday
- 23 was that it was a coincidence because of the date but it was a nice gesture to
- 24 pay it on the day of the vote of course.
- 10:47:37 25 Q. 59 Yes. And if we look at 5000 then, Mr. O'Callaghan, and we look at the cheque
- 26 if it could be just increased please. And I had asked you yesterday whether in
- 27 fact the date was something that might have been written in by yourself. And I
- 28 think your evidence to the Tribunal was your belief was that it had been
- 29 written by Mr. Lucey, isn't that right?
- 10:47:59 30 A. Yes, yes.

- 10:48:00 1 Q. 60 That would mean that before you left Cork, Mr. O'Callaghan, which had to be  
2 prior to the 14th of May 1991, that cheque was dated by Mr. Lucey for the 16th  
3 of May 1991?
- 4 A. Well can I answer that again then.
- 10:48:15 5 Q. 61 Yes.
- 6 A. Yesterday when I you asked me that question I hesitated for quite a while. I  
7 said it looks like and it could be Mr. Lucey's but the more I look at it -- not  
8 I'm looking at it again, I think it's my writing actually.
- 9 Q. 62 Yes. Yesterday when I had put that to you, Mr. O'Callaghan, that it might be  
10 your writing in relation to that. You demurred from that --
- 11 A. If I remember correctly I wasn't sure. I wasn't quite sure. I said it could  
12 be Mr. Lucey's writing. The more I look it at now and I'm still not certain.  
13 But the more I look at it now it looks like my writing. In fact I think it is  
14 my writing actually.
- 10:48:43 15 Q. 63 Well if you were right yesterday, Mr. O'Callaghan, in the evidence that you  
16 gave to the Tribunal yesterday and that in fact is Mr. Lucey writing --
- 17 A. I didn't say for definite now I'm sorry I did not say that.
- 18 Q. 64 If you are correct in relation to what you indicated to the Tribunal --
- 19 A. In assuming that it was --
- 10:48:57 20 Q. 65 Please allow me to ask you the question, Mr. O'Callaghan. If you were correct  
21 in what you indicated to the Tribunal yesterday, that your belief yesterday was  
22 that that was probably Mr. Lucey's handwriting in so far as the date is  
23 concerned. It would follow from that, that prior to coming to Dublin on or  
24 before the 14th of May 1991, you had decided to pay Mr. Dunlop on the 16th of  
10:49:20 25 May 1991, isn't that right?
- 26 A. That is if it is his writing, yes.
- 27 Q. 66 Now, if your evidence to the Tribunal on reflection today is correct, Mr.  
28 O'Callaghan, you decide to put the date on that cheque at some time after you  
29 leave Cork with the cheque in your possession and presumably you put the date  
10:49:38 30 on it on the 16th of May 1991?

- 10:49:41 1 A. Yeah, and it looks more like that the more I look at it actually.
- 2 Q. 67 I put this to you only, Mr. O'Callaghan, because of your evidence to the
- 3 Tribunal yesterday and the fact that I had specifically asked you whether in
- 4 fact the date might have been in your own writing, isn't that right?
- 10:49:54 5 A. That's correct, yes.
- 6 Q. 68 Yes.
- 7 A. And I did not give you a specific detailed answer.
- 8 Q. 69 Now, the position therefore must be I think, Mr. O'Callaghan, that before you
- 9 embark on your last week of canvassing, prior to the vote on the 16th of May,
- 10:50:09 10 when you leave Cork, the likely scenario is that you have brought with you a
- 11 cheque which is already written out to Sheafraun by Mr. Lucey, isn't that right?
- 12 A. Yes, yes.
- 13 Q. 70 Right. Now, whether the date is put in by Mr. Lucey or whether it's put on by
- 14 you subsequently on the 16th of May, what is clear and can't be disputed is
- 10:50:29 15 that Mr. Lucey wrote the cheque and because you are in Dublin on the 14th of
- 16 May, you have to have the cheque in your possession, isn't that right?
- 17 A. That makes sense, yes.
- 18 Q. 71 And it would follow from that then that you had decided that a payment to Mr.
- 19 Dunlop was imminent even if you hadn't decided on the precise date, isn't that
- 10:50:46 20 right?
- 21 A. Imminent when pressurised to pay it, yes.
- 22 Q. 72 Right. Now, in relation to that. Can I ask you then why didn't you tell at
- 23 5052, your proposed partner and the owner of Barkhill that you were incurring a
- 24 liability in the near future to Mr. Dunlop of 25,000 pounds, which was going to
- 10:51:09 25 become a Barkhill expense, isn't that right?
- 26 A. Yes.
- 27 Q. 73 This was something that was ultimately written up to Barkhill, isn't that
- 28 right?
- 29 A. Yes.
- 10:51:16 30 Q. 74 And when Riga paid that 25,000 pounds to Mr. Dunlop it did not do so on its own

- 10:51:22 1                   behalf, isn't that right?
- 2           A.           How do you mean?
- 3           Q. 75       When Riga paid the 25,000 pounds cheque it was a payment made on behalf of
- 4                   Barkhill?
- 10:51:29 5           A.           Yes, correct.
- 6           Q. 76       And a Westpark expense.
- 7           A.           Yes.
- 8           Q. 77       And you are at a meeting two days before this cheque is paid with Barkhill's
- 9                   bankers and with Mr. Gilmartin, who is at that stage the beneficial owner of
- 10:51:41 10           100 per cent of the shares, isn't that right? I beg your pardon 98 per cent of
- 11                   the shares, isn't that right?
- 12          A.           At that stage I'm not sure, yes, okay. If you say so, yes, I'm not sure.
- 13          Q. 78       Well I think the Share Subscription Agreement was the 13th of September 1991.
- 14                   And you will be familiar because we looked at it, Mr. O'Callaghan, of the
- 10:51:59 15           agreement on the 15th of February 1991, that certain other agreements would be
- 16                   entered into, isn't that right?
- 17          A.           That's right.
- 18          Q. 79       But at this stage on the 14th of May 1991, Mr. Gilmartin is the owner of
- 19                   Barkhill, isn't that right?
- 10:52:11 20          A.           Yes.
- 21          Q. 80       And what I want to ask you is why didn't you tell the bank and Mr. Gilmartin
- 22                   that you were about to pay 25,000 pounds, being 25 per cent of the 100,000
- 23                   pounds you'd agreed to pay Mr. Dunlop in the near future?
- 24          A.           Two reasons. It probably didn't come up and an opportunity didn't arise No. 1
- 10:52:31 25           and No. 2 probably the most important was it was a Riga cheque.
- 26          Q. 81       Well if we deal with No. 1. When you say it didn't come up, can you agree with
- 27                   me, Mr. O'Callaghan, that the only person who could have raised it was yourself
- 28                   because you were the only person who knew about it at the meeting?
- 29          A.           That's right.
- 10:52:46 30          Q. 82       So therefore that fact that it didn't come up is attributable to a decision you

- 10:52:48 1 made not to raise it, isn't that right?
- 2 A. It possibly never came up. It was probably a very busy meeting. It was two  
3 days before the vote and that did not come up. The opportunity did not arise  
4 and it possibly was not top of the agenda.
- 10:52:58 5 Q. 83 Yes. I put to you and you have agreed with me that the only person who could  
6 have raised the topic was yourself, Mr. O'Callaghan, isn't that right?
- 7 A. Oh yes, that's correct.
- 8 Q. 84 Therefore the decision not to raise the topic is a decision that rests with you  
9 and not with anybody else at the meeting, isn't that right?
- 10:53:11 10 A. And possibly because the opportunity did not arise and it was not the most  
11 important thing on the list.
- 12 Q. 85 Yes. If the decision not to raise the topic was a decision that could only  
13 have been made by you, could you just tell the Tribunal, Mr. O'Callaghan, why  
14 it was that you decided not to tell Mr. Gilmartin or Mr. Donagh of the bank  
10:53:28 15 about the fact that you were going to pay 25,000 pounds to Mr. Dunlop?
- 16 A. Probably three reasons. First of all, it wasn't the most important thing on  
17 the agenda on that particular day because it was two days before the vote,  
18 which is what this meeting was probably all about and what was on our on all  
19 our minds that particular day.
- 10:53:44 20 Secondly it was a Riga cheque. It was our company cheque. And I probably  
21 didn't see any reason, in fact it was we, it was I had to pay it and thirdly  
22 Barkhill wouldn't have had any money to pay it wouldn't have any found pay it.  
23 And I'm sure Mr. Gilmartin was delighted I didn't raise it because he felt he  
24 didn't have to contribute towards it.
- 10:54:05 25 Q. 86 Yes. Your evidence then to the Tribunal if I understand you correctly, Mr.  
26 O'Callaghan, is that you didn't inform either Mr. Gilmartin or the bank of the  
27 fact that you were about to pay 25,000 pounds to Shefran for Mr. Dunlop because  
28 the subject didn't arise and you had more urgent matters on your, to consider  
29 or debate.
- 10:54:24 30 A. On the day absolutely. And number 2, and the third reason which I didn't get

- 10:54:29 1 around to finishing or completing was, and I've lost it again.
- 2
- 3 JUDGE FAHERTY: You were saying Barkhill had no funds I think.
- 4 A. That was one of the reasons, yes, and when you interrupted me there I lost the
- 10:54:44 5 third reason. I can't think of it now.
- 6
- 7 CHAIRMAN: The third reason, you were saying that Mr. Gilmartin might have
- 8 been happy that you wouldn't raise it because he wouldn't have been in -- or he
- 9 might have been asked to contribute to it or something.
- 10:54:56 10 A. Yes, that's correct as well. And there was a fourth reason now, Judge, I can't
- 11 remember it honestly.
- 12
- 13 Q. 87 MS. DILLON: Now, Mr. Dunlop had been retained by you in order to lobby the
- 14 councillors for support, isn't that right?
- 10:55:07 15 A. That's correct.
- 16 Q. 88 And one of the topics that was discussed at this meeting if you look at
- 17 paragraph four, was "that meetings are to take place over the next 48 hours
- 18 with councillors to firm up on things. They both believe they have sufficient
- 19 support to retain zoning."
- 10:55:31 20
- 21 Now, Mr. Dunlop was, if Mr. Dunlop's evidence is correct and if your evidence
- 22 is correct, intrinsically involved in dealing with councillors at this critical
- 23 period on behalf of Barkhill, isn't that right?
- 24 A. Yes.
- 10:55:33 25 Q. 89 Yet there is no reference in this memorandum to the fact that Mr. Dunlop is
- 26 carrying out these activities, never mind the fact that you have agreed to pay
- 27 Mr. Dunlop 100,000 pounds at this stage.
- 28 A. Yes.
- 29 Q. 90 Right. Now, can you just indicate to the Tribunal why leaving aside the issue
- 10:55:49 30 of money to Mr. Dunlop, in the context of meeting councillors for rezoning,

- 10:55:53 1 there doesn't appear to be any reference of Mr. Dunlop's involvement?
- 2 A. I can't explain that.
- 3 Q. 91 Now, I think that on the same day Mr. Gilmartin has told the Tribunal that on
- 4 the 14th of May 1991, he was asked to sign Heads of Agreement which were he
- 10:56:11 5 says similar to or like the agreement that was signed on the 31st of May 1991,
- 6 at 5184, Mr. O'Callaghan. This is the Heads of Agreement that are recorded as
- 7 being signed on the 31st of May 1991, isn't that right?
- 8 A. Yes.
- 9 Q. 92 And we'll come to deal with them. At that meeting, Mr. O'Callaghan, was Mr.
- 10:56:33 10 Gilmartin asked to sign any Heads of Agreement or any legal document?
- 11 A. Not that I can recollect.
- 12 Q. 93 Certainly in the attendance that I showed you at 5052. There is no reference
- 13 to Mr. Gilmartin being provided with any document for signature purposes, isn't
- 14 that right?
- 10:56:51 15 A. That's right.
- 16 Q. 94 And I think when we come to the 31st of May 1991, we will see several
- 17 attendances on William Fry solicitor where they are involved in actually
- 18 drafting the agreement on the 31st of May 1991, that was signed on the 31st of
- 19 May 1991, isn't that right?
- 10:57:09 20 A. Okay.
- 21 Q. 95 Right. And I think you were at meetings in the bank on the 31st of May '91,
- 22 isn't that right?
- 23 A. I can't remember.
- 24 Q. 96 Well I think if you, well in fact I may be incorrect in that, Mr. O'Callaghan,
- 10:57:22 25 because it's signed on behalf of Riga by Mr. Deane in fact. And I will come
- 26 back to deal with that at the date of the 31st of May. But it would appear
- 27 from the documentation supplied to the Tribunal from William Fry's that this
- 28 agreement at 5184, and which is signed by Mr. Gilmartin at 5188, was not in
- 29 fact perfected until the 31st of May 1991. And do you agree with that?
- 10:57:55 30 A. I'm not sure.

- 10:57:57 1 Q. 97 Well all right. Do you have any recollection of Mr. Gilmartin signing any  
2 document on the 14th of May 1991, which was two days before the rezoning  
3 motion?
- 4 A. I don't recollect that happening. In fact, I don't really recollect the  
10:58:11 5 meeting on the 14th of May that well at all actually.
- 6 Q. 98 You see Mr. Gilmartin has told the Tribunal of his belief that he was asked to  
7 sign that document or a document similar to it at the meeting on the 14th of  
8 May 1991, because people wanted to copperfasten his position before the lands  
9 were rezoned. Do you understand?
- 10:58:29 10 A. Yes, I do. And I wouldn't agree with that but I have no great recollection of  
11 that actually.
- 12 Q. 99 All right. Now, I think that moving on from that then. On following the  
13 meeting of 14th of May at 5047, in Mr. Dunlop's diary for the following day,  
14 which is the 15th of May 1991, Mr. O'Callaghan, you will see this is the first  
10:58:56 15 reference at 11:30 to Leinster House I think. It says "Owen at LH with AC".  
16 Do you see that entry at 11:30?
- 17 A. Yes.
- 18 Q. 100 And Mr. Dunlop has told the Tribunal that "AC" is Austin Curry, who was then I  
19 think a TD in west Dublin, isn't that right?
- 10:59:15 20 A. Yes.
- 21 Q. 101 Now, and you will note first of all that on this occasion which is the 15th of  
22 May, which is I think the fourth entry in relation to your name in Mr. Dunlop's  
23 diary, the spelling has changed from EOIN to OWEN, isn't that right?
- 24 A. Yes.
- 10:59:31 25 Q. 102 And you will see a later entry then at four o'clock and your name is similarly  
26 spelt, isn't that right?
- 27 A. Yes.
- 28 Q. 103 So in relation to the entry on the 25th of April, which is the first recorded  
29 entry, the spelling is incorrect there and indeed on the following day the  
10:59:44 30 26th, isn't that right?

- 10:59:45 1 A. Yes.
- 2 Q. 104 Or is it the 24th and 25th of April, the first recorded meetings, the 25th and  
3 26th of April. But by the 15th of May, Mr. O'Callaghan, Mr. Dunlop is spelling  
4 your name correctly, isn't that right?
- 11:00:10 5 A. Yes.
- 6 Q. 105 Right. Now, can I ask you what your meeting with Mr. Curry was about?
- 7 A. Very little recollection of that actually. But to the best of my knowledge he  
8 asked to meet with me. Again, for him to find out what the situation was with  
9 our proposals for Quarryvale of course. And I do remember meeting him. I'm  
11:00:20 10 not quite sure when. Obviously that's the date if we did meet him on that date  
11 and I do remember meeting him on the Dail as well actually. I just outlined to  
12 him what our proposal was. He had been at one or two of you are meetings prior  
13 to that. And wanted to be told or filled in exactly on what our proposals  
14 were.
- 11:00:39 15 Q. 106 Can you remind me, Mr. O'Callaghan, what Mr. Curry's political affiliation was?
- 16 A. Fine Gael TD.
- 17 Q. 107 He was a Fine Gael TD for the area?
- 18 A. Yes.
- 19 Q. 108 And would be regarded then by the councillors in Fine Gael as a senior  
11:00:51 20 political figure, isn't that right?
- 21 A. Senior, I don't think so.
- 22 Q. 109 Yes. Well would you agree with me in general terms that a member of a  
23 political party who is elected to the Dail is regarded as a more senior  
24 political figure than a councillors who is elected to a local ward?
- 11:01:08 25 A. More senior would be the word but not senior.
- 26 Q. 110 More senior.
- 27 A. Yes.
- 28 Q. 111 Insofar as the Fine Gael Councillors were concerned or might be concerned in  
29 Dublin County Council, Mr. Austin Curry being the local Fine Gael TD would be  
11:01:21 30 seen as a senior political representative of the Fine Gael party vis-a-vis

- 11:01:26 1 themselves, would you agree with that?
- 2 A. Vis-a-vis themselves. Possibly I'm not sure possibly, yes.
- 3 Q. 112 And then if you look at the next meeting Mr. Dunlop has in his diary at 2:15.
- 4 Do you see that meeting?
- 11:01:37 5 A. Yes, yes.
- 6 Q. 113 Were you at -- That meeting records a meeting with Tom Hand in the Gresham,
- 7 isn't that right?
- 8 A. Yes.
- 9 Q. 114 What political party was Mr. Hand?
- 11:01:46 10 A. Fine Gael.
- 11 Q. 115 Fine Gael. Do you see any connection between your meeting with Mr. Curry at
- 12 11:30 and then a subsequent meeting with a senior local Fine Gael
- 13 representative the same day?
- 14 A. Absolutely none.
- 11:01:59 15 Q. 116 Did you attend the meeting with Mr. Hand and Mr. Dunlop?
- 16 A. No.
- 17 Q. 117 Right. And then you see at four o'clock on the same day, Mr. O'Callaghan,
- 18 there is a reference "Owen in Leinster House".
- 19 A. Yes.
- 11:02:10 20 Q. 118 Mr. Dunlop I think has indicated that's a reference to a meeting or that
- 21 reference to "Owen" is a reference to you?
- 22 A. Yes.
- 23 Q. 119 Right. Who did you meet in Leinster House at 4 o'clock?
- 24 A. I can't remember if I was even there or if that is correct and I certainly I
- 11:02:25 25 can't remember who I met.
- 26 Q. 120 Well we know for example when Mr. Dunlop's diary records you in Leinster House
- 27 with Austin Curry, that's correct, isn't that right, because you have confirmed
- 28 it?
- 29 A. No, I said I think. I didn't condition firm it.
- 11:02:34 30 Q. 121 Yes. Well do you believe then that none of these meeting that is are record in

- 11:02:37 1 the Mr. Dunlop's diary took place, Mr. O'Callaghan?
- 2 A. Oh, I don't know. But there are a lot of notes in Mr. Dunlop's diary of
- 3 meetings that would take place, that did not take place. I am sure you are
- 4 well aware of that.
- 11:02:49 5 Q. 122 Yes. But in so far as this meeting at four o'clock is concerned. This meeting
- 6 is recorded in Mr. Dunlop's diary in on the day after you tell the bank you
- 7 have a series of meetings sets up, isn't that right? You told the bank that on
- 8 the 14th?
- 9 A. Yes.
- 11:03:02 10 Q. 123 And I think that what you said "meetings are to take place over the next 48
- 11 hours with councillors to firm up on things".
- 12 A. Yes.
- 13 Q. 124 Isn't that right?
- 14 A. Yes.
- 11:03:10 15 Q. 125 And we see on the following day that there is a meeting recorded with one
- 16 Councillor, namely Tom Hand, who is one of the signatories on the amendment
- 17 motion, isn't that right?
- 18 A. Yes.
- 19 Q. 126 And we see that you are at two other politically connected meetings, Mr.
- 11:03:22 20 O'Callaghan, isn't that right?
- 21 A. Yes.
- 22 Q. 127 One of them we know is recorded as being with Mr. Austin Curry, who was the
- 23 senior Fine Gael TD for the area, isn't that right?
- 24 A. Yes.
- 11:03:32 25 Q. 128 And then you have a second meeting that afternoon in Leinster House and can I
- 26 suggest to you that if the meeting took place, you had to be meeting a member
- 27 of the Dail or Seanad, would you agree with that?
- 28 A. Possibly yes. But I can't be -- what I can confirm to you and to the Tribunal
- 29 is that, yes, I did meet Austin Curry and I met him in the Dail. I'm not sure
- 11:03:52 30 when I met him but I can confirm that I did meet him and I met him in his

- 11:03:55 1 offices in the Dail to explain the whole Quarryvale concept to him at his  
2 request.
- 3 Q. 129 Sorry Mr. O'Callaghan, have you finished?
- 4 A. With regard to the meeting with Tom Hand on the 15th, I can tell you that I did  
11:04:17 5 not because I know exactly when and where I met Tom Hand. And my total  
6 experience of Tom Hand and that was not one of them. And with regard to the  
7 meeting at four o'clock in the Dail, I'm not sure who I met and I'm not sure it  
8 even happened. I just don't know. It could be a mistake in Dunlop's diary.  
9 Quite possible.
- 11:04:25 10 Q. 130 Yes. But what we do know, Mr. O'Callaghan, is the following, is that for  
11 whatever reason be he right or wrong, that on the 15th of May 1991, Mr. Dunlop  
12 recorded you as attending at Leinster House to meet probably somebody whose  
13 name is not recorded in his diary, isn't that right?
- 14 A. That is also quite possible of course, yes.
- 11:04:41 15 Q. 131 And the much more likely explanation I suggest to you, Mr. O'Callaghan, about  
16 that meeting in the Dail at 4 o'clock on the 15th of May 1991, is that it was a  
17 meeting that was set up in the context of Quarryvale for you to meet some  
18 senior politician and Mr. Dunlop brought you to see him or her as the case may  
19 be?
- 11:04:58 20 A. That's possible of course.
- 21 Q. 132 Isn't that the most obvious?
- 22 A. Possible.
- 23 Q. 133 It is the most obvious explanation for the entry in the diary, isn't that  
24 right?
- 11:05:05 25 A. The other obvious explanation is that he just put it in the diary and that  
26 there was no meeting.
- 27 Q. 134 That there was no meeting. Well assuming for the moment that Mr. Dunlop was  
28 unlikely to put an entry in his diary for a meeting that wasn't to happen in  
29 connection with a meeting that was to happen, who do you think is the person it  
11:05:21 30 is likely you were meeting Mr. O'Callaghan at that time in May of 1991 in the

11:05:26 1 Dail?

2 A. I couldn't tell you.

3 Q. 135 You don't know. Right. You wouldn't for example have needed Mr. Dunlop to

4 bring you to meet Mr. Albert Reynolds or Mr. Micheal Martin because you would

11:05:42 5 have been able to organise that yourself, isn't that right?

6 A. That's correct. Yes.

7 Q. 136 So may the Tribunal take it from that then, that if Mr. Dunlop is organising

8 this for you, this is with some politician whom you do not have personal

9 knowledge of yourself?

11:05:54 10 A. Yes.

11 Q. 137 You can't pick up the phone and organise this meeting you need Mr. Dunlop to do

12 it, would that be fair?

13 A. Yeah, I would agree with that. Yes.

14 Q. 138 Right. Do you think it's likely you might have been meeting some other

11:06:02 15 politician who was an elected representative for that area, such as Mr. Brian

16 Lenihan for example?

17 A. That's possible, yes.

18 Q. 139 But you have no actual recollection --

19 A. No recollection.

11:06:12 20 Q. 140 -- of who have who it was?

21 A. No recollection.

22 Q. 141 Now, I think we dealt with the events of the 16th of May 1991, and the vote I

23 think, we looked at the vote. And at 915 we had looked at the motion, isn't

24 that right?

11:06:28 25 A. Yes.

26 Q. 142 And you weren't able to assist other than being aware of the fact that an

27 amended motion was drafted. You weren't able to assist as to the circumstances

28 in which the signatures came to be put on the motion, isn't that right?

29 A. Yes. With regard to the '91 vote, I had very little to do with the organising

11:06:45 30 of the, of those would who proposed it. That was carried out mainly by

- 11:06:49 1 Councillor McGrath and Tom Gilmartin and Frank Dunlop had some involvement in  
2 it. But I had very little involvement in that.
- 3 Q. 143 Yes. Mr. Dunlop says insofar as the, if I could show you 20392, insofar as  
4 Mr. Hand is concerned; that he approached Mr. Hand for his signature after  
11:07:09 5 Mr. McGrath told you and Mr. Dunlop at a meeting in his office that he,  
6 Mr. McGrath, had got Mr. Hand's agreement to sign the motion. Do you remember  
7 that?
- 8 A. I do and I have a correction to make it to that which I think I made as well.  
9 I was not present at that meeting.
- 11:07:24 10 Q. 144 Right. So you don't agree with Mr. Dunlop's in evidence that regard?  
11 A. No, I do not.
- 12 Q. 145 All right. And Mr. Dunlop has also told the Tribunal that it is likely that  
13 the meeting on the 15th of May 1991, was a meeting at which he may have  
14 obtained the signature of Mr. Hand and that Mr. Hand had sought money from him  
11:07:40 15 in relation to his signature. And did you know anything about that?  
16 A. No.
- 17 Q. 146 Right. And I think that Mr. Dunlop's evidence to the Tribunal was that  
18 Mr. Hand sought 20,000 pounds, 10,000 on the signing of the motion and 10,000  
19 subsequently.
- 11:07:57 20 A. Yes.
- 21 Q. 147 And were you aware of any demand made by Councillor Hand in relation to signing  
22 the motion?  
23 A. No absolutely not.
- 24 Q. 148 Now, I am going to come back to deal with the payments the alleged payments to  
11:08:08 25 Councillor Hand but there is one matter I wanted to put to you, Mr.  
26 O'Callaghan, in relation to Mr. Gilmartin's evidence. Mr. Gilmartin has told  
27 the Tribunal that a room was retained on the day of the vote in a nearby hotel.  
28 And do you agree with that?  
29 A. Yes.
- 11:08:22 30 Q. 149 And I think Mr. Gilmartin told the Tribunal it was in the Royal Dublin Hotel?

- 11:08:36 1 A. Yes.
- 2 Q. 150 Right. And that in or around during the course of that day he says "a number
- 3 of councillors were coming and going". He says Mr. Dunlop was there, Mr. Sean
- 4 Gilbride was there, Mr. John Deane was there. That Mr. Gilmartin was there,
- 11:08:42 5 Mr. McGrath was there and that you were there in the course of the day. In
- 6 general would you agree with that?
- 7 A. Only in general because he's got it half right.
- 8 Q. 151 All right. Well do you agree first and foremost that at some stage in the
- 9 course of that afternoon some or all of those people were in your room in the
- 11:08:59 10 Royal Dublin?
- 11 A. After the meeting, yes.
- 12 Q. 152 After the meeting?
- 13 A. Sorry, after the vote, yes.
- 14 Q. 153 Do you say then that prior to the vote there was no such room or no such
- 11:09:09 15 meeting?
- 16 A. Prior to the room or prior to the vote there was a room but there was nobody in
- 17 the room except myself.
- 18 Q. 154 Except yourself?
- 19 A. Uh-huh.
- 11:09:16 20 Q. 155 And where was Mr. Gilmartin?
- 21 A. I'm not sure where he was at that particular time but he was not in that room
- 22 before the vote. It was after the vote he's talking about actually.
- 23 Q. 156 Okay. And after, whenever it happened, Mr. Gilmartin says that in the course
- 24 of that day or that afternoon, he became upset over what he perceived was
- 11:09:36 25 happening and he threatened I think in he says to call the Fraud Squad and that
- 26 at the time he made that threat Mr. Deane and Mr. Gilbride and Mr. Dunlop were
- 27 present. Do you know anything about that?
- 28 A. I've heard about that afterwards, yes, yes.
- 29 Q. 157 Now, when you heard about it afterwards do you say you heard about it
- 11:09:53 30 afterwards in or around the 16th of May?

11:09:56 1 A. No, no, no. I didn't it was well after that. It was weeks after that before I  
2 heard this discussion actually.

3 Q. 158 All right. Well were you present at any such discussion yourself first?  
4 A. No, I wasn't.

11:10:06 5 Q. 159 All right. Now, you heard that something had been said, is that right?  
6 A. I've heard it has been said, yes.

7 Q. 160 And some weeks after the 16th of May 1991 you were told something, is that  
8 correct?  
9 A. Yes.

11:10:16 10 Q. 161 First of all who told you?  
11 A. I think it was John Deane told me.

12 Q. 162 And what did he tell you had happened?  
13 A. I think what he said to me was that Tom Gilmartin, at the actual Tom ... I  
14 can't recollect exactly what he said now. But that I think that was the time  
11:10:42 15 that if I'm not mistaken was that the time that Tom Gilmartin was ringing  
16 through. No, that was the second vote.  
17  
18 As far as I know what he said to me was that he was just basically on that.  
19 Particular conversation that Tom was upset because he wasn't invited to, into  
11:11:02 20 the Council room, the room that we had in the Royal Dublin Hotel. I think that  
21 was the extent of it actually of what he said to me.

22 Q. 163 Is it your evidence to the Tribunal then that some weeks after the 16th of May  
23 1991, Mr. Deane told you that Mr. Gilmartin had been upset?  
24 A. Uh-huh.

11:11:18 25 Q. 164 On the 16th of May 1991, because he wasn't invited in to some room in the Royal  
26 Dublin?  
27 A. Some room. Yes.

28 Q. 165 Mr. Deane has told the Tribunal that he and Mr. Gilmartin were together in a  
29 room I think in the hotel and that the vote was being discussed?  
11:11:36 30 A. Yes.

- 11:11:36 1 Q. 166 And that in the course of that Mr. Gilmartin made certain comments about  
2 councillors. And to the effect if I understood Mr. Deane's evidence correctly,  
3 that he says that Mr. Gilmartin said that he, Mr. Gilmartin, could make a phone  
4 call and have two or three of the councillors lifted or arrested.
- 11:11:54 5 A. Yes.
- 6 Q. 167 Right. Now, was does that assist you?
- 7 A. It's a long time after that. It was probably maybe a year after that before I  
8 heard that discussion maybe even much longer than that before I heard that said  
9 by John Deane actually. I think it was he said it to me. That Tom Gilmartin  
11:12:09 10 passed some remarks about or he has said I think, that he has passed some  
11 remarks about having certain councillors arrested because they voted against  
12 Quarryvale and he was going to call the Fraud Squad or something to that  
13 effect.
- 14 Q. 168 Mr. Deane puts Mr. Gilmartin in the room in the hotel with him prior to the  
11:12:26 15 vote taking place. Do you agree with that?
- 16 A. Is this in the Council Chamber now?
- 17 Q. 169 This is in the room in the hotel as I understood Mr. Deane's evidence. I am  
18 subject to correct correction on that.
- 19 A. I don't think that is correct.
- 11:12:37 20 Q. 170 All right. Because Mr. Deane told the Tribunal that Mr. Gilmartin and himself  
21 were in a room together when this conversation took place?
- 22 A. Oh, I'm sorry. That is in a room in the Council Chamber.
- 23 Q. 171 Is that what Mr. Deane was telling the Tribunal?
- 24 A. That's the story. This is all a story actually. There is no fact to this as  
11:12:53 25 far as I know.
- 26 Q. 172 Are you saying what Mr. Deane has told the Tribunal is a story and there is no  
27 fact attaching to Mr. Deane's evidence --  
28
- 29 MR. SREENAN: Chairman, I don't think that is quite fair really. If counsel  
11:13:09 30 wishes to go down this road really, Mr. Deane's evidence should be put to the

11:13:09 1 witness. My recollection of what Mr. Deane said was that it was a room in the  
2 Council building because he was unfamiliar with the Council building. So  
3 perhaps the testimony should be put to the witness.  
4

11:13:18 5 CHAIRMAN: Well we better look. I thought it was a room in the hotel but I  
6 may be wrong.  
7

8 MR. SREENAN: Equally, Chairman.  
9

11:13:25 10 A. I might be able to help this. I actually think on recollection. I actually  
11 think what we are talking about or what John Deane was talking about, was a  
12 room in the Council Chamber, Judge. Not in the hotel.

13 Q. 173 MS. DILLON: All right?

14 A. This is where the confusion is coming in, this is where you have confused me.  
11:13:39 15 The actual room in the hotel was not used until after the vote. So nobody  
16 could have been in that room prior to the vote. As far as I know to the best  
17 of my recollection, what John Deane is talking about is that Tom Gilmartin  
18 spoke to him in a room. And in fact I think the room actually was probably the  
19 Fianna Fail meeting room in the Council Chamber in O'Connell Street.

11:14:00 20 Q. 174 Ms. O'Raw is going to check the transcript, Mr. O'Callaghan, so that we can be  
21 accurate on it. But leaving aside for the moment precisely whether it happened  
22 in an hotel room or it happened in the Fianna Fail Council Chamber.  
23

24 Mr. Deane has told the Tribunal of a conversation he had with Mr. Gilmartin  
11:14:18 25 which must have taken place prior to the vote if Mr. Deane is correct because  
26 what Mr. Deane recalls Mr. Gilmartin telling him was that he, Mr. Gilmartin,  
27 could have some two or three councillors arrested or lifted and that was in the  
28 context of councillors who were opposed to Quarryvale?

29 A. Yes, yes, yes, yes. Now, I understand you, yes, okay.

11:14:38 30 Q. 175 Now, in relation to that evidence by Mr. Deane, did Mr. Deane discuss that with

- 11:14:42 1 you?
- 2 A. He did at a much later stage and I can't remember when exactly.
- 3 Q. 176 Was it within days of the vote?
- 4 A. Weeks I would say.
- 11:14:52 5 Q. 177 Weeks of the vote?
- 6 A. Weeks.
- 7 Q. 178 Were you ever aware of any allegation by Mr. Gilmartin that he threatened to
- 8 call the Fraud Squad?
- 9 A. No, I don't think that was said. I don't remember that being said to me. I've
- 11:15:04 10 only read that recently.
- 11 Q. 179 I don't understand Mr. Gilmartin's evidence to be, Mr. O'Callaghan, that you
- 12 were present when he made that allegation?
- 13 A. Oh, I wasn't.
- 14 Q. 180 He says that you were there in fact. I think he says in fact that you weren't
- 11:15:17 15 there and that it was Mr. Dunlop, Mr. Deane and Mr. Gilbride who were present?
- 16 A. That's possible.
- 17 Q. 181 Right. In any event, if Mr. Gilmartin made such a statement, nobody reported
- 18 making of such a statement to you, is that correct?
- 19 A. Correct.
- 11:15:31 20 Q. 182 Right. But Mr. Deane did subsequently tell you of a conversation in which Mr.
- 21 Gilmartin had said he could have a number of councillors arrested?
- 22 A. Yes, I heard that afterwards, yes.
- 23 Q. 183 And you heard that from Mr. Deane, is that correct?
- 24 A. Yes.
- 11:15:44 25 Q. 184 Now, both Mr. Dunlop and Mr. Gilbride have denied to the Tribunal that there
- 26 was any such conversation in their present and you are aware of that?
- 27 A. I have also heard that, yes.
- 28 Q. 185 Now, on the day --
- 29 A. Sorry, I don't know whether this actually happened or not. I'm not quite sure.
- 11:16:00 30 Q. 186 Yes. Because all time trying to establish from you, Mr. O'Callaghan, is what

11:16:03 1 somebody might have said to you after the event. Right.  
2  
3 Now, Mr. Gilmartin also told the Tribunal that there was a lot of confusion on  
4 that date with Mr. John Corcoran and that Mr. John Corcoran and his wife were  
11:16:16 5 in the council and they were kicking up a fuss. Do you remember Mr. Corcoran  
6 being present?  
7 A. Oh, that's completely wrong. I do remember Mr. Corcoran being present and I  
8 remember his wife being present because I sat next to his wife while the vote  
9 was taking place. I sat next to Mrs. Corcoran while the vote was taking place  
11:16:34 10 and the lady never opened her mouth.  
11 Q. 187 I beg your pardon.  
12 A. She never said a word to anybody.  
13 Q. 188 Yes. Insofar as it would appear that you were in agreement to Mr. Gilmartin to  
14 this extent. There was a room somewhere, whether it was in the council or  
11:16:46 15 whether it was in the hotel in which Mr. Gilmartin was?  
16 A. Yeah, well I can be pretty clear on this now, I think that we are discussing  
17 it. The only room that Mr. Gilmartin could be talking about was a room in the  
18 Council Chamber. Sorry, a room in the Council building not the chamber. An  
19 anti room to the Council Chamber, in the old Council building in O'Connell  
11:17:08 20 Street. In fact I think it was probably the Fianna Fail room, meeting room.  
21 That is the only room he could be talking about the before the vote because the  
22 hotel was not used before the vote, only by my.  
23 Q. 189 Day 876, please. Just in relation to the issue that was raised by Mr. Sreenan,  
24 your senior counsel, that of his recollection that Mr. Deane's evidence was  
11:17:32 25 that he was in Dublin County Council. Can I have page 119, please. Question  
26 808. And at question 808:  
27  
28 Mr. Quinn asked "Now, were you present in the Royal Dublin Hotel on the date on  
29 the 16th of May?  
11:17:55 30 A: That is correct.

11:17:56 1 Q: I think Mr. Gilmartin was there as well, isn't that correct?  
2 A: Yes, indeed.  
3 Q: And Mr. Gilmartin has given evidence to the Tribunal that he was very  
4 unhappy with what was transpiring in the course of the day, particularly the  
11:18:09 5 prospect of the site being reduced in size. And that at some stage he  
6 threatened to call in the Fraud Squad and you said that there was panic and you  
7 were panicked and Mr. Gilbride was present, begged him not to do something like  
8 that.  
9 A: That did not happen.  
11:18:22 10 Q: You take issue with Mr. Gilmartin's recollection?  
11 A: I do. Mr. Gilmartin, part of what he said is correct. At that meeting Mr.  
12 Gilmartin, he and I were in a room together. The vote was being discussed and  
13 Mr. Gilmartin at one stage said he could make a phone call and two or three of  
14 the other councillors would be arrested. And, yes, I was totally shocked when  
11:18:43 15 I heard that. And I asked him why and he just said "I can do it" and that  
16 conversation persisted backwards and towards with me asking him why go do it.  
17 People were opposed to the rezoning of Quarryvale and I asked him why shouldn't  
18 he make a phone call so he can have these people arrested and nothing  
19 happened."  
11:19:01 20  
21 Now, that would appear to suggest, subject to any clarification Mr. Deane may  
22 wish to give when he returns on Wednesday, that that conversation, that Mr.  
23 Deane recollected occurred in the Royal Dublin Hotel not in any room attached  
24 to the Council. And do you say that if that is Mr. Deane's evidence he is in  
11:19:20 25 fact incorrect?  
26 A. Yes, I do.  
27 Q. 190 Right. In any event, it would appear the following would appear to be the  
28 position. Regardless of where the conversation took place, a conversation took  
29 place between Mr. Deane and Mr. Gilmartin in which there was discussion about  
11:19:34 30 the Gardai?

11:19:35 1 A. Yes.

2 Q. 191 Mr. Deane has a recollection in relation to what he says Mr. Gilmartin said and

3 Mr. Gilmartin has a recollection of what he says he told Mr. Deane, Mr.

4 Gilbride and Mr. Dunlop, isn't that right?

11:19:48 5 A. Yes.

6 Q. 192 Now, the most you heard of any discussion involving the Gardai, Mr.

7 O'Callaghan, if I understand you correctly, was a number of weeks after the

8 event when Mr. Deane told you what Mr. Gilmartin had said to him, is that

9 right?

11:20:02 10 A. Yes.

11 Q. 193 Right. Now, I think on the 16th of May at 5070, we see that there's no entry

12 in Mr. Dunlop's diary, isn't that correct?

13 A. Yeah.

14 Q. 194 In relation to the either the meeting in the Council which I think ended in the

11:20:29 15 evening about 6 o'clock, isn't that right?

16 A. Yes.

17 Q. 195 Right. And can you remember when it was that you paid the cheque to Mr.

18 Dunlop?

19 A. No, I can't.

11:20:38 20 Q. 196 Well would you agree with me, Mr. O'Callaghan, that on the 15th of May at 5047

21 you were in Mr. Dunlop's company?

22 A. Oh, yes.

23 Q. 197 And if your evidence this morning about the date on the cheque is correct,

24 cheque is correct you hadn't at this stage dated Mr. Dunlop's cheque because if

11:20:59 25 you had you'd have dated it for the 15th?

26 A. It looks like the 16th.

27 Q. 198 And therefore you at some stage on the 16th must have given the cheque to Mr.

28 Dunlop?

29 A. That would make sense, yeah. I can't be specifically but I definitely dated it

11:21:12 30 that day.

- 11:21:13 1 Q. 199 Well I think it must be on the 16th, Mr. O'Callaghan, for this reason, is that  
2 on the 17th Mr. Dunlop is in the bank cashing it, isn't that right?
- 3 A. There you are, 16th.
- 4 Q. 200 If you haven't given it to him on the 15th at the meetings you have in Leinster  
11:21:25 5 House or in the time you were in his company, you probably gave it to him in  
6 16th. Isn't that right?
- 7 A. Yes.
- 8 Q. 201 Who else was present when you gave him the cheque?
- 9 A. I cannot remember but I'd say it's just the two of us.
- 11:21:34 10 Q. 202 All right.
- 11 A. Like I can't recollect exactly but I would be surprised if there was anybody  
12 else present, just except him and me.
- 13 Q. 203 Do you think it's likely to have been in the course of the celebration  
14 afterwards?
- 11:21:47 15 A. The celebration.
- 16 Q. 204 Yes. According to Mr. Dunlop's evidence and I think Mr. Gilmartin I think  
17 agrees with it I think people went to a pub to celebrate the vote, and do you  
18 agree with that?
- 19 A. No that's not correct either.
- 11:22:00 20 Q. 205 That's not correct either. Was a there a party arranged or anything?
- 21 A. Not at all. The people -- that's why I'm so sure that the room that  
22 everybody's talking about at this stage is not the Royal Dublin. After the  
23 vote about 10 or 12 people met in the room in the hotel that we've been talking  
24 about in the Royal Dublin Hotel and at that meeting you had Mr. Eddie Kay, just  
11:22:24 25 to clear it up, Sean Gilbride and McGrath, Councillor McGrath, Frank Dunlop,  
26 Tom Gilmartin, myself and I think John Deane.
- 27 Q. 206 Yes.
- 28 A. And four or five or maybe six more councillors, I cannot recollect who they  
29 were in this room, for a drink and this particular. This celebration as it's  
11:22:43 30 called consisted of Tom Gilmartin making a speech and thanking Frank Dunlop for

11:22:49 1 all the work he had done and without Frank, he admitted that we would not have  
2 got to the stage we got to. The celebration as you called it probably lasted  
3 half an hour.

4 Q. 207 Was Mr. Lawlor there?

11:22:59 5 A. Sorry.

6 Q. 208 Was Mr. Lawlor there?

7 A. No.

8 Q. 209 No.

9 A. No, no.

11:23:03 10 Q. 210 Mr. Lawlor had been present for the vote because I think he is recorded as  
11 voting in favour of the motion, isn't that right?

12 A. Oh, yes, yes, yes.

13 Q. 211 Why, I think you have agreed that Mr. Lawlor was a strategist and a fairly  
14 important strategist in relation to Quarryvale, isn't that right?

11:23:17 15 A. Yes, yes.

16 Q. 212 And I think we saw yesterday that he appears to have been the author of the  
17 letters that you sent to Mr. McCann in late April 1991, isn't that right?

18 A. That's right.

19 Q. 213 Now, why wasn't Mr. Lawlor there?

11:23:28 20 A. I don't know, he wasn't there. Maybe he wasn't invited but he wasn't there.  
21 And the celebration lasted just about half an hour and then that's the  
22 celebration if you can call it that. That was the extent of it.

23 Q. 214 At all stages, Mr. O'Callaghan, when you came to pay Mr. Dunlop these cheques  
24 these three payments in relation to Shefran, that is the payment on the 16th of  
11:23:56 25 May 1991, the payment on the 30th of May 1991, and the payment on the 7th of  
26 June 1991, was there ever anybody else present?

27 A. I cannot recollect but I would say no. My answer would be no.

28 Q. 215 And I think you have agreed with me that other than the invoices that were  
29 produced to the Tribunal by yourself and then I think by Mr. Dunlop when you  
11:24:22 30 provided him with copies. And the three cheques. One of which is missing

11:24:27 1 which is the one for 40,000 pounds. There's no contemporaneous documentation  
2 surrounding this payment, isn't that right, there is no letters or  
3 correspondence passing between yourself and Mr. Dunlop, isn't that right?  
4 A. Yes and as I said to you and I repeat, the cheque and the invoice the most  
11:24:44 5 important documentation was there.  
6 Q. 216 But you would always have known that Mr. Dunlop was your lobbyist, isn't that  
7 right?  
8 A. Oh, yes.  
9 Q. 217 And you always knew that Mr. Dunlop was retained in the first agreement to help  
11:24:56 10 you get Quarryvale rezoned initially up to the end of April '91 but  
11 subsequently up to May of '91, isn't that right?  
12 A. Yes.  
13 Q. 218 And your first agreement with Mr. Dunlop was 80,000 pounds to the end of April  
14 which you then increased to 100,000 pounds when it went in to May, isn't that  
11:25:12 15 right?  
16 A. Yes.  
17 Q. 219 And Mr. Dunlop's payment was for that vote in May of 1991, isn't that right?  
18 A. Yes.  
19 Q. 220 And subsequently did you make a second agreement with Mr. Dunlop?  
11:25:23 20 A. Yes.  
21 Q. 221 And what was the nature of that agreement?  
22 A. The second agreement was for -- because we had to get involved in a second vote  
23 as we all know. That agreement was that from then on that Frank, Frank  
24 Dunlop's fees would be 75,000 pounds plus the 20,000 pounds carried over from  
11:25:42 25 the original fees which Riga didn't have available at the time. Which meant  
26 that his fees would then be 75 plus 20; 95,000 pounds. They would be strictly  
27 for his fees outlay expenses the use of his office, his car, his staff etc.  
28 would be invoiced through Frank Dunlop & Associates. In other words, to  
29 separate the two of them because the previous Shefran invoices covered every  
11:26:03 30 cost total cost including office, car etc.

- 11:26:07 1 Q. 222 Yes.
- 2 A. Fees etc. the whole lot.
- 3 Q. 223 So insofar as the May payment is concerned, the two payments in May, that's the
- 4 16th of May '91 and the 30th of May '91 and the payment on the 7th of June '91.
- 11:26:19 5 They were an all in composit payment to Mr. Dunlop to include any out-of-pocket
- 6 expenses?
- 7 A. Everything.
- 8 Q. 224 Everything. Thereafter you entered into a second agreement with Mr. Dunlop
- 9 whereby you agreed two methods of payment, isn't that right?
- 11:26:33 10 A. Yes.
- 11 Q. 225 Mr. Dunlop was to receive his professional fee which was to be 75,000 pounds
- 12 plus 20,000 pounds arrears and he was to invoice for out-of-pocket expenses, is
- 13 that right?
- 14 A. Out-of-pocket expenses meant everything, yes.
- 11:26:49 15 Q. 226 And you the out-of-pocket expenses of course were to be invoiced through Frank
- 16 Dunlop & Associates?
- 17 A. Yeah.
- 18 Q. 227 When did you make that agreement with Mr. Dunlop?
- 19 A. Oh, probably, I can't be specific but somewhere between June and August.
- 11:27:00 20 Q. 228 Of 1991?
- 21 A. 1991, yes.
- 22 Q. 229 And Mr. Dunlop when he tells the Tribunal that his agreement with you was for
- 23 100,000 pounds for 1991 is not correct in that evidence, is that right?
- 24 A. How do you mean?
- 11:27:16 25 Q. 230 Mr. Dunlop's evidence to the Tribunal, which wasn't challenged on your behalf,
- 26 Mr. O'Callaghan, was to the effect that his first agreement with you related to
- 27 the year 1991, the agreement was for a payment of 100,000 pounds for his work
- 28 and services in 1991. That he was paid 80,000 pounds by you for his work in
- 29 1991. You understand?
- 11:27:39 30 A. Uh-huh.

- 11:27:39 1 Q. 231 Mr. Dunlop does not tell the Tribunal of any second agreement that was made  
2 between himself and yourself after the vote in May of 1991.  
3 A. He does not tell you.  
4 Q. 232 No, he does not tell the Tribunal?  
11:27:51 5 A. The Tribunal of any --  
6 Q. 233 Nor indeed was it in fairness put to Mr. Dunlop, put to Mr. Dunlop by the only  
7 people who knew of this agreement; yourself and your legal team. Isn't that  
8 right, Mr. O'Callaghan?  
9 A. I don't fully understand you because --  
11:28:04 10 Q. 234 I will explain it to you in stages then. Mr. Dunlop provided a statement to  
11 the Tribunal with which you were circulated, isn't that right?  
12 A. Yes.  
13 Q. 235 And in at that statement Mr. Dunlop outlined his understanding of his  
14 contractual arrangement with you, isn't that right?  
11:28:18 15 A. Yes.  
16 Q. 236 In that statement and I am paraphrasing now but I'll get up the actual  
17 statement for you.  
18 Mr. Dunlop in his statement to the Tribunal told the Tribunal that he had an  
19 agreement with you for 100,000 pounds for his fees in 1991 of which 80,000  
11:28:36 20 pounds was paid?  
21 A. Up to the first vote. To achieving the first vote in May '91.  
22 Q. 237 Well in fact you may very well be correct in that, Mr. O'Callaghan. My  
23 recollection was that Mr. Dunlop's evidence was that he was to be paid 100,000  
24 pounds for 1991?  
11:28:55 25 A. Not for 1991. For the first vote.  
26 Q. 238 Yes. Well in page 1699 of Mr. Dunlop's statement, and I think Mr. Dunlop  
27 confirmed this in evidence in the first paragraph in there with his arrangement  
28 with you.  
29  
11:29:13 30 He says "Mr. O'Callaghan and I reached an agreement with regard to my

11:29:17 1 professional fees. We agreed that professional fees of 100,000 pounds would be  
2 paid for work undertaken on the Quarryvale project in 1991. It was also agreed  
3 that this sum of 100,000 pounds would be paid over a three month period in the  
4 event, professional fees totalling 80,000 pounds were paid by Mr. O'Callaghan  
11:29:38 5 in 1991".  
6

7 Now, I had understood Mr. Dunlop's evidence to be that the first agreement he  
8 made with you related to the year 1991 and I didn't understand subject to  
9 anything Mr. Sreenan may wish to say, that Mr. Dunlop was challenged on that  
11:29:54 10 when he was here. Or that it was ever put to Mr. Dunlop that he was incorrect  
11 in his recollection and that in fact what had happened was that you and he had  
12 entered into a separate second agreement in 1991 as a result of which Mr.  
13 Dunlop was to be paid 75,000 pounds for the balance of the work in 1991, with  
14 20,000 pounds arrears due to him from the work he had done up to May?

11:30:23 15 A. Hasn't he said that in his statement.

16 Q. 239 No. In fact if you look at it carefully, Mr. O'Callaghan, you will see that  
17 what Mr. Dunlop has said in his statement and what Mr. Dunlop told the Tribunal  
18 in evidence was that his agreement with you for 1991 was for 100,000 pounds.  
19 Mr. Dunlop did not tell the Tribunal that there was any separate agreement  
11:30:43 20 entered into between you and he in 1991. And in fact I think Mr. Dunlop told  
21 the Tribunal that his agreement with you was professional fees to be invoiced  
22 through Shefran and out-of-pocket expenses to be invoiced through Frank Dunlop  
23 & Associates, isn't that right?

24 A. Well can I just read. Can I read the statement again. You've said "Mr.  
11:31:03 25 O'Callaghan and I reached an agreement with regard to my professional fees. We  
26 agreed the professional fees of 100,000 pounds would be paid for work  
27 undertaken on the Quarryvale project in 1991. It was as agreed that this sum  
28 of 100,000 pounds would be paid over a three month period." But what means is  
29 for the first vote.

11:31:29 30 Q. 240 No, Mr. O'Callaghan, it means exactly what it says on the page. And Mr.

11:31:29 1 Dunlop's unchallenged evidence to the Tribunal in this regard was that his  
2 agreement with you was for 100,000 pounds for the year 1991. His professional  
3 fees were to be paid through Shefran, by agreement with you. No invoice was to  
4 issue by him until he had agreed with it with you. And that his out-of-pocket  
11:31:44 5 expenses would be claimed by him via Frank Dunlop & Associates. Now, is it a  
6 surprise to you to know that Mr. Dunlop has not told the Tribunal of any  
7 agreement that was made between you and he such as you suggest was made?

8 A. Of course it's --

11:31:59 10 MR. SREENAN: Well I don't think that's quite correct, Chairman.

11 A. I don't fully agree with what you are saying actually. I think you are really  
12 splitting hairs now.

13

14 Q. 241 MS. DILLON: I beg your pardon?

11:32:09 15 A. I think you are really splitting hairs at this stage.

16

17 MR. SREENAN: Chairman, he says in that statement, that's outlined there in  
18 the latter part of 1991.

19

11:32:17 20 MS. DILLON: Yes.

21

22 MR. SREENAN: I think counsel really is drawing inferences out of statement.  
23 And if she is relying on testimony given by Mr. Dunlop, it should simply be put  
24 to the witness. There is no point debating with the witness what the meaning  
11:32:30 25 of Mr. Dunlop's statements.

26

27 CHAIRMAN: Often statements don't tally 100 per cent with the evidence. So we  
28 better look at Mr. Dunlop's statement.

29

11:32:39 30 MS. DILLON: I'll move on from this and I'll come back to it when we get the

11:32:42 1 statement.

2 Q. 242 But in any event, as far as you were concerned, Mr. O'Callaghan, regardless of

3 whether you made one agreement or two agreements with Mr. Dunlop in 1991, you

4 knew at all times that Shefran was political, your political lobbyist Mr. Frank

11:32:55 5 Dunlop and that the work he was doing was in connection with Quarryvale and the

6 rezoning?

7 A. Yes.

8 Q. 243 Right. And that at all times when you were dealing with Mr. Dunlop regardless

9 of whether his invoices were coming in through Shefran or whether they were

11:33:08 10 coming in through Frank Dunlop & Associates. It was in connection with the

11 work he was doing on Quarryvale and the rezoning. Is that fair?

12 A. Absolutely, yes.

13 Q. 244 In the initial stages, the first job to be done in Quarryvale was to achieve

14 the initial rezoning which was achieved on the 16th of May 1991. Isn't that

11:33:23 15 right?

16 A. Yes.

17 Q. 245 Thereafter, there was the Local Election, isn't that right?

18 A. Yes.

19 Q. 246 And that was a matter of huge significance to yourself and Mr. Dunlop because

11:33:32 20 the support you had had as we've seen for the vote on May of 1991 was primarily

21 Fianna Fail, isn't that right?

22 A. Yes.

23 Q. 247 You would have known because you would have been advised by Mr. Dunlop, if not

24 by others, that there would have to be a public display and that there would

11:33:47 25 have to be a second vote by the councillors, isn't that right?

26 A. Yes.

27 Q. 248 Therefore, you would have known after the vote of the 16th of May, and prior to

28 the end of June when the Local Elections were taking place, that the result of

29 those Local Elections was something that would have a significant impact on

11:34:03 30 Quarryvale, isn't that right?

- 11:34:05 1 A. Yes.
- 2 Q. 249 Because you knew that whoever was elected at the end of June of 1991 in turn  
3 was going to come to consider the rezoning of Quarryvale again, isn't that  
4 right?
- 11:34:15 5 A. Yes.
- 6 Q. 250 And the Tribunal has heard evidence and indeed has seen publications in the  
7 newspapers and I'm sure you won't demur, Mr. O'Callaghan, when I say to you  
8 that it would appear that Quarryvale became a political issue in the context of  
9 that Local Election?
- 11:34:30 10 A. Yes.
- 11 Q. 251 And that Green Properties retained their own political lobbyist who acted on  
12 behalf of them and effectively there became a battle in west Dublin over pro  
13 Quarryvale pro Blanchardstown, is that fair?
- 14 A. That is fair.
- 11:34:44 15 Q. 252 And that the councillors became, to a degree, polarised in that, in the course  
16 of that election people had to indicate whether they were supporting Quarryvale  
17 or supporting Blanchardstown, isn't that fair?
- 18 A. That's fair, yes.
- 19 Q. 253 And there were a number of votes, indications given and had to be given by  
11:35:03 20 councillors of how they were going to vote in relation to any subsequent  
21 Quarryvale vote, isn't that right?
- 22 A. Yes.
- 23 Q. 254 And indeed, Mr. Corcoran went so far as to issue a press release by the end of  
24 May of 1991, indicating he was not going to continue working on the  
11:35:17 25 Blanchardstown town centre while Quarryvale kept its rezoning, isn't that  
26 right?
- 27 A. That's right.
- 28 Q. 255 And at that time it became a huge political debate at local level, at least, in  
29 west Dublin, about the merits of Blanchardstown versus Quarryvale?
- 11:35:31 30 A. Yes.

- 11:35:32 1 Q. 256 Right. And all of the councillors who were standing for election in that area  
2 were involved, isn't that right?
- 3 A. Yes.
- 4 Q. 257 And therefore, it was a matter of importance for yourself and for Mr. Dunlop  
11:35:43 5 your political advisor, to closely monitor the election because the outcome  
6 that have election was going to significantly effect what you were going to do  
7 in Blanchardstown, in Quarryvale, isn't that right?
- 8 A. Yes.
- 9 Q. 258 In other words, if by chance a majority the council had returned a Labour  
11:35:59 10 majority for example in the June 1991 elections. That would have been a  
11 disaster for Quarryvale because of the stated Labour position of supporting the  
12 planning officer, isn't that right?
- 13 A. Yes.
- 14 Q. 259 Right. Whereas if a Fianna Fail majority had been returned that wouldn't have  
11:36:14 15 been a matter that would have concerned you because you had your Fianna Fail  
16 majority voting on the 16th, isn't that right?
- 17 A. No, I disagree with you there.
- 18 Q. 260 Right. Will you just explain why you disagree with me there, Mr. O'Callaghan?
- 19 A. Because the contest had become so severe and become such a political issue that  
11:36:33 20 the Fianna Fail Councillors in the Blanchardstown area would I think have voted  
21 more strongly even than in the May vote. The May vote was a very easy vote.  
22 Would have voted more strongly against Quarryvale and brought with them a lot  
23 of their colleagues. So the Quarryvale/Blanchardstown battle would have split  
24 the Fianna Fail vote and did split the Fianna Fail support.
- 11:36:52 25 Q. 261 So do you agree with me then, that if you are correct in relation to that and  
26 indeed you were there on the ground at the time, Mr. O'Callaghan, that it was  
27 of even more importance to retain the support you already had or that the  
28 people who had already supported you would get elected again, is that right?
- 29 A. Well there wasn't very much we could do about it again I'm afraid. This was a  
11:37:13 30 local election, you know, a democratic election.

11:37:15 1 Q. 262 But it was of importance to you, isn't that right?

2 A. Oh, yes.

3 Q. 263 And indeed I think indeed following the election Mr. Dunlop wrote to you and

4 asked you not to be too depressed as a result of the outcome, isn't that right?

11:37:25 5 A. That is true, yes.

6 Q. 264 But at all stages you knew that Dunlop and Mr. Shefran were your political

7 lobbyists, isn't that right?

8 A. Yes.

9 Q. 265 Right. Now, can I just show you a series of documentation just dealing with

11:37:37 10 the Shefran issues, Mr. O'Callaghan. And I will show you first of all 6088;

11 this is a document that is generated within Riga on the 14th of November 1991.

12 And there are references there to a series of payments including, you will see,

13 the first three payments that were made for Mr. Gilmartin. And then a

14 reference to Sheafran, S-H-E-A-F-R-A-N. A reference to Sean O'Leary, lending

11:38:10 15 administration, which is half the Murray lands. Isn't that right?

16 A. That's correct, yes.

17 Q. 266 Yes. And then there are two references to Sheafran the second two payments to

18 Sheafran and in all cases it's spelt S-H-E-A-F-R-A-N which you say was in

19 error, isn't that right?

11:38:25 20 A. Yes.

21 Q. 267 And then it goes on to detail the 100,000 pounds to Mr. Gilmartin and then

22 there is a reference to expenses, 10,000 pounds and beneath that a reference to

23 shares and then a reference to Frank Dunlop brochures. And I think that figure

24 of 8,484.29 was the first invoice that Mr. Dunlop put in under the heading

11:38:42 25 Frank Dunlop & Associates, isn't that right?

26 A. I think there was an invoice in August.

27 Q. 268 Yes. But --

28 A. That's the payment, is it?

29 Q. 269 Yes. I think there was an invoice in August for the election for expenses

11:38:54 30 incurred in the course of the election, isn't that right?

11:38:56 1 A. Yes.

2 Q. 270 Right. For Mr. Dunlop owes out-of-pocket expenses. And then I think there is

3 a reference to Ambrose Kelly. What I want to just draw it your attention is

4 that in that document, the reference is though Shefran and not to Sheafran

11:39:11 5 isn't that right?

6 A. Oh, yes.

7 Q. 271 Now, that I think that in January of '92 at 6499 --

8

9 JUDGE FAHERTY: Ms. Dillon, I think it's the other way around, the reference

11:39:19 10 is to Sheafran not Shefran.

11

12 Q. 272 MS. DILLON: Yes. Thank you. In January of 1992, in fact I think note from

13 the fax date, it's the 2nd of January 1992 even though it's dated 1991. You

14 sent a copy of Westpark expenses to Mr. Eddie Kay, isn't that right?

11:39:37 15 A. Yes.

16 Q. 273 And the document you sent to Mr. Eddie Kay is at 4856. And in that you have

17 outlined to Mr. Eddie Kay the fact, in other words, what you are outlining

18 here, Mr. O'Callaghan, is what makes up substantially the 230,000 pounds

19 reimbursement or payment out of the 1 million subordinated loan, isn't that

11:40:01 20 right?

21 A. Yes.

22 Q. 274 And there you indicate to Mr. Kay that the three payments were made to

23 Sheafran, isn't that right?

24 A. Yes.

11:40:08 25 Q. 275 And that's the information that you are providing to Mr. Kay and I think

26 Mr. Kay has indicated that's the first time he saw Sheafran, isn't that right?

27 A. Yes.

28 Q. 276 Right. Now, I think then in January of 1992, Mr. O'Callaghan, at 4852, this is

29 a document that you will be familiar with, Mr. O'Callaghan, and which appears

11:40:32 30 to have been prepared for two meetings that took place in early 1992, at Allied

11:40:36 1 Irish Bank, the 7th and 14th of January 1992. And you will remember that  
2 following the meetings at 6557, you will see there that Allied Irish Bank  
3 agreed to transfer 62,907 due to Riga from Barkhill into the Riga account on  
4 the 15th of January '92. Do you see that? It's immediately below the words  
11:41:04 5 exposure capped at?  
6 A. Yes.  
7 Q. 277 And at 6004, you see on the 24th of January 1992, a sum of 56,598 pounds being  
8 transferred from the Barkhill No. 2 account to the Riga account, isn't that  
9 right? And that is made up if you look at the date 24th of January '92 and  
11:41:31 10 beneath the words interest you see "Riga reimbursement" do you see that?  
11 A. Yes.  
12 Q. 278 And there are a number of items "F Dunlop, sundry; sundry F Dunlop; Ambrose  
13 Kelly and then less equity". Do you see that?  
14 A. Yes.  
11:41:43 15 Q. 279 And the equity is 6,309.  
16 A. Yes.  
17 Q. 280 And if we go back then to the first document I showed you at 4852, and under  
18 the heading "utilisation of Riga subordinated 1 million loan" if that panel  
19 could be increased please. You see dealing with that figure of 1 million  
11:42:03 20 pounds at the bottom it says "(outstanding can be deleted off outstanding fees  
21 not reimbursed)". And that's referring to the figure of 6,309, isn't that  
22 right?  
23 A. Yes.  
24 Q. 281 So we know that this document was being dealt with in the bank prior to the  
11:42:18 25 reimbursement which we know takes place on the 24th of January 1992, following  
26 an agreement at a meeting between yourself and the bank on the 14th of January  
27 '92. Do you agree with that?  
28 A. Yeah.  
29 Q. 282 All right. And if I show you 6557, Mr. O'Callaghan, and you will see at the  
11:42:39 30 date at the top of this "meeting in Dublin re Barkhill" 14th of January. And

11:42:44 1 then in the centre of the document is the "agreement for AIB to transfer 62,907  
2 due to Riga from Barkhill" isn't that right?  
3 A. Yes.  
4 Q. 283 And we go back then to 4852. And are you satisfied now and do you agree, Mr.  
11:43:01 5 O'Callaghan, that this is a document that is likely to have been with you at  
6 the meeting of the 14th of January 1992, because the document was prepared  
7 prior to any reimbursement or payment as is outlined there, do you agree with  
8 that?  
9 A. That document was with me.  
11:43:19 10 Q. 284 Yes. May have been?  
11 A. May have been, exactly, yes.  
12 Q. 285 Well do you agree firstly that the writing on it is yours?  
13 A. The scribbling on it that's me, yes.  
14 Q. 286 Well let's look at the scribbling then and assume for the moment that I'm  
11:43:32 15 correct, Mr. O'Callaghan, and the latest date by which you have this is the  
16 14th of January 1992. Can I just draw to your attention what's recorded under  
17 the heading "utilisation of subordinated 1 million loan". And under the first  
18 matter there are three payments to Mr. Gilmartin which we've already seen,  
19 isn't that right?  
11:43:50 20 A. Yes.  
21 Q. 287 And there is a note beside them "not paid to us" isn't that right?  
22 A. Yes.  
23 Q. 288 Did you make that note?  
24 A. Yes.  
11:43:56 25 Q. 289 And does that mean, Mr. O'Callaghan, that what you are recording there is that  
26 they were paid not to Riga but to Mr. Gilmartin?  
27 A. I would think so, yes, yes.  
28 Q. 290 And then there is a reference to the O'Rahilly land, S Maguire fees and we will  
29 see that the 660 comes out of the subordinated loan, isn't that right?  
11:44:14 30 A. Yes.

- 11:44:15 1 Q. 291 The Seamus Maguire fees of 45,000 pounds come out of the subordinated loan,  
2 isn't that right?
- 3 A. Yes.
- 4 Q. 292 And then the Murray land is paid in two parts, isn't that right?
- 11:44:24 5 A. Yes.
- 6 Q. 293 And part of it I think comes out of the subordinated loan and then there is a  
7 reference to Sheafran and three payments, isn't that right?
- 8 A. Yes.
- 9 Q. 294 And what's recorded there are three payments 16th of May 1991, Sheafran fees  
11:44:37 10 25,000; 30th of May '91 Sheafran Limited fees 40,000. And 13th of June '91  
11 Sheafran Limited fees 15,000 isn't that right?
- 12 A. Yes.
- 13 Q. 295 And do you agree with me that they refer to the three payments to Mr. Dunlop  
14 that was made between the 16th of May 1991 and the 7th of June 1991, totalling  
11:44:56 15 80,000 pounds?
- 16 A. Yes.
- 17 Q. 296 Right. And that what is recorded there is those payments have been made to  
18 Sheafran and the bank have so recorded it. Isn't that right?
- 19 A. Yes.
- 11:45:13 20 Q. 297 And not to Shefran. And then know then there is a notation at the side. And  
21 do you agree with me, Mr. O'Callaghan, that those three payments have been  
22 grouped together by the person who is making the notation?
- 23 A. Yes.
- 24 Q. 298 Right. And that in effect what's being talked about there is the figure of  
11:45:20 25 80,000?
- 26 A. Yes.
- 27 Q. 299 Did you make the notation in the grouping, Mr. O'Callaghan?
- 28 A. Yes.
- 29 Q. 300 Right. Would you just translate now for the Tribunal what you've written  
11:45:28 30 beside that?

- 11:45:31 1 A. "During May 16th for election funds in June for election pamphlets etc."
- 2 Q. 301 Okay. Do you want to explain that entry, Mr. O'Callaghan, to the Tribunal?
- 3 A. Well, what I think what I meant by that was that in that particular, I was
- 4 making that note on it. That I must admit I always felt that the fees were
- 11:46:03 5 pretty high but we had no choice but to pay them under the circumstances. As
- 6 we asked Frank Dunlop to do so much work in short time and using his office
- 7 etc. And I would have, I was quite conscious in making that note that during
- 8 the election, sorry, during the vote coming up to May 16th, that Frank Dunlop
- 9 would have of course been asked by quite a number of councillors for assistance
- 11:46:29 10 in the forthcoming election, Local Election. And that he would have been asked
- 11 to provide by them, he would asked to provide posters, pamphlets, etc.
- 12 Q. 302 Do you indicate there that that figure of 80,000 pounds is Mr. Frank Dunlop's
- 13 professional fee?
- 14 A. Oh, yes.
- 11:46:53 15 Q. 303 Where do you indicate that in your handwritten note?
- 16 A. I haven't it on my handwritten note but it's written on the fees.
- 17 Q. 304 Let's just analyse what in fact you have written down, Mr. O'Callaghan, if we
- 18 can. The first thing you it do is write a date of May 16th, isn't that right?
- 19 A. Which is the vote, yes.
- 11:47:10 20 Q. 305 And you underline it for emphasis, isn't that right?
- 21 A. Yes.
- 22 Q. 306 We know two things happened on May 16th that were of significance. One is the
- 23 Quarryvale vote was successfully passed, isn't that right?
- 24 A. Yes.
- 11:47:20 25 Q. 307 And the second is that you paid 25,000 pounds to Mr. Dunlop, isn't that right?
- 26 A. Yes.
- 27 Q. 308 Right. Now, can I ask you, why were you putting down May 16th as being
- 28 relevant in any way to the payment of 80,000 pounds that you'd made to Mr.
- 29 Dunlop?
- 11:47:39 30 A. Because as I mentioned and I'll say it again. I always felt that the fees were

11:47:43 1 pretty significant. I was just doodling on this document for my own  
2 information actually. That's really what this is, just a scribble. And I was  
3 looking at the amount of the fees and in my own mind I was trying to justify  
4 the size of them and I was saying to myself on May 16th, when the vote took  
11:48:02 5 place, that during that vote and prior to that vote and I'm pretty sure that  
6 Frank Dunlop would have been asked for expenses by various councillors to  
7 provide election pamphlets, election posters etc. etc. and maybe write little  
8 scripts for them or little small speeches etc. etc. and that, that work had  
9 also been, would have to be taken into his fees and that he had certain  
11:48:28 10 expenses in these fees to provide various councillors with pamphlets, posters  
11 and what have you election paraphernalia, that's what that means in a null  
12 shell.  
13 Q. 309 Is it you are evidence then, Mr. O'Callaghan, that was it was you are  
14 understanding from the time of the agreement to pay 80,000 found Mr. Dunlop  
11:48:47 15 that out of that 80,000 pounds he would be making political disbursements?  
16 A. No.  
17 Q. 310 All right. Are you telling the Tribunal now, that looking at this document  
18 which you created -- sorry which you wrote on by the 14th of January 1992.  
19 That at that stage you were aware of the fact that Mr. Dunlop would have to  
11:49:04 20 make financial contribution of some sort to councillors arising out of the  
21 May/June Local Election?  
22 A. Yes.  
23 Q. 311 All right. Are you telling the Tribunal then that what you are noting there  
24 for yourself, which is a note I suggest that you are making for yourself and  
11:49:21 25 not for anybody else?  
26 A. For myself, yes.  
27 Q. 312 Yes. Is that what you are connecting there, according to your note, to the  
28 payment of 80,000 pounds is the significant date the 16th of May which is the  
29 date you sucessfully get the Quarryvale lands rezoned, isn't that right?  
11:49:36 30 A. Yes.

11:49:36 1 Q. 313 And the second thing that you note there is you say for funds for election  
2 funds, isn't that right?  
3 A. Yes.  
4 Q. 314 In June.  
11:49:46 5 A. Uh-huh.  
6 Q. 315 So you are connecting there the 80,000 pounds to the election funds in June, is  
7 that right?  
8 A. Yes.  
9 Q. 316 And is it the position that the only election of course that you could have  
11:49:58 10 been talking about at that time, Mr. O'Callaghan, was the Local Election of  
11 1991?  
12 A. Yes.  
13 Q. 317 And may I say to you then that what you are doing is you are making a  
14 connection between the vote on the 16th of May 1991, the Local Election of 1991  
11:50:16 15 and the payment of 80,000 pounds to Mr. Dunlop, is that right?  
16 A. Can I try and explain it again please?  
17 Q. 318 No. I'm just asking now to answer the question --  
18 A. No --  
19 Q. 319 You can explain it, Mr. O'Callaghan, of course you can. But I am simply  
11:50:26 20 putting to you now based on your previous answers a simple proposition. That  
21 when you do you doodled this note, on or before the 14th of January 1992, you  
22 made a connection between the vote on the 16th of May 1991, the June 1991 Local  
23 Elections and the payment of 80,000 pounds to Mr. Dunlop through Shefran. And  
24 do you agree with that?  
11:50:49 25 A. Not totally, no.  
26 Q. 320 All right. Well do you want to expand on that then?  
27 A. What I was trying to say was that, and what that note actually means is that  
28 because of all of the connections that Frank Dunlop would have made with  
29 various politicians etc. and in particular when there was a vote in on May 16th  
11:51:05 30 because he would have met and made contact with so many politicians. Like any

11:51:09 1 normal business person with an election on hand he would have been asked of  
2 course for political contributions. And political type contribution that I  
3 assume there from that note that Frank Dunlop would have been asked for and  
4 these would have been brought to him probably in probably more importantly  
11:51:26 5 because of the May vote and all of the politicians he had met during that month  
6 of May, that he would have been asked on numerous occasions for small  
7 contributions, for pamphlets, for posters and little things like that. Small  
8 amounts of money. And that would be significant because he would be asked by  
9 30, 40, 50 councillors for that. Which is a lot of money when he add it all  
11:51:47 10 up.

11 Q. 321 I suggest to you --

12 A. And that is what I am trying to imply in my own mind by making that note there.

13 Q. 322 I suggest to you, Mr. O'Callaghan, that you are closing the door after the  
14 horse has bolted. I suggest to you that on a simple reading of this document  
11:52:00 15 that you created in January of 1992. What you were doing is in effect you are  
16 saying 80,000 pounds, vote May the 16th, Local Elections 1991. And that you  
17 yourself not anybody else, made the connection when you made that note between  
18 the 80,000 untraceable funds that you paid to Mr. Dunlop through Shefran and  
19 the vote on the 16th of May 1991 and the election of June 1991. Do you agree  
11:52:28 20 with that?

21 A. Not at all. Why then did I put the word election pamphlets on that piece of  
22 paper?

23 Q. 323 Yes. Can I just show you?

24 A. Can I just repeat that?

11:52:37 25 Q. 324 I don't have to -- Mr. O'Callaghan. You are here to answer my questions.  
26 Right. And if I can just show you now one final document before the break that  
27 might assist you again in dealing with this matter. Which is at 9539.  
28  
29 CHAIRMAN: Sorry. Just before you leave this. What's the word there written  
11:52:55 30 before May 16th, is that during?

- 11:52:58 1 A. During. During, Judge.
- 2
- 3 CHAIRMAN: During.
- 4 A. Yes.
- 11:53:02 5
- 6 Q. 325 MS. DILLON: Can I show you, Mr. O'Callaghan, 9539.
- 7 A. Yes.
- 8 Q. 326 And you may take it, Mr. O'Callaghan, from a sequence of documents that I can
- 9 show you, that this documentation is furnished to you on foot of a letter that
- 11:53:19 10 is sent, I think on the 3rd of May 1993.
- 11 A. Yes.
- 12 Q. 327 And these are payments and transactions for which Deloitte & Touche have
- 13 received no supporting documentation and it's discussed at a meeting of the
- 14 bank on the 16th of June 1993. And at page 9539, under item No. 6. Deloitte &
- 11:53:42 15 Touche have identified three items for which they say they have received no
- 16 supporting documentation and the three items in question are the 80,000 pounds
- 17 paid to Mr. Dunlop through Sheafran, isn't that right?
- 18 A. Yes.
- 19 Q. 328 And those figures there are again grouped together, isn't that right?
- 11:54:02 20 A. Yes.
- 21 Q. 329 Right. And they are grouped together in the typewritten form but they are also
- 22 grouped together by someone who is using the pen, isn't that right?
- 23 A. Yes.
- 24 Q. 330 And just could I have the full page now. This is a document on which you
- 11:54:15 25 worked, isn't that right, Mr. O'Callaghan?
- 26 A. Yes.
- 27 Q. 331 Right. And I think the notation at the very top, isn't that right?
- 28 A. Yes.
- 29 Q. 332 Is in your handwriting, isn't that right?
- 11:54:25 30 A. Yes.

- 11:54:25 1 Q. 333 And you, if you could just translate that if you could for the Tribunal, the  
2 one at the very top?
- 3 A. Yes.
- 4 Q. 334 What does that say?
- 11:54:33 5 A. "JD confirm acceptance."
- 6 Q. 335 Yes. And you have a little arrow going down, isn't that right?
- 7 A. Yes, to Deloitte & Touche I presume.
- 8 Q. 336 Yes. So you are confirming acceptance of these figures, isn't that right?
- 9 A. Yes.
- 11:54:53 10 Q. 337 Giving an instruction to Mr. Deane to do it?
- 11 A. Yes.
- 12 Q. 338 If we go back down at the moment just to look at what's under paragraph, item  
13 six. And there is a notation there, isn't that right?
- 14 A. Yes.
- 11:54:55 15 Q. 339 In fact there are three I think separate, four separate notations, isn't that  
16 right? And dealing with the ones in the could column first. Whether there is  
17 an X beside something.
- 18 A. Yes.
- 19 Q. 340 And can I suggest to you that's written beneath that is "no invoices"?
- 11:55:11 20 A. Yes.
- 21 Q. 341 Right. And then in the centre between the three dates and the amounts in money  
22 there's further handwriting, isn't that right?
- 23 A. Yes.
- 24 Q. 342 Is that your writing?
- 11:55:21 25 A. The actual writing in between is my handwriting, yes.
- 26 Q. 343 Can you just tell the Tribunal what's written there?
- 27 A. "No invoice June election."
- 28 Q. 344 All right. So this is a second document on the face of which, Mr. O'Callaghan,  
29 you make a connection between the 80,000 pounds and the June elections, isn't  
11:55:36 30 that right?

- 11:55:37 1 A. Yes.
- 2 Q. 345 Right. Can you just explain to the Tribunal what note the purpose of you  
3 making that note at that point in time?
- 4 A. The reason for that note was that basically it's a doodle again on the piece of  
11:55:47 5 paper. But the reason for that is and to read this you have to look at when  
6 the payments were actually made. The payments were made in March, April, May.  
7 If to assist if you put March, April, May opposite the 16th, the 30th and the  
8 13th, that's when the payments were -- sorry that's when the invoices were ...
- 9 Q. 346 The payments in fact were made on the dates recorded?
- 11:56:09 10 A. When the invoices were raised March, April, May and because there was an  
11 election in June there was no invoice for June.
- 12 Q. 347 Uh-huh. Now --
- 13 A. That's what that means. And that means that we would not be invoiced for June.  
14 There would not be another payment for the month of June, thank God. That's  
11:56:24 15 what that means.
- 16 Q. 348 There was no other invoice, isn't that right, Mr. O'Callaghan?
- 17 A. Yes.
- 18 Q. 349 Other than the invoice that is are recorded there, isn't that right?
- 19 A. There could have been the other 20 you see.
- 11:56:33 20 Q. 350 But there was no invoice you agreed with me yesterday, I think unless you want  
21 to ...
- 22 A. Yes.
- 23 Q. 351 Reconsider your evidence. I had asked you specifically whether there was ever  
24 an invoice for the outstanding 20,000?
- 11:56:42 25 A. Oh, no there was not but there could have been.
- 26 Q. 352 Yes. So in relation to these three payments. What you were being asked to do  
27 here at this meeting is to identify for Deloitte & Touche the information that  
28 they seek, isn't that right?
- 29 A. Yes.
- 11:56:54 30 Q. 353 At the top of the page, the purpose of the document which was created by

11:56:58 1 Deloitte, is payments or transactions for which Deloitte & Touche have  
2 received no supporting documentation, isn't that right?  
3 A. Yes.  
4 Q. 354 They were aware of the existence of these three payments because they had been  
11:57:08 5 told of them, isn't that right?  
6 A. Yes.  
7 Q. 355 But they had no invoices?  
8 A. Yes.  
9 Q. 356 Right. At the meeting that's taking place at this time one of the issues  
11:57:17 10 that's being discussed is this document, isn't that right?  
11 A. Yes.  
12 Q. 357 And you are sitting at that meeting, Mr. O'Callaghan, I suggest to you with  
13 this in front of you, isn't that right?  
14 A. Yes.  
11:57:25 15 Q. 358 And on that you make the notation or doodle under item six.  
16 A. This is made by myself now in my own office.  
17 Q. 359 Yes.  
18 A. Privately.  
19 Q. 360 In your own office privately?  
11:57:36 20 A. Yes.  
21 Q. 361 Yes. Whenever you made those notations, Mr. O'Callaghan, what you are record  
22 on this document under item six please. If we could have item six please thank  
23 you. Is "no invoice June elections".  
24 A. Yes.  
11:57:52 25 Q. 362 And it is the case, is it not, that there were no invoices produced to Deloitte  
26 & Touche for any of these payments, isn't that right?  
27 A. At that time, yes, yeah.  
28 Q. 363 No invoices were ever produced if Mr. Fleming's unchallenged evidence is  
29 correct to Deloitte & Touche for those three payments?  
11:58:09 30 A. Okay.

- 11:58:10 1 Q. 364 Isn't that the position?
- 2 A. Yes.
- 3 Q. 365 Mr. Eddie Kay has told the Tribunal Allied Irish Bank never had those invoices.
- 4 Isn't that right?
- 11:58:16 5 A. Yes, yes.
- 6 Q. 366 It's your evidence to the Tribunal that you had them, isn't that right?
- 7 A. Yes, very much so.
- 8 Q. 367 So you are sitting at this meeting, Mr. O'Callaghan, in which one of the issues
- 9 is the fact that there is no back up documentation for those three invoices.
- 11:58:30 10 And what you record on that document?
- 11 A. What meeting am I sitting at?
- 12 Q. 368 You are at the 16th of June '93, Mr. O'Callaghan, if you look at 9738. There
- 13 is a meeting of Barkhill on the 16th of June and present are yourself and
- 14 Mr. Pitcher and you invite Seamus Maguire and Michael O'Farrell to the meeting?
- 11:59:04 15 A. Yes.
- 16 Q. 369 And if you look at item seven on the following page you will see and accounts
- 17 letter of the 3rd of May '93 from Deloitte & Touche was opened at the meeting
- 18 and discussed by paragraph.
- 19
- 11:59:05 20 The letter of 3rd of May, Mr. O'Callaghan, is at 9535, and the final paragraph
- 21 on that letter at 9538, refers to Mr. Lucey's letter of the 15th of December
- 22 1982 (sic) setting out what Deloitte's regarded as the unresolved matters of a
- 23 strict accounting nature. "I am attaching to this letter a schedule of
- 24 payments transactions for which Deloitte & Touche received no supporting
- 11:59:39 25 documentation." You will see your notes on that letter, isn't that right, Mr.
- 26 O'Callaghan?
- 27 A. Yes.
- 28 Q. 370 And the document that was attached to that letter is at 9539, which is the
- 29 document on which your handwriting also appears, isn't that right?
- 11:59:53 30 A. Yes.

11:59:53 1 Q. 371 And you accept from that, that you got the letter, you got the attachment and  
2 on it you made the notation, isn't that right?

3 A. Yes, in my own office myself, yes.

4 Q. 372 Are you saying that you didn't make that notation at the meeting, is that  
12:00:07 5 right?

6 A. No, no not at all, no.

7 Q. 373 Whenever you made the notation, Mr. O'Callaghan, what you have noted in  
8 relation to the 80,000 Shefran payments is not a reference to Mr. Frank Dunlop  
9 and professional fees. It is a reference for the June election and that there  
10 is no invoices, isn't that right?

11 A. Yes. And can I explain that to you?

12 Q. 374 Yes.

13 A. As I outlined. The are the reason for "no invoice June election" is these  
14 invoices were raised in March, April, May and what I referred to there, there  
12:00:37 15 would not be an invoice or sorry there was not an invoice sorry for June  
16 because there was an election in June, so there wasn't any lobbying work done  
17 in June so there would be no reason for Frank Dunlop to invoice us in June.

18 Q. 375 I suggest to you, Mr. O'Callaghan, that after the event and looking at this  
19 document, you are cobbling together an excuse for what you have written there?

12:00:55 20 A. Absolutely not!

21 Q. 376 And in fact the simple interpretation of this document is that what you are  
22 recording, having grouped the three payments together, is that there were no  
23 invoices for those three payments and that those three payments were in your  
24 mind when you made this note connected to the June elections. Do you agree  
12:01:14 25 with that?

26 A. No I do not. That is completely incorrect and you have to listen to my  
27 explanation. The reason for that and this is my evidence and this is what I am  
28 say to you and please listen to what I have to say to you.

29

12:01:25 30 The notation there "no invoice June election" was a doodle put on that by me

12:01:28 1 because thankfully there was no invoice coming, an invoice would have not come  
2 to us and did not come to us for the month of June because Frank Dunlop was not  
3 working for us then because of an election on and there was no lobbying going  
4 on so I wouldn't be charged for that particular time. That is that particular  
12:01:44 5 notation.

6  
7 If you move out to just outside that column where there is "no invoice". Which  
8 is Aidan Lucey's writing. He actually asked me for those invoices. I had them  
9 somewhere in my possession. I wasn't sure where they were. I wasn't prepared  
12:01:58 10 to go looking for them because I didn't have the time to look to them. I  
11 suggested to him that he would try and get somebody else, ask somebody else for  
12 them, the bank who didn't have them obviously the bank or somebody else. And  
13 as far as I was concerned put a notation on it that I didn't have the invoice,  
14 I didn't have time to look for them and he noted "no invoice" on it. It's as  
12:02:17 15 simple as that.

16 Q. 377 Did you go back to Mr. Dunlop for copies of the invoices?

17 A. No I did not. Maybe I had Aidan Lucey did I'm not quite sure.

18 Q. 378 No Mr. Lucey didn't. I think if we can we have 4852 and 9539 together please.

19 I just want to make a point to you, Mr. O'Callaghan. 4852, is a document on  
12:02:46 20 which it is likely you have made the notations in January of 1992. And 9539,  
21 is a document on which you make the notations in or around May of 1993. So  
22 there is a substantial distance in time between the notes that you've made on  
23 these documents. Do you agree with that?

24 A. Yes.

12:03:06 25 Q. 379 Right. I just want to point out to you the similarity of the explanation that  
26 you have noted on both documents?

27 A. Yes.

28 Q. 380 And in both documents, I suggest to you, at separate times you have connected  
29 the payment of 80,000 pounds to Mr. Dunlop through Sheafraan to the vote on the  
12:03:26 30 16th of May in one instance. But in both documents you have connected the

12:03:40 1 80,000 pounds to Mr. Dunlop through Sheafraan to the June elections. And do you  
2 agree with that?

3 A. No.

4 Q. 381 All right.

12:03:40 5 A. No, you've absolutely mixed that up one up now completely I'm afraid. I'm  
6 afraid.

7  
8 CHAIRMAN: All right. We'll take a short break of about ten minutes.

9  
10 MS. DILLON: Yes, Sir.

11  
12 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK.**

13 **AND RESUMED AS FOLLOWS:**

14  
15 MS. DILLON: Mr. O'Callaghan, please.

16  
17 CHAIRMAN: Good afternoon.

18 Q. 382 MS. DILLON: Good afternoon, Mr. O'Callaghan.  
19 Could I have 4852 and 9539 again please. Thank you.

12:19:42 20 Just looking at the document 9539, Mr. O'Callaghan, which is the document on  
21 which you would have received with the letter of the 3rd of May 1993 and which  
22 was discussed at the meeting of the 16th, I think of June 1993, although it is  
23 your evidence you worked on this document in your own office, is that in Cork?

24 A. Yes.

12:20:03 25 Q. 383 Right. Now, at the time that you are working on that document, Mr.  
26 O'Callaghan, were you in your office in Cork?

27 A. Yes.

28 Q. 384 Yes. And is this the same office in which you had the three invoices from Mr.  
29 Dunlop?

12:20:19 30 A. Yes.

- 12:20:20 1 Q. 385 So at the time that you are writing on this document you are in the very room  
2 in which Mr. Dunlop's three invoices are, is that right?
- 3 A. Yes, I actually was, yes.
- 4 Q. 386 And I think that was your evidence two days ago to the Tribunal when you were  
12:20:33 5 talking about the Dunlop or Shefran invoices, is that when you got them you put  
6 them on a bench or a ledge in your office, isn't that right?
- 7 A. A bench actually.
- 8 Q. 387 Yes. And at the time when you are in that office and you are considering this  
9 document and you are looking at the fact that Deloitte & Touche are saying that  
10:20:53 10 they have no supporting documentation for the three payments to Sheafraan  
11 totalling 80,000 pounds in 1991, you are in the very room with the three  
12 invoices, is that right?
- 13 A. Yes, I am indeed.
- 14 Q. 388 All right. You don't produce the invoices, isn't that right?
- 12:21:06 15 A. No.
- 16 Q. 389 And you don't furnish those invoice to Deloitte & Touche and the bank, isn't  
17 that right?
- 18 A. Correct.
- 19 Q. 390 So at this stage notwithstanding those queries which had originally been made  
12:21:14 20 in December '92 and are now being reiterated again in May of 1993, you don't in  
21 fact produce any of those invoices, isn't that right?
- 22 A. No.
- 23 Q. 391 Why didn't you just take them out of the envelope and bring them up to Dublin  
24 Mr. O'Callaghan to the meeting on the 16th of June?
- 12:21:31 25 A. Okay I got this document, I had it on my desk. Quite busy at the time, we had  
26 a lot on and I'm not the greatest at handling accounts at the best of times.  
27 These invoices were in files, were amongst a bunch of 50 or 60 files which I  
28 would keep, on a bench, which would be the files actually where I want to  
29 activate or these files would be involved in the current operations that we  
12:22:00 30 would have had on at the time and I obviously I put the Shefran invoices in to

- 12:22:05 1 one of these files and they were all, they weren't filed away properly they  
2 were just stacked on top of each other on top of this bench. When I was going  
3 through this document quite blunt about it, I wasn't prepared to go looking  
4 through these files for these invoices because I didn't think they were of any  
12:22:23 5 significance to anybody at the time. So I took the easy way out and I just  
6 said that -- I just told Aidan Lucey that I did not have the invoices and that  
7 is his writing opposite on the outside column there opposite the 25, 40 and 15  
8 "no invoice" and that's because I told him that because basically I just didn't  
9 look for them.
- 12:22:42 10 Q. 392 Yes. Do you agree with me, Mr. O'Callaghan, that under item No. 6 you have  
11 grouped together the 25, 40 and the 15, in that you have?  
12 A. No. 6 that's on 9539?
- 13 Q. 393 Yes, and 9539 you have grouped together the three payments, isn't that right?  
14 A. Yes, correct, yes.
- 12:22:59 15 Q. 394 And you have in no way indicated that your own note in relation to the June  
16 elections relates in fact to an invoice that was not then in existence, isn't  
17 that right?  
18 A. Yes, what I meant by that again was if I have explained that properly, was that  
19 the invoices were issued in March, April, May and what I would have referred to  
12:23:18 20 there was that there was no invoice for June because there was no work done in  
21 June, there was no lobbying done in June. Frank Dunlop wasn't working in June  
22 because the elections were on in June.
- 23 Q. 395 Yes. I think that Mr. Dunlop did provide you with an invoice in relation to  
24 certain works he had done for you in the course of the Local Election and  
12:23:47 25 expenses he had incurred in relation to typing and printing and leafletting  
26 that had taken place prior to the day of the vote at the end of June of 1991,  
27 isn't that right?  
28 A. That's possible. Frank Dunlop & Associates, is it?
- 29 Q. 396 Yes.  
12:23:52 30 A. Yes, okay.

12:23:53 1 Q. 397 You have just told the Tribunal, Mr. O'Callaghan, that Mr. Dunlop did no work  
2 for you in June of 1991, and if I show you the invoice that relates to the June  
3 1991 election, it might give you a chance to consider the matter further. I  
4 think, yes, I think if we have yes 5668.

12:24:37 5  
6 Now, this is an invoice of the 6th of August 1991, and it relates to invoice  
7 No. 468, it's addressed to Riga and it relates to the cost of distribution  
8 leaflets in Blanchardstown, Clonsilla, Castleknock. The cost of advertising in  
9 the Dublin Tribune and the design and printing of leaflets. Isn't that right?

12:24:57 10 A. Yes.

11 Q. 398 And can I show you the underlying invoices then, Mr. O'Callaghan, for example  
12 5632, is an invoice of the 31st I think of June of July 1991 for 15,000 canvass  
13 cards, isn't that right?

14 A. Yes.

12:25:19 15 Q. 399 And I think that was in connection with Councillor Devitt as she then was. And  
16 if we look at 5544, we see an invoice in relation to the Green Properties  
17 leaflet, isn't that right? From Door To Door Distributors to Mr. Dunlop.

18 A. Yes, but what was this for?

19 Q. 400 It was for a Fianna Fail Green Properties leaflet which I think was one of the  
12:25:46 20 leaflets that Mr. Deane furnished to the bank. If I, I think it's one of  
21 those?

22 A. Yes.

23 Q. 401 At 5402 on the 20th of June indeed.

24 A. Yes.

12:25:59 25 Q. 402 The in the middle of the time that you've told the Tribunal that Mr. Dunlop  
26 wasn't working, Mr. Deane your partner, writes to Mr. Donagh and encloses a  
27 copy of the literature being distributed and refers to 27,000 of those being  
28 distributed and what was distributed is at 5403. Which is a document entitled  
29 "Blanchardstown town centre the truth and the facts" with the Fianna Fail logo  
12:26:21 30 I think in the middle. And if we look at the following page?

- 12:26:25 1 A. Yep.
- 2 Q. 403 The document says "support your Fianna Fail team Fahy, Leahy, McGennis" isn't  
3 that right?
- 4 A. Yes.
- 12:26:32 5 Q. 404 And it would follow from that, Mr. O'Callaghan, that even if you weren't aware  
6 of the fact that Mr. Dunlop was working for you in June of 1991, Mr. Deane  
7 appears to have been aware of that fact, isn't that right?
- 8 A. Yes.
- 9 Q. 405 Yes. And would you agree with me therefore that your earlier evidence to the  
10 Tribunal that Mr. Dunlop was not doing anything in June of 1991, is in error?
- 11 A. Not at all, no, no. Could not possibly agree with you. What I mean by not  
12 working for June, was Frank Dunlop and myself lobbying the councillors three  
13 and four councillors a day four days a week four of the months. What you are  
14 showing me there that did not happen for the month of June because the  
15 councillors were too busy. They wouldn't talk to us. They had their own  
16 election to worry about.
- 12:27:10 17 Q. 406 I had understood your evidence to the Tribunal to be, Mr. O'Callaghan, that the  
18 reference to "no invoices June election" was the reference to the fact that Mr.  
19 Dunlop hadn't done any work and therefore there wouldn't be an invoice in  
12:27:25 20 relation to the June election. That is what I understood you to say.
- 21 A. Which is what you said to you.
- 22 Q. 407 And what I am pointing out to you is that from with Mr. Dunlop's documentation  
23 which has been circulated and I will take you through the rest of it now. It  
24 would appear whether you were aware of it or not, that Mr. Dunlop was in fact  
12:27:40 25 working on your behalf or at your behest on Quarryvale in June of 1991?
- 26 A. Of course he was still involved in Quarryvale and involved working for me. We  
27 did not do any extensive work or lobbying work for the month of June, just  
28 small little bits and pieces and if you look at this closely, you will see that  
29 most of this has been done by Philip Connolly in his office.
- 12:28:01 30 Q. 408 Yes and if you look at 5329, Mr. O'Callaghan, just on this point and we'll run

- 12:28:05 1 quickly through Mr. Dunlop's documentation. You will see there a document  
2 dated the 13th of June 1991, which refers to a Fianna Fail posters or election  
3 material and the words "Owen" are written at the side, meaning that it was  
4 going to be charged to you. Do you see that?
- 12:28:23 5 A. Yes.
- 6 Q. 409 At 5045, you have a similar document of the 20th of June. Again for Fianna  
7 Fail a half page black-and-white from the Dublin Tribune and again the words  
8 "Owen" are written at the side, do you see that?
- 9 A. Is that the builder Tom hits the roof.
- 12:28:38 10 Q. 410 No it's an invoice for the Dublin Tribune for an advertisement in the Dublin  
11 Tribune at 5405.
- 12 A. I haven't seen that. No.
- 13 Q. 411 You will see it now, Mr. O'Callaghan, do you see that?
- 14 A. Yes.
- 12:28:53 15 Q. 412 And you see that the words "Owen" are written beside it and it's marked "paid"  
16 I think the 29th of the 7th by Mr. Dunlop's office. If you look at 5401, dated  
17 the 20th of June '91, there is another invoice I think from the Dublin Tribune  
18 attributed to you, isn't that right?
- 19 A. Yes.
- 12:29:06 20 Q. 413 If you look at 5437 there is another invoice from the Dublin Tribune invoiced  
21 to Mr. Dunlop which is attributed to you, isn't that right?
- 22 A. Yes.
- 23 Q. 414 If you look at 5406, you will see an invoice from Newswest to Mr. Dunlop of the  
24 20th of June which again is attributed to you, isn't that right?
- 12:29:28 25 A. Yes.
- 26 Q. 415 On the 20th of June at 5402, Mr. Deane writes to the bank and provides them  
27 with a copy of the literature which was being distributed which relates to  
28 Blanchardstown town centre "the truth and the facts" we've already seen that,  
29 isn't that right?
- 12:29:43 30 A. Yes.

- 12:29:43 1 Q. 416 At 5458, there is an invoice dated the 28th of June 1991 from O'Donoghue Print  
2 which refers to 6,000 leaflets and 12,000 leaflets entitled the "truth and the  
3 facts" and it's attributed to you, isn't that right?  
4 A. Yes. Does it say when this work was done.
- 12:30:04 5 Q. 417 That would have been the leaflet that was sent on the 20th of June by Mr. Deane  
6 to the bank. So those documents had to have been prepared and ready prior to  
7 the final vote of the elections, which I think subject to Ms. O'Raw checking  
8 it, it was either the 24th or the 27th of June. 27th of June 1991, so this  
9 information is being sent to 27,000 homes by Mr. Dunlop paid for by Mr. Dunlop  
10 and invoiced to you and, do you agree that that is work that's being done by  
11 Mr. Dunlop in connection with the Local Elections of 1991, and that he is doing  
12 it for you?  
13 A. Yeah. This type of work, yes.
- 12:30:28 14 Q. 418 Yes. And just to complete out the matter. I think I had shown you 5458, Mr.  
15 O'Callaghan, which relates to the O'Donoghue Print run the invoice is invoice  
16 8880 dated the 28th of June '91. And at 5459, on the 30th of June 1991 there  
17 is an invoice from Key Line Studios in relation to a job description Fianna  
18 Fail eight page D/L election brochure. Would you agree that must have been for  
19 the publication of a brochure for the Local Elections of 1991?
- 12:31:18 20 A. Possibly yes.
- 21 Q. 419 Well what else might it have been?  
22 A. I don't know.
- 23 Q. 420 You will see that it is attributed to you?  
24 A. Uh-huh.
- 12:31:24 25 Q. 421 The handwriting with the words "Owen"?  
26 A. Yes, okay, yes.
- 27 Q. 422 Isn't that right? And again you see at 1869, an invoice from Key Line Studios  
28 attributable to Therese Ridge. Then a Fine Gael Councillor I think for artwork  
29 and for election brochure and it's attributed to "Owen" again, isn't that  
12:31:45 30 right?

12:31:46 1 A. Yes.

2 Q. 423 And if you look at 5462, is an invoice to Mr. Dunlop again for Fianna Fail  
3 Blanchardstown shopping centre and it is referable to you, isn't that right?

4 A. Yes.

12:32:00 5 Q. 424 And again, at 5463, there is an invoice of the 30th of June '91, from Key Line  
6 Studios for Fianna Fail and again it's referable to a full page press ad in  
7 Dublin West for the artwork for that and it's attributable to you, isn't that  
8 right?

9 A. Yes.

12:32:18 10 Q. 425 And there is a similar invoice at 5464, attributable to you. And at 5460,  
11 there is another invoice dated the 30th of June 1990, which relates again to  
12 Fianna Fail. And at 5465, there is another invoice from Key Line Studios to  
13 Mr. Dunlop which is attributed to you and which relates to Fianna Fail.  
14 Similarly, at 5466, 5467, and this ones with was headed Quarryvale/Westpark  
12:32:54 15 it's A4 two sided colour leaflet, isn't that right, for the 30th of June the  
16 invoice is dated and I suggest to you that must relate to the election?

17 A. Yes.

18 Q. 426 5468 and 5543 is an invoice dated the 12th of the 7th which is the 12th of  
19 July, but which relates to Tommy Boland Fianna Fail. And again I suggest to  
12:33:17 20 you that's for artwork carried out for Mr. Boland or distribution on behalf of  
21 Mr. Boland and it could only have been in connection with the local election in  
22 which Mr. Boland lost his seat, isn't that right?

23 A. Yes.

24 Q. 427 Right. That again has the words "Tommy B" written on it and it's attributed to  
12:33:32 25 you, isn't that right?

26 A. I don't see my name on that.

27 Q. 428 You see your name "Owen" beneath the words "Tommy B".

28 A. Yes.

29 Q. 429 You see that?

12:33:47 30 A. Yes.

12:33:47 1 Q. 430 And again at 5544, there is an invoice from Door To Door Distributors in  
2 relation to a Green Properties leaflet and you will see at the side the words  
3 "Marian M" which is a reference according to Mr. Dunlop to Marian McGennis and  
4 beneath that the words "Owen" isn't that right?

12:33:56 5 A. Yes.

6 Q. 431 And you will have received I think, Mr. O'Callaghan, at 5668, the invoice dated  
7 the 6th of August 1991, in the total amount of 8,484.29 which refers to the  
8 accumulation of those invoices, isn't that right?

9 A. Yes.

12:34:19 10 Q. 432 Do you now tell the Tribunal, Mr. O'Callaghan, having had the assistance of Mr.  
11 Dunlop's documentation, that Mr. Dunlop was not retained by you in relation to  
12 the Local Elections of 1991 or indeed wasn't working for you in June of 1990.

13

14 MR. SREENAN: Chairman, I don't believe that's correct. I believe before the  
12:34:41 15 break what Mr. O'Callaghan said was that he was not engaged in lobbying work  
16 for that month. If the transcript is checked.

17

18 CHAIRMAN: Well we can check that out. I understood that he said that he  
19 didn't. He understood Mr. Dunlop wasn't working for him.

12:34:59 20

21 MS. DILLON: Yes.

22

23 CHAIRMAN: In June. And I know that he has gone on then to explain that by  
24 not working he meant that he wasn't involved in the more labour intensive work  
12:35:08 25 of lobbying and so on.

26

27 MR. SREENAN: Chairman, I don't wish to delay the Tribunal, perhaps the  
28 Tribunal would simply note the point and check the transcript. I am relying on  
29 my memory.

12:35:19 30

- 12:35:19 1 Q. 433 MS. DILLON: Yes. Could I have 4852 please and 9539 together again. And if  
2 we go back to 9539. Mr. Dunlop's evidence in relation to invoices and in  
3 particular in relation to incurring expenses that is out-of-pocket expenses, is  
4 that it was his practice to agree the out-of-pocket expenses with you in  
12:35:46 5 principle before he incurred them. And do you agree with that?  
6 A. From the Frank Dunlop & Associates invoices point of view, yes.  
7 Q. 434 Yes. That Mr. Dunlop wouldn't incur an out-of-pocket expense in general unless  
8 he had agreed it with you?  
9 A. Yes.  
12:36:01 10 Q. 435 In other words that you would have given him permission to do the postering or  
11 to prepare the brochures or the leaflets for councillors or general Quarryvale  
12 leaflets and he would have your agreement before he would incur the expense and  
13 do you agree with that?  
14 A. Yes.  
12:36:15 15 Q. 436 If that is correct, it follows that in June of 1991 you must have agreed with  
16 Mr. Dunlop the expenses that Mr. Dunlop did in fact incur in 1991 in relation  
17 to the Local Elections, isn't that right?  
18 A. Yes.  
19 Q. 437 And that you must have known that there would follow from that, that an invoice  
12:36:32 20 would come to you in relation to expenses, isn't that right?  
21 A. That's right.  
22 Q. 438 Right. And if we go back then to the entry that you've made at 9539 under item  
23 No. 6, I suggest to you that when you are saying there "no invoices June  
24 election" that is in fact what you are recording on that document, Mr.  
12:36:51 25 O'Callaghan, is that there are no invoices for those three amounts that are set  
26 out there which are the three Shefran payments made between the 16th of May  
27 1991 and the 7th of June '91 and do you agree with that?  
28 A. The very opposite. I do not agree with that.  
29 Q. 439 Right. Do you understand the words "no invoices June election" to mean that a  
12:37:13 30 person looking at that document should understand that the note you have made

- 12:37:18 1 does not in fact refer to the three invoices that are recorded there or the  
2 three payments that are recorded there but they relate to an invoice that was  
3 in fact never generated?
- 4 A. Yes.
- 12:37:29 5 Q. 440 Right. All right. It would require the only person who would have known that  
6 information, Mr. O'Callaghan, was yourself. Isn't that right?
- 7 A. Correct and that information was put there for myself.
- 8 Q. 441 For yourself. But any other person looking at this document without the  
9 benefit of the specialised knowledge you had of your arrangement with Mr.  
12:37:48 10 Dunlop of which there were no other parties, would have, could reasonably think  
11 that the reference "no invoices June election" was a note made by you to  
12 signify that insofar as those three payments are concerned, they related to the  
13 June election and there were no invoices and do you agree that that's a  
14 reasonable interpretation?
- 12:38:09 15 A. That's right. That note was made for myself.
- 16 Q. 442 Yes. Now, if we just move to the bottom of that document which is at 9539.  
17 Mr. O'Callaghan, to where there is a reference further down the document to no  
18 invoices. And in you look at item No. 9 on that document which refers to three  
19 amounts paid to Tom Gilmartin from the Riga subordinated loan and what is  
12:38:33 20 detailed there are the first three payments that were made out of the Riga  
21 subordinated loan, isn't that right?
- 22 A. Yes.
- 23 Q. 443 And I think we've looked yesterday at those three payments, isn't that right?
- 24 A. Yes.
- 12:38:43 25 Q. 444 And those payments were made for Mr. Gilmartin, isn't that right?
- 26 A. Yes.
- 27 Q. 445 Right. Now, immediately beside the Riga subordinated loan there are written  
28 the words it seems to me "no invoices" isn't that right?
- 29 A. Yes.
- 12:38:57 30 Q. 446 And was that a statement by you that there were no invoices in relation to

12:39:01 1 those three payments to Mr. Gilmartin -- for Mr. Gilmartin I beg your pardon?

2 A. I think so, yes.

3 Q. 447 So what you are noting at item No. 9 there is the correct factual position that

4 insofar as the three payments to Mr. Gilmartin are concerned, you have no

12:39:15 5 invoices in relation to those, isn't that right?

6 A. Yes.

7 Q. 448 Right. You are not making a note in relation to any other payment that might

8 have to be made, isn't that right?

9 A. Yes.

12:39:24 10 Q. 449 You are simply dealing there with the factual position in relation to those

11 three payments that were made for Mr. Gilmartin?

12 A. Yes.

13

14 CHAIRMAN: Could we increase that No. 9 there?

12:39:35 15

16 MS. DILLON: Please.

17

18 CHAIRMAN: What's after the word "no invoice".

19 A. I'm not sure what it is.

12:39:50 20

21 MS. DILLON: Yes. Are you asking what's written beneath that, Sir?

22

23 CHAIRMAN: Yes. I'm just wondering what's. It seems to be no invoice seems

24 to be in brackets. It's not clear.

12:40:26 25

26 MS. DILLON: Do you see the notation to the right of the figures 26,192,

27 10,028 and 55,656?

28 A. Yes.

29 Q. 450 It's very, very faint. Can I suggest to you that if Mr. Lucey made the entry

12:40:42 30 opposite item No. 6 for no invoices they this may very well be Mr. Lucey making

- 12:40:48 1 a notation that there is no invoice in relation to the three payments for Mr.  
2 Gilmartin?
- 3 A. I think that is correct.
- 4 Q. 451 And if you go immediately above that then to item No. 8 and item No. 8 relates  
12:40:59 5 to the two 10,000 pounds, isn't that right?
- 6 A. Yes.
- 7 Q. 452 The Tribunal has heard evidence about those payments one of them which was a  
8 payment to Councillor McGrath, isn't that right?
- 9 A. Yes.
- 12:41:07 10 Q. 453 And the first of which up until recently you were unable to tell the Tribunal  
11 the destination of the money?
- 12 A. Yes.
- 13 Q. 454 But you are now of the belief that it wasn't to Mr. Lawlor, isn't that right?
- 14 A. Correct.
- 12:41:17 15 Q. 455 So in fact item No. 8 as one looks at it, and subject now to us going through  
16 the documentation, Mr. O'Callaghan, relate to two payments to two councillors  
17 namely the late Mr. Liam Lawlor and Mr. Colm McGrath, isn't that right?
- 18 A. Yes.
- 19 Q. 456 And beside that Mr. Lucey appears to have written the words again "no invoices"  
12:41:38 20 do you agree with that?
- 21 A. Yes.
- 22 Q. 457 Right. And then if you look at the space between items No. 8 and items No. 9  
23 above the words "no invoices" there is a little arrow and then a reference to  
24 Tom Gilmartin. Do you see that?
- 12:41:53 25 A. Yes.
- 26 Q. 458 Is that suggesting that the three payments at item no. 9, there is no invoices  
27 but they were paid to Tom Gilmartin or are you suggesting that the two items at  
28 No. 8 are attributable to Tom Gilmartin?
- 29 A. It looks like that.
- 12:42:11 30 Q. 459 Which does it look like, Mr. O'Callaghan?

- 12:42:14 1 A. Tom Gilmartin by Riga to Tom Gilmartin.
- 2 Q. 460 Are you telling the Tribunal that you think the reference to Tom Gilmartin  
3 relates to the 20,000 pounds?
- 4 A. Well that's the way it looks.
- 12:42:28 5 Q. 461 Doing the best that you can with it, Mr. O'Callaghan, then insofar as item No.  
6 9 is concerned, you think you made the notation in relation to those three  
7 payments for Mr. Gilmartin of no invoices insofar as item No. 8 is concerned in  
8 relation to the 20,000 pounds you believe you may have made a notation  
9 indicating that that was to Tom Gilmartin?
- 12:42:47 10 A. Oh, I'm sorry I'm sorry for interrupting you I'm sorry.
- 11 Q. 462 No not at all.
- 12 A. What I mean by that and it's only now I see it actually. What I mean by that  
13 is again to the best of my knowledge, there is no invoice for the 26th, the 10  
14 and the 55 and the arrow has gone up to by Riga to Tom Gilmartin that those  
12:43:07 15 three payments 26, the 10 and the 55 were paid by Riga to Tom Gilmartin.
- 16 Q. 463 I think that's what I had suggested to you I think, at the beginning that was  
17 an interpretation that I had put to you?
- 18 A. I'm sorry I think that's correct, yes.
- 19 Q. 464 In fact what you are noting there in relation to No. 9, is the correct factual  
12:43:35 20 position and there is no invoices in relation to them?
- 21 A. Yes.
- 22 Q. 465 And you don't therefore make any notation in relation to items No. 8?
- 23 A. Except that there is no invoice.
- 24 Q. 466 Which is made by Mr. Lucey?
- 12:43:38 25 A. Correct.
- 26 Q. 467 And then you deal with items No. 6 is as is outlined above?
- 27 A. Yes.
- 28 Q. 468 And you say that in relation to the notation you make there that the "no  
29 invoice June election" relates to an invoice that was never generated by Mr.  
12:43:51 30 Dunlop, is that right?

- 12:43:53 1 A. For the month of June.
- 2 Q. 469 For the month of June?
- 3 A. Yes.
- 4 Q. 470 And even though an invoice was in fact generated by Mr. Dunlop in August in  
12:44:01 5 respect of money he had expended in June of 1991, isn't that right?
- 6 A. Yes. No Shefran invoice.
- 7 Q. 471 I beg your pardon.
- 8 A. Yes.
- 9 Q. 472 Your position then in relation to item No. 6 is that what you are recording  
12:44:13 10 there that there would be no Shefran invoice in June?
- 11 A. Yes, correct.
- 12 Q. 473 And you knew that to be the position is it not the case when you made the  
13 notation after the 3rd of May 1993, because when you make this notation, Mr.  
14 O'Callaghan, you don't make it in 1991, where you might have believed there  
12:44:31 15 would have been an invoice for 20,000?
- 16 A. Yes.
- 17 Q. 474 You make the notation after the 3rd of May of 1993, at which stage you know  
18 completely that there was no invoices in 1991 from Shefran, other than the  
19 three invoices recorded there, isn't that right?
- 12:44:47 20 A. Yes.
- 21 Q. 475 And I suggest that in that regard your evidence makes absolutely no sense, Mr.  
22 O'Callaghan, because you couldn't if your earlier evidence to the Tribunal is  
23 correct, be making a note in May of 1993, that there would be no invoice in  
24 June 1991, when you knew in May of 1993 that the next Shefran invoice was in  
12:45:06 25 1992, isn't that right?
- 26 A. No, that's not true.
- 27 Q. 476 All right.
- 28 A. That is just a doodle again just a scribble on a piece of paper for my own  
29 information. That is the whole point.
- 12:45:15 30 Q. 477 And I suggest to you, Mr. O'Callaghan, only this, that on a simple and plain

- 12:45:20 1 reading of that document. What it records to the uninformed reader is that the  
2 80,000 pounds which you have grouped together was a sum that was connected to  
3 the June elections and that there is no invoice for them?
- 4 A. I disagree completely with that I'm afraid.
- 12:45:36 5 Q. 478 Now, did you yourself make any political donation or payments in connection  
6 with the June 1991 election?
- 7 A. Yes, I did.
- 8 Q. 479 What payments did you make?
- 9 A. I made a payment to Councillor McGrath in October of '91 and that was for the  
12:45:57 10 June election.
- 11 Q. 480 Did you make any other payment?
- 12 A. I made payment which we have discovered since to the late Liam Lawlor in  
13 September of '91.
- 14 Q. 481 Did you make any other payment?
- 12:46:09 15 A. And I made that, that was in connection, that's what we call, that's Dublin in  
16 Cork I made a payment to the then Michael Martin, Deputy Martin at the time for  
17 the June election.
- 18 Q. 482 I think he if we just turn to look at those three payments in turn, Mr.  
19 O'Callaghan. And I think the position in relation to Mr. Martin is that when  
12:46:32 20 you first provided your first statement to the Tribunal at 3117 please. You  
21 limited the information you provided to the Tribunal to the period the 1st of  
22 September '91 and the 1st of September '93, isn't that right?
- 23 A. Yes.
- 24 Q. 483 And that excluded Mr. Micheal Martin because the donation was made in June of  
12:46:58 25 1991, isn't that the position?
- 26 A. Yes.
- 27 Q. 484 I think the Tribunal wrote to you further and you provided a second statement  
28 at 3152. And at paragraph three of this statement of the 3rd of May 2000, you  
29 said on the 21st of June 1991:
- 12:47:16 30

- 12:47:16 1 "I made a contribution of 5,000 pounds to Micheal Martin as Lord Mayor of Cork  
2 as a contribution towards the Atlantic pond restoration fund. The restoration  
3 of the Atlantic pond, an amenity area within Cork city was the main project  
4 undertaken by the Lord Mayor that year." Was that correct?
- 12:47:31 5 A. That was incorrect.
- 6 Q. 485 That was incorrect. Now, in what way was it incorrect, Mr. O'Callaghan?
- 7 A. Because I made a mistake. Simple mistake when I made that statement. That  
8 5,000 pounds in June '91 was for the Local Elections not for the Atlantic pond  
9 restoration fund. The 5,000 pounds was paid I think some time in '93.
- 12:47:59 10 Q. 486 Now, I think looking at the documentation at 5408 in relation to that payment  
11 and this is an extract from the cheque payments 5408. Yes. I think if you  
12 come approximately almost half way down the page, Mr. O'Callaghan, you will see  
13 an entry for Micheal Martin 5,000 pounds, isn't that right?
- 14 A. I haven't seen it yet.
- 12:48:32 15 Q. 487 No it's not on that part. You have to, if we could have the full page and if  
16 you see under the heading of the where the entries are made in relation to  
17 payees of the cheques there is a blank portion about half way down from the top  
18 please if we could have it?
- 19 A. I have the blank portion, yes.
- 12:48:39 20 Q. 488 Yes. And if you go across the line you see that's analysed under sundries,  
21 isn't that right?
- 22 A. Yes.
- 23 Q. 489 And it bears I think the reference there "5040" do you see that?
- 24 A. Yes.
- 12:48:53 25 Q. 490 And I think that was debited to the Riga account at 5409, on the 9th of July  
26 1991, and I think the Tribunal has heard evidence that a portion of those funds  
27 were lodged to Mr. Martin's wife's account, isn't that right?
- 28 A. I'm not aware of that.
- 29 Q. 491 You are not aware of that. At 14846, this is the analysis of sundries carried  
12:49:21 30 out by Ms. Clare Cowhig and the very last item on that page records as follows.

- 12:49:28 1 "M Martin 5,000 I think it says political sub" and then beneath the letters 351  
2 beside that and a sum of 5,000 pounds, isn't that right?
- 3 A. Yes.
- 4 Q. 492 And 351 is a reference within the accounts of Riga for advertising and  
12:49:50 5 subscriptions?
- 6 A. Sorry is that 351 or 357.
- 7 Q. 493 Sorry you think it's 357. I don't know whether it's 351 or 357 but I think in  
8 any event, this particular payment to Mr. Martin is written up in the books of  
9 Riga as being an advertising and subscriptions, isn't that right?
- 12:50:15 10 A. Yes.
- 11 Q. 494 And it's not attributed to, it's not attributed in any way to any project,  
12 isn't that right?
- 13 A. Yes.
- 14 Q. 495 In other words, I'll just get you the computer printout just showing you that,  
12:50:36 15 Mr. O'Callaghan, which ... in any event, insofar as it's subject to my  
16 producing your own document to you showing you that in fact that, that was  
17 dealt with by the accountants under the heading "advertising and subscription"  
18 there was no attempt by anybody in dealing with the Micheal Martin donation of  
19 5,000 pounds to attribute it to any project, isn't that right?
- 12:51:10 20 A. Yes.
- 21 Q. 496 All right. There was no suggestion for example that it was a Barkhill expense?
- 22 A. No.
- 23 Q. 497 Right. Now, I think you put in a statement at 3161 on the 16th of May or the  
24 18th of May 2003 and at paragraph 3163 you tell the Tribunal?
- 12:51:33 25 A. Sorry.
- 26 Q. 498 That you had made an error in your previous statement, isn't that right?
- 27 A. I'm sorry where is this?
- 28 Q. 499 Paragraph A. Can that be increased please?
- 29 A. Yes.
- 12:51:42 30 Q. 500 And that where you had previously indicated to the Tribunal that the sum of

12:51:47 1 5,000 pounds was a contribution towards the Atlantic pond restoration fund, you  
2 were incorrect on that?

3 A. Yes.

4 Q. 501 And that it was a political contribution to Micheal Martin for the June 1991  
12:51:58 5 Local Election and that the pond, Atlantic pond contribution was made in July  
6 of 1993, isn't that right?

7 A. That's correct.

8 Q. 502 Right. Now, you will have seen and we looked at yesterday, the interview or  
9 article that was written by Mr. Ted Harding about you in January, I think of  
12:52:17 10 1992, isn't that right?

11 A. Yes.

12 Q. 503 And in that it is recorded that you regarded Micheal Martin TD. Sorry what's  
13 recorded is the following.  
14

12:52:28 15 "Michael Martin TD, one of the rising stars in Cork Fianna Fail is another I  
16 think it says political ... I beg your pardon. Another political associate".  
17 Isn't that right? 6547. And you will have seen that it's in the second column  
18 second paragraph from the end. And was that your view of Mr. Martin at the  
19 time?

12:52:57 20 A. Yes.

21 Q. 504 Right. Now, this is the first political contribution that you were recorded as  
22 making in connection with the Local Election of 1991, isn't that right?

23 A. Yes.

24 Q. 505 Yes. And that is in fact a payment or a donation to a Cork politician, isn't  
12:53:15 25 that right?

26 A. Yes.

27 Q. 506 And in June of 1991, according to the documentation that you furnished to the  
28 Tribunal, you don't in fact make any political donation in May or June of 1991  
29 to any Dublin politician, isn't that right?

12:53:32 30 A. Sorry in what months, May?

- 12:53:34 1 Q. 507 Or June of 1991?
- 2 A. Yes.
- 3 Q. 508 Make any donation to a Dublin politician, isn't that right?
- 4 A. Yes, yes.
- 12:53:42 5 Q. 509 The only person whom you are, even though you are mistaken in your initial  
6 recollection in relation to Mr. Martin and the payment. What appears to be the  
7 position is that you made a donation during the course of the election to  
8 Micheal Martin, isn't that right?
- 9 A. Yes.
- 12:53:58 10 Q. 510 And you say that you made two later donations to Mr. Colm McGrath and now of  
11 recent times you say Mr. Lawlor, isn't that right?
- 12 A. Yes.
- 13 Q. 511 Can I ask you, Mr. O'Callaghan, why it was that you were in a position to make  
14 the payment to Micheal Martin in the course of the Local Election but you  
15 weren't in a position to make the payment to Mr. Colm McGrath or Mr. Liam  
16 Lawlor during the course of the election?
- 17 A. Well to the best of my recollection again, June '91 election in Cork. Prior to  
18 the election, probably a month prior to the election Micheal Martin asked me  
19 would I support him for the election and I said I would and I did it straight  
12:54:42 20 away. With regard to the two Dublin politicians, both of them also suggested  
21 to me before the elections in a different way, I suppose, asked me would I look  
22 after them for, that's the word they used or the words they used, for the June  
23 elections and I said I would. And I said to both of them we'll see how you get  
24 on and we will look when the elections are over we'll talk about it again. It  
12:55:09 25 was left as loose as that actually. That's, that's the difference.
- 26 Q. 512 And both Mr. McGrath and Mr. Lawlor made requests to you in the course of the  
27 election?
- 28 A. Before the election.
- 29 Q. 513 Before the election and you paid them I think in September and October  
12:55:25 30 respectively, is that correct?

- 12:55:26 1 A. When they came back to you me after the elections, yes.
- 2 Q. 514 You didn't in fact make any political donation in the period leading up to the  
3 June Local Election to any Dublin politician, isn't that right?
- 4 A. No.
- 12:55:39 5 Q. 515 But you knew and you had Mr. Dunlop working for you in the course of the June  
6 election isn't that right?
- 7 A. Yes.
- 8 Q. 516 And you have told the Tribunal told of your understanding or belief that Mr.  
9 Dunlop might have been asked for political donations in the course of the 1991  
10 Election and it was one of the matters that you were thinking about when you  
11 were making the notation on the documents that we saw, isn't that right?
- 12 A. Yes.
- 13 Q. 517 Did you ever discuss with Mr. Dunlop whether or not Mr. Dunlop had been asked  
14 to make any political donations? You never had any discussion with Mr. Dunlop  
15 about political donations in June of 1991?
- 12:56:20 15 A. No.
- 16 Q. 518 Right. Notwithstanding the importance of the Councillors to your endeavours,  
17 is that right?
- 18 A. Yes.
- 19 Q. 519 And if we look then at the payment. In the first instance I think Mr.  
20 O'Callaghan, to what you originally stated to be the position in relation to  
21 the late Mr. Liam Lawlor. And I think your starting position in relation to  
22 Mr. Liam Lawlor is set out at 3152. And this is your statement, isn't that  
23 right? And if you look at paragraph five. What you said was that "on the 18th  
24 of November 1991 I made a contribution of 5,000 pounds to Liam Lawlor of Dublin  
25 County Council. I had been requested by Councillor Liam Lawlor to support him  
26 in the June 1919 Local Elections and I agreed to make a contribution to his  
27 election campaign. I did not make the payment until October 1991 but did so  
28 after being reminded by him" isn't that right?
- 12:56:58 25 A. Yes.
- 26 A. Yes.
- 12:57:18 30 A. Yes.

- 12:57:19 1 Q. 520 And if we turn to look then at the payment that you said at that point in time  
2 had been made to Mr. Liam Lawlor, and if we look to 6264. We see under the  
3 headings "political subscriptions by Riga". You identified on the 18th of  
4 November 1991 a sum of 15,000 pounds to Mr. Lawlor, isn't that right?
- 12:57:42 5 A. Yes.
- 6 Q. 521 And if one looks at to 6250 and. Sorry. 6260. And if you come some six or  
7 seven up from the bottom of the cheque payments book of Riga, you see recorded  
8 there a cheque made out to cash, isn't that right, in the sum of 5,000 pounds?
- 9 A. Yes.
- 12:58:05 10 Q. 522 Isn't that right?
- 11 A. Yes.
- 12 Q. 523 And if you go across the column, you see it's analysed under "sundries" isn't  
13 that right?
- 14 A. Yes.
- 12:58:14 15 Q. 524 Thank would mean if it's analysed under "sundries" in general it doesn't fall  
16 into any other categories that are outlined in the cheque payments book, isn't  
17 that right?
- 18 A. Yes.
- 19 Q. 525 And that also has written beside it, if we increase please, it has the notation  
12:58:29 20 5,000 pounds, 5098 expenses Westpark, isn't that right?
- 21 A. Yes.
- 22 Q. 526 Mr. Lucey told the Tribunal that you were the person who dealt primarily with  
23 Dublin. Do you agree with that?
- 24 A. Yes.
- 12:58:43 25 Q. 527 And he says that these entries, or notations, would have been made following a  
26 direction from you as to how the particular payment was to be treated. In  
27 other words, you were the person who would decide whether something was Dublin  
28 connected or not. Is that fair?
- 29 A. Oh, yes.
- 12:58:57 30 Q. 528 It would follow from that, when this entry is made in the cheque payments book

- 12:59:01 1 bring whoever made it within Riga. The person making it was probably told by  
2 you that this was an expense associated with Quarryvale isn't that right?
- 3 A. Yes I would say that, yes.
- 4 Q. 529 I think if you look to 6261, you see that cheque No. 71 in the sum of 5,000  
12:59:16 5 pounds is debited on the 21st of November, isn't that right?
- 6 A. Yes.
- 7 Q. 530 Yes?
- 8 A. I have it.
- 9 Q. 531 Do you have it?
- 12:59:23 10 A. Uh-huh.
- 11 Q. 532 Right. And if you look then at 6262, which is your own bank account. You see  
12 that on the 21st of November '91 there is a lodgement or a credit to your bank  
13 account in the sum of 15,000 pounds, isn't that right?
- 14 A. Yes.
- 12:59:42 15 Q. 533 And written at the top of the page, you have some notations in relation to a  
16 sum of 5,000 pounds in handwriting, isn't that right?
- 17 A. Yes.
- 18 Q. 534 And what does that say Mr. O'Callaghan?
- 19 A. "Lodge 5,000 pounds on" some date scribbled out.
- 12:59:54 20 Q. 535 Uh-huh?
- 21 A. On the 4th of June. I don't know what Elan means, I'm not sure what that  
22 means.
- 23 Q. 536 It wouldn't be election would it Mr. O'Callaghan?
- 24 A. No.
- 13:00:04 25 Q. 537 And the date you've scribbled out, would that be the 21st of November do you  
26 think?
- 27 A. Oh, God I don't know, I don't know what it is.
- 28 Q. 538 You don't know?
- 29 A. No, I can't read it.
- 13:00:13 30 Q. 539 The only lodgement of 5,000 pounds in the document you're looking at is the

- 13:00:17 1 lodgement on the 21st of November '91 from Riga, isn't that right?
- 2 A. Yes.
- 3 Q. 540 Right. Now, that is the sum that you identified to the Tribunal as having been  
4 paid to Mr. Lawlor, isn't that right?
- 13:00:28 5 A. That's correct, yes.
- 6 Q. 541 And I think that when the accountants picked it up in the analysis of sundries,  
7 at 6266. You will see under the "analysis of sundries" that the sum is cash  
8 5,000. The date is the 18th of November '91. And it's attributed to code 735,  
9 isn't that right?
- 13:00:53 10 A. I can't see it. Where is it here?
- 11 Q. 542 Can it be highlighted, it's the fourth entry down Mr. O'Callaghan?
- 12 A. I have it yes, okay.
- 13 Q. 543 And that code of 735 is the Barkhill code?
- 14 A. Yes.
- 13:01:03 15 Q. 544 From the auditors, isn't that right?
- 16 A. Codes now I'm not sure okay.
- 17 Q. 545 Right. That has been Ms. Cowhig's evidence?
- 18 A. Okay.
- 19 Q. 546 Now I think she picked up that on that 5,000 pounds payment in her audit at  
13:01:15 20 28798?
- 21 A. Yes.
- 22 Q. 547 In her outstanding queries at item one she has picked up a cash payment of the  
23 18th of November '91 of 5,000 pounds attributed to Westpark?
- 24 A. Yes.
- 13:01:27 25 Q. 548 And there is a note beside it which says "not Barkhill L Lawlor" do you see  
26 that?
- 27 A. Yes.
- 28 Q. 549 Now, do you agree with me that what that means in all likelihood is that  
29 somebody told Ms. Cowhig that that 5,000 pounds was a payment to Mr. Lawlor?
- 13:01:43 30 A. Yes.

- 13:01:43 1 Q. 550 And that it wasn't a Barkhill or that it wasn't a Barkhill expense?
- 2 A. Yes.
- 3 Q. 551 Isn't that right?
- 4 A. Yes.
- 13:01:48 5 Q. 552 And who is the person who would have told Ms. Cowhig this?
- 6 A. More than likely me.
- 7 Q. 553 More than likely you?
- 8 A. Yes.
- 9 Q. 554 You would have told there her that. And therefore, at some stage after the
- 13:02:00 10 30th of April 1992, and before the finalisation of the accounts, you were of
- 11 the belief that that sum of 5,000 pounds was payment to Mr. Lawlor, isn't that
- 12 right?
- 13 A. Oh, yes I was, yes.
- 14 Q. 555 And I think if we look to 6267, half way down that page we see an entry "L
- 13:02:20 15 Lawlor FF 5,000 pounds".
- 16 A. Yes.
- 17 Q. 556 Yes. And if we go to "advertising and subscriptions" at 6268, we see under the
- 18 code "357 advertising and subscriptions" the sum of 5,000 pounds attributed to
- 19 L Lawlor, isn't that right? It's the very first item?
- 13:02:49 20 A. Yes, yes.
- 21
- 22 CHAIRMAN: Ms. Dillon.
- 23
- 24 MS. DILLON: Sorry, Sir.
- 13:02:53 25
- 26 CHAIRMAN: I don't know whether you want to finish this point.
- 27
- 28 Q. 557 MS. DILLON: Yes. I have only one point. It would follow from that, Mr.
- 29 O'Callaghan, that certainly by the time you came to deal with Ms. Cowhig, you
- 13:03:03 30 were of the view that that sum of 5,000 pounds which had been debited to Riga

13:03:08 1 which had been attributed to Barkhill was a payment to Mr. Lawlor, isn't that  
2 right?

3 A. Yes, that is correct.

4 Q. 558 All right. Thank you.

13:03:15 5  
6 CHAIRMAN: All right.

7  
8 MR. SREENAN: Chairman, could I just ask before we finish today. If  
9 Ms. Dillon could just put it to Mr. O'Callaghan where in the testimony of Mr.  
13:03:24 10 Dunlop he is supposed to have said that there was no second agreement on fees  
11 in 1991. You remember there was cross-examination on the basis of the  
12 statement and I did ask that the testimony be put on that issue. Just so that  
13 it's not carried over the weekend.

14  
13:03:49 15 Q. 559 MS. DILLON: No. No. I mean there is no difficulty with that. I think the  
16 issue was whether or not Mr. Dunlop had indicated that there was a second  
17 agreement, isn't that right? I had put to you I think, Mr. O'Callaghan, that  
18 my understanding, be it right or wrong, of Mr. Dunlop's position was that he  
19 had an agreement with you for a payment of 100,000 pounds in 1991 and that  
13:04:09 20 20,000 pounds of that remained unpaid, isn't that right?

21 A. Yes.

22 Q. 560 And that there was no suggestion by Mr. Dunlop of a second agreement that had  
23 been entered into between the two of you in relation too 1991, isn't that  
24 right, wasn't that what I had put to you?

13:04:23 25 A. Yes.

26 Q. 561 And if I could show you day 781 please, page 78, and I think in this question  
27 and answer session what's being discussed with Mr. Dunlop is the gap between  
28 the May of 1991 and April of 1992. And at question 519 it's put:

29  
13:05:00 30 "And then between April '92 and the 5th of June, a six-week period, you

13:05:05 1 received 70,000 pounds and that's relating to the 1992 payments, isn't that  
2 right?

3 A: Yes.

4 Q: All right. Now, what was the reason first of all for the fact that no  
13:05:16 5 payment was made between May of 1991 and April of 1992?

6 A: Well the original agreement with Mr. O'Callaghan in relation to the project  
7 was for a fee of 100,000 pounds. If I recollect correctly, there was a  
8 shortfall in that in 1991 and we agreed that there would be payments in 1992 in  
9 relation to the activities leading up to the final -- to the decision whenever  
13:05:37 10 it took place as it turned out in December 1992. And that was the reason for  
11 the gap. Any outstanding expenses as you have outlined were issued by Frank  
12 Dunlop & Associates in relation to the recovery of those expenses."

13

14 And that is the end of the quote.

13:05:53 15 And there Mr. Dunlop appears to be suggesting that he had an agreement in 1991  
16 in relation to a sum of 100,000 pounds with you. And do you agree that that's  
17 what Mr. Dunlop appears to be saying there, Mr. O'Callaghan?

18 A. Yes.

19 Q. 562 I don't know whether that clarifies. I can have the matter checked further but  
13:06:12 20 at the moment that's the clarification to hand that I have.

21

22 CHAIRMAN: All right. Well we can have a look at it on Monday. I think Mr.  
23 O'Callaghan is back at two o'clock on Monday.

24

13:06:23 25 MS. DILLON: Yes, I think Mr. O'Callaghan is giving evidence on Monday,  
26 Wednesday and Friday of next week.

27

28 CHAIRMAN: At two o'clock on Monday.

29

13:06:31 30 MS. DILLON: Yes, Sir.

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CHAIRMAN: Thank you.

**THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY.**

**MONDAY, 14TH JULY 2008, AT 2:00 P.M:**