

THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY,

8TH JUNE 2007, AT 10: 00 A.M:

CHAIRMAN: Good morning, Mr. Quinn.

MR. QUINN: Mr. Gilmartin, please.

CHAIRMAN: Good morning, Mr. Gilmartin.

MR. TOM GILMARTIN CONTINUED TO BE QUESTION BY MR. QUINN AS FOLLOWS

Q. 1 Thank you, Mr. Gilmartin.

A. Good morning.

Q. 2 Just one matter, just to clarify a matter yesterday, Mr. Gilmartin. If I could have 16054. This is an extract that I was dealing with yesterday from a note of a telephone conversation with you. And it refers to the night the motion to propose the rezoning of Quarryvale in 1992, Eddie Kaye and D F McGrath were in the bank with O'Callaghan. I think that should have been 1991. And that's just a typographical error, I suspect.

A. Yeah.

Q. 3 It was only the one night.

A. 15th of February '91.

Q. 4 Yes.

A. I think is the correct date.

Q. 5 Yesterday, Mr. Gilmartin, we had seen that, if I could have 4955. On the 19th of answer 1991, the councillors were being advised that an upcoming meeting on the 26th of April, motions 38 to 165 were going to be considered. And we know that the motion dealing, the McGrath motion dealing with your lands the Quarryvale lands was motion No. 38. Isn't that right?
So sometime shortly after the 19th of April, you would have known, presumably through one of the councillors, that Quarryvale was likely to be dealt with --

10:09:24 1 A. That's correct.

2 Q. 6 -- on the 26th of April. Now, as we know it wasn't. It's eventually dealt
3 with on the 16th of May, isn't that right?

4 A. That's correct.

10:09:32 5 Q. 7 Now, if I could have 2190, please. Paragraph 54 of your statement to the
6 Tribunal in 2001 reads as follows.
7
8 "After meeting with Mr. Kaye at the bank centre in late April 1991, to which
9 Mr. O'Callaghan had also turned up. Mr. O'Callaghan asked me to accompany him
10:09:51 10 to the Dail to meet some very important people whom he indicated were senior
11 politicians. As I knew that Mr. O'Callaghan had very good political
12 connections and that the purpose of the meeting was to do with the Quarryvale
13 project. I agreed to go.
14

10:10:03 15 We went to Buswells Hotel where Mr. O'Callaghan met with Mr. Lawlor. I
16 remained at the door of the hotel while Mr. O'Callaghan spoke to Mr. Lawlor. I
17 recall that Mr. Lawlor then got up, walked towards me greeted me and then
18 passed out through the doorway. Mr. Lawlor walked away at speed in through the
19 gates of Dail Eireann with both myself and Mr. O'Callaghan following. We went
10:10:23 20 through the Dail building and out the back door through the other side
21 eventually arriving at an office in Mount Street. We followed Mr. Lawlor up
22 the stairs and into a room where we found Mr. Frank Dunlop sitting at a table.
23

24 At this stage I realised that we must be in Mr. Dunlop's office in Mount
10:10:40 25 Street. Greetings were exchanged between Mr. O'Callaghan, Mr. Lawlor and Mr.
26 Dunlop and some conversation passed between them which was conducted out of my
27 ear shot. I believe I was in the office for about 30 minutes, during which
28 time the others came in and out of a back room. Eventually I decided I'd had
29 enough of whatever game was being played. I left the office and walked out on
10:11:00 30 to the street whereupon Mr. O'Callaghan followed me and asked me what was the

10:11:04 1 matter. I replied that this was an F*ing set up and I told him I wanted
2 nothing to do with Mr. Dunlop nor did I want him involved in any way in my
3 business. At the time I harboured a dim view of Mr. Dunlop and I had heard him
4 mentioned as a bag man for politicians on the take. I also suspected that he
10:11:20 5 had had a role in circulating information to the tax authorities in the UK
6 which had led to the exorbitant tax assessments which had been sent to me and
7 in generating publicity in relation to the subsequent difficulties I have had
8 with the Revenue.
9

10:11:34 10 Mr. O'Callaghan said to me at that time "F you. "You will never build an F*ing
11 foot on that site." This hardened my resolve against involving Mr. O'Callaghan
12 in my development in any way, notwithstanding the immense pressure to which the
13 bank was subjecting to me to agree to Mr. O'Callaghan's involvement. The
14 pressure was increased on the 16th of May 1991. Sorry. This pressure was
10:11:56 15 increased as the 16th of May 1991 approached and the rezoning was motion was
16 scheduled to come before the County Council for a vote to rezone Quarryvale for
17 town centre development and to include it in the draft Development Plan."
18

19 Now, Mr. Gilmartin, if we, if I could have 4971, please. This is an extract
10:12:14 20 from Mr. Dunlop's diary. And it shows Thursday the 25th of April 1991. And it
21 has a 12 noon entry for a meeting with Tom Gilmartin and Owen O'Callaghan.
22 Now, the motion in relation to Quarryvale was due to be heard on the 26th of
23 April, which would have been on the Friday. I have just read to you, Mr.
24 Gilmartin, an extract from your statement concerning that first meeting with
10:12:43 25 Mr. Dunlop and Mr. O'Callaghan and yourself.

26 A. Yes.

27 Q. 8 Is that a correct reflection of what actually transpired on the day?

28 A. That is correct.

29 Q. 9 When you were in bank centre there was no mention of visiting Mr. Dunlop, isn't
10:13:00 30 that right? You left bank centre in the company of Mr. O'Callaghan?

10:13:04 1 A. Yes, I got a phone.

2 Q. 10 With a view to meeting senior politicians in Leinster House?

3 A. I got a phone call from Mr. Eddie Kaye in Luton asking me to come over to a

4 meeting that I was needed for an important meeting. So I arrived at the bank

10:13:22 5 centre.

6 Q. 11 Did you come on that day, that's Thursday?

7 A. I came well following the invitation --

8 Q. 12 Yes.

9 A. -- by Mr. Kaye. I arrived. The meeting was to take place at two o'clock, I

10:13:33 10 think it was.

11 Q. 13 In bank centre?

12 A. In bank centre.

13 Q. 14 And did you travel on that day, on the Thursday?

14 A. I travelled on that morning, yeah.

10:13:40 15 Q. 15 Yes. And what time would you normally arrive in Dublin from Luton?

16 A. Well it depended. If the Ryan Air from Luton at that time they run two flights

17 in the morning one at eight and one at nine o'clock and then there was one

18 later on.

19 Q. 16 And depending which of those flights --

10:13:59 20 A. Usually I'd get around the eight or nine o'clock flight.

21 Q. 17 Which would have you in Dublin and in Ballsbridge approximately what time?

22 A. 11ish 12 o'clockish.

23 Q. 18 And did you go straight from the airport to bank centre in Ballsbridge?

24 A. I'm not a 100 percent sure what flight I caught. If I caught the 11 o'clock

10:14:19 25 flight I would have gone straight to the bank.

26 Q. 19 Yes. And when you arrived --

27 A. Arrived early for the meeting.

28 Q. 20 And who else attended for that meeting?

29 A. There was no meeting at the bank. I arrived at the bank. I was a bit early

10:14:34 30 because the meeting was supposed to take place at two o'clock. And so I waited

10:14:40 1 in the foyer in bank centre branch. I was asked to wait. And after some
2 period, five or ten minutes, a group of gentlemen came in the door of which
3 Owen O'Callaghan was one of them. I believe John Deane was with him as well.
4 And the other gentleman I recognised that was with him was Donal Chambers.
10:15:11 5 They came in. It seemed that they were at lunch and while I was sitting a
6 gentleman came over to me and he started speaking to me. I didn't recognise
7 the gentleman. I'd never seen him before but he introduced himself as
8 Mr. Aidan McKeown. And he was telling me he was from Sligo, from Enniscrone,
9 the same area. And he was just chatting, chitchat. So he got up and left.
10:15:43 10 Mr. O'Callaghan and the others were still standing by the reception.
11
12 Mr. O'Callaghan came over to me. He said "I see you were talking to Aidan
13 McKeown". I said yes. I said yes, well he introduced himself, I didn't know
14 the gentleman. And he says "Well just because he's from Sligo don't think he's
10:16:05 15 on your side because he F*ing well is not". That was O'Callaghan's statement.
16 So I said so what. Anyways, I was called upstairs. I walked upstairs and
17 Mr. Kaye met me on the landing.
18 Q. 21 Did Mr. O'Callaghan go upstairs with you or did he remain in the foyer?
19 A. I went up on my own. Mr. O'Callaghan was always in the bank any time I had a
10:16:37 20 meeting with them. He happened to be somewhere next door, in an office next
21 door or somewhere and on several occasions he had, I seen Mr. Dunlop and on two
22 occasions Mr. Lawlor with him.
23 Q. 22 Now, can I ask you. On those occasions that you're referring to when you saw
24 Mr. Dunlop and Mr. Lawlor with him at the bank. Were any --
10:17:01 25 A. Not on this occasion.
26 Q. 23 But had you seen them prior to this occasion, that's prior to?
27 A. I had seen them, yes.
28 Q. 24 Yes.
29 A. Mr. Lawlor on at least two occasions. I seemed to be chauffeuring Mr.
10:17:14 30 O'Callaghan at the time. On two occasions he was sitting downstairs in the

10:17:18 1 waiting room.

2 Q. 25 And this would have been prior to April 1991?

3 A. Prior to. Yes.

4 Q. 26 And what about Mr. Dunlop, had you met him prior to April 1991?

10:17:25 5 A. Mr. Dunlop was on numerous occasions appeared with Mr. O'Callaghan.

6 Q. 27 At the bank?

7 A. At the bank.

8 Q. 28 And had this --

9 A. And elsewhere.

10:17:41 10 Q. 29 And had this happened prior to April 1991?

11 A. It had, yes.

12 Q. 30 Taking the period January 1991 to April 1991, had you seen those gentlemen

13 together at the bank?

14 A. I had, yes.

10:17:47 15 Q. 31 Yes.

16 A. At least back in January '91. At least on one occasion Mr. Dunlop happened to

17 be in the bank. Not anything to do with my meeting. I usually had a meeting

18 with Mr. Kaye or Mr. Kaye and Mr. Dunlop.

19 Q. 32 Yes. But you had seen Mr. Dunlop in AIB in the period January '91 but had you

10:18:14 20 seen Mr. Dunlop in the company of Mr. O'Callaghan at that time?

21 A. I had, on numerous occasions.

22 Q. 33 But prior to April '91?

23 A. Prior to April '91.

24 Q. 34 You had seen them together numerous occasions at the bank?

10:18:28 25 A. I had, yes, yes.

26 Q. 35 Yes.

27 A. And I seen them in the Dail back in 1979.

28 Q. 36 Are you referring to 1989, Mr. Gilmartin?

29 A. No, I beg your pardon, '89. Sorry '89.

10:18:41 30 Q. 37 So you had seen Mr. Dunlop and Mr. O'Callaghan in the Dail in 1989?

10:18:44 1 A. Yeah well I previously gave that evidence. I was invited in, there was a hung
2 parliament and there was seemingly attempts to over throw the Charles,
3 Mr. Haughey's Government at the time. He had just a minority of one or
4 something. And the gong used to be going. So I was staying at the Buswells
10:19:10 5 Hotel and John Gilbride and Colm McGrath invited me into the Dail one evening,
6 to come in to see what was going on. It was late in the evening. And on that
7 occasion Mr. O'Callaghan and Mr. Dunlop was talking to Mr. Ahern, as we went
8 into the tea room.

9 Q. 38 And that was in 1989 you say?

10:19:31 10 A. That was.

11 Q. 39 June '89?

12 A. '89, yes.

13 Q. 40 Had you known Mr. Dunlop personally at this stage, Mr. Gilmartin?

14 A. No.

10:19:39 15 Q. 41 Had you ever met Mr. Dunlop?

16 A. No, I had letters from a Murray Consultants, which was signed by Mr. Dunlop.

17 Q. 42 If we could have --

18 A. I knew Mr. Dunlop from television and one thing and another.

19 Q. 43 Yes. And you didn't hold a very high opinion of Mr. Dunlop in April '91, isn't
10:19:58 20 that right?

21 A. No, I was --

22 Q. 44 You felt that he was involved or had been involved in the tax difficulties that
23 you had had, isn't that right?

24 A. I was told not to have anything to do with him. That he was ... and by
10:20:13 25 numerous people and he was always regarded as a bag man for Fianna Fail.

26 Q. 45 If I could have 3989, please. The Tribunal have received and you will have
27 received it as part of your brief, Mr. Gilmartin, documentation on discovery
28 from Mr. Dunlop. Which appears to relate to messages being sent or faxed to
29 you from Murray Consultants Limited. The one on screen is a message dated the
10:20:43 30 18th of August 1989. It's from Frank Dunlop and it says:

10:20:48 1
2 "Dear Tom. As promised, I attach the press cutting from yesterday's Irish
3 Independent."
4 And if we go to 3990. We see an article extract "city selling sites" by Tony
10:21:00 5 O'Brien, environmental correspondent. And that relates to your acquisition of
6 the corporation lands.
7 A. That's correct.
8 Q. 46 Now, could you tell the Tribunal the circumstances under which Mr. Dunlop came
9 to send that fax and faxes to you?
10:21:15 10 A. They were unsolicited.
11 Q. 47 These faxes were unsolicited?
12 A. Unsolicited, yes, as was his letter to me of --
13 Q. 48 If we could have 3977. There is an entry I think in your diary for the 28th of
14 June 1989. "Ring Mr. Dunlop Murray press agents."
10:21:34 15 A. Yes, there was a phone message left for me at home.
16 Q. 49 Is that in your writing or is that someone else's?
17 A. That's my writing, yes.
18 Q. 50 And you have given evidence I think of Mr.-- speaking with Mr. Dunlop at this
19 time. He had contacted you and you had phoned him. He had been looking for
10:21:55 20 your support, isn't that right?
21 A. He was looking for me to appoint him as a -- at that time.
22 Q. 51 Yes, that's 1989.
23 A. The original contacts.
24 Q. 52 That's June '89?
10:22:08 25 A. I didn't know anything about Mr. Dunlop.
26 Q. 53 So you say you didn't know anything about Mr.--
27 A. I didn't even know what his role was.
28 Q. 54 Yes.
29 A. But he got this Murray Consultant, which I assume was some form of consultants
10:22:21 30 or PR company.

10:22:21 1 Q. 55 If we could have 1888, please. Mr. Dunlop has told the Tribunal and will tell
2 the Tribunal, I understand, that Mr. Lawlor used to visit Murray Consultants
3 Limited from time to time throughout 1989. And at one of those meetings he
4 spoke to Mr. Dunlop about Quarryvale and in particular about you and suggested
10:22:47 5 that he, Mr. Dunlop, contact you with a view to acquiring you as a client. He
6 said that Mr. Lawlor provided him with both the address and telephone number of
7 Mr. Gilmartin in Luton, in England. Mr. Dunlop did contact you, isn't that
8 right?

9 A. He did, yes. I had a letter. We got phone calls for to ring him and I got.
10:23:08 10 Then I received a letter from Murray Consultants.

11 Q. 56 The documentation I had on screen a moment ago, Mr. Gilmartin. If I could have
12 3989, appears to have been a fax to you in Luton, isn't that right?

13 A. That's correct.

14 Q. 57 Did you give Mr. Dunlop or Murray Consultants your fax number in Luton?

10:23:30 15 A. No, I did not.

16 Q. 58 Now, the letter to you is quite short. It just says "As promised, I attach the
17 press cuttings from yesterday's Irish Independent". That suggests some level
18 of previous contact, Mr. Gilmartin.

19 A. Well, from the telephone call message to ring Mr. Dunlop I probably phoned him.

10:23:52 20 Q. 59 And did you agree with him or did you lead him to believe that he should fax
21 through to you some press cuttings in -- that the time. At that time I
22 wouldn't have -- if he said he was faxing me something I wouldn't have seen
23 anything untoward in it because I didn't know Mr. Dunlop or his activities at
24 that time.

10:24:14 25

26 If we go to 3991. There is a further article of the 19th August 1989. And
27 again, at 3992 there is one again of the Irish Independent "riches at the
28 stroke of a pen" by Cliona O'Donoghue. And if we go to 3993 on the 21st of
29 August, he again sends you a cutting this time from the Irish Times saying "As
10:24:38 30 promised I enclose cutting from today's Irish Times". We see that at 3994.

10:24:49 1 3995 and then at 3996 on the 22nd of August 1989, he says "This is today's
2 episode. Can we arrange to meet privately when you come to Dublin during the
3 week, Frank".
4

10:25:01 5 Again, I suggest to you, Mr. Gilmartin, that that's a very -- he is showing a
6 level of familiarity with you there. He refers to as Tom. He signs it Frank
7 and he is giving you almost a daily episode of what's being carried in the
8 Irish newspapers concerning development?

9 A. I can assure you, I had no meeting of any sort. I was not familiar with Mr.
10 Dunlop at any time. He might have shown familiarity to me or hay-fellow well
11 met type of thing but at that time I didn't know Mr. Dunlop. I had not met
12 him.

13 Q. 60 But you did know him to see?

14 A. Face-to-face, the first time I met Mr. Dunlop was in April '91.

10:25:50 15 Q. 61 '91. You did know him to see because you recognised him as somebody in the
16 Dail?

17 A. From the television. He was a well known face on television. He didn't have
18 the -- I don't think that he had that television programme. But he -- in news
19 readings from connected with Charles Haughey and things like that he seemed to
20 be, you know, managed to be in the photographs somewhere.

10:26:19 21 Q. 62 If we go back then, Mr. Gilmartin, to your meeting in bank centre on the 25th
22 of April. You are now upstairs with Mr. Kaye and you have already met Mr.
23 O'Callaghan and Mr. Deane.

24 A. Yeah, well when I went up to meet Mr. Kaye he met me on the landing and there
10:26:40 25 was no meeting. I asked him, you know, what was it about and he says oh, no we
26 want you to go into the Dail to meet some important people.

27 Q. 63 Who wanted you to go into the Dail?

28 A. I assumed it was the bank wanted me.

29 Q. 64 Was this the first time the bank had asked you to meet politicians in relation
10:27:00 30 to your development?

- 10:27:04 1 A. Not quite sure whether it was the first time. I would say it was one of the
2 early ones anyway. One of the first times.
- 3 Q. 65 When you were coming to that meeting, Mr. Gilmartin, did you think you were
4 coming to a meeting with the bank or did you believe you were coming to a
10:27:27 5 meeting with the bank and Mr. O'Callaghan?
- 6 A. No. I thought it was a meeting with the bank.
- 7 Q. 66 You had executed the second Heads of Agreement that you referred to yesterday,
8 isn't that right, at that stage?
- 9 A. That's correct.
- 10:27:38 10 Q. 67 And yourself and Mr. O'Callaghan were committed to finding a third investor who
11 would be given a one-third interest in the company at that stage?
- 12 A. Yeah, I had signed that heads of agreement under extreme duress.
- 13 Q. 68 Yes. Presumably you were quite cross about having done that, isn't that right?
- 14 A. Yes, I was.
- 10:28:00 15 Q. 69 And you were cross with the bank and you were cross with Mr. O'Callaghan and
16 presumably you were cross with Mr. McGrath, if what you say is correct?
- 17 A. Yeah, well where was the point of forcing me into an agreement when
18 Mr. O'Callaghan had nothing to contribute to the deal whatsoever. He neither
19 had money or anything else. And as a matter of fact, Mr. O'Callaghan was
10:28:19 20 funded on my assets. The funds put up by the bank or the so called loan
21 facility put up for the bank. And I assume that the Tribunal might have done a
22 forensic audit of the accounts. They will find that Mr. O'Callaghan was funded
23 purely on my security, my assets.
- 24 Q. 70 And was that --
- 10:28:45 25 A. And to me that was embezzlement.
- 26 Q. 71 And that was in -- that was your belief in April 1991?
- 27 A. That's correct.
- 28 Q. 72 And we saw how the -- we saw the bank's memorandum over the last couple of days
29 leading to that meeting and agreement in February '91, isn't that right?
- 10:29:04 30 A. That's correct.

10:29:04 1 Q. 73 And their thinking at that time, isn't that right?
2 A. That's correct.
3 Q. 74 Was Mr. Kaye your contact within the bank? Was he the person you had most
4 contact with at the time?
10:29:15 5 A. Mr. Kaye was at that time.
6 Q. 75 Yes.
7 A. I honestly believed that Mr. Kaye was really not aware of what the game was at
8 the time.
9 Q. 76 And I think Mr. Donnagh was also --
10:29:30 10 A. But that's only my belief. I felt Mr. Kaye -- I always considered him a
11 gentleman so I didn't believe that he -- I believed he was carrying out orders
12 from above.
13 Q. 77 Yes. I think Mr. Kaye was dealing with your account as was Mr. Donnagh, isn't
14 that right, at that time?
10:29:47 15 A. Jim Donnagh, yeah.
16 Q. 78 So having indicated to you that they wished for you to go to Leinster House to
17 meet politicians, did he tell you why they wanted you to meet politicians?
18 A. They said it was important that we show unity to the politicians.
19 Q. 79 Yes. That's yourself and Mr. O'Callaghan?
10:30:06 20 A. Which puzzled me because I couldn't understand why the bank, why the bank -- if
21 they were claiming that they had no input whatsoever to politicians or didn't
22 know anything, which seems to be their line of thought, yet Mr. Donnagh -- Mr.
23 Donnagh was telling me that they had more influence than I could ever hope to
24 have.
10:30:31 25 Q. 80 When did Mr. Donnagh say that to you?
26 A. He said it to me in June 1990. Around the 28th of June when they visited me in
27 --
28 Q. 81 In Luton?
29 A. Not in Luton. In, I met them at the airport Trust Forte Hotel at Heathrow
10:30:49 30 airport.

10:30:50 1 Q. 82 That was --

2 A. Followed by Mr. O'Callaghan two days later.

3 Q. 83 You had received a letter from them I think the previous day where they had

4 expressed their disappointment at the fact that you had failed to either get

10:31:01 5 designation or bring in an equity partner, isn't that right?

6 A. That's correct.

7 Q. 84 And they had suggested that going forward you should try and find someone who

8 would assist you?

9 A. I had. I had the people in place.

10:31:12 10 Q. 85 And are you saying --

11 A. Not only that. I had substantial funding in place.

12 Q. 86 And are you --

13 A. Which was subject to the zoning.

14 Q. 87 And in what context do you say that Mr. Donnagh at that meeting said to you

10:31:28 15 that AIB had such influence?

16 A. We were talking about the designation and the zoning of Quarryvale and I was

17 saying that I had assurances from, political assurances that this would happen

18 because they knew Neilstown would never be built on. That Neilstown was a

19 write off and Mr. Dunlop piped up and says we have more political influence

10:32:03 20 than you could ever hope to have.

21 Q. 88 When Mr. Kaye asked that you go and show unity with Mr. O'Callaghan. What was

22 the follow on from that? Did you leave bank centre with Mr. O'Callaghan?

23 A. Well Mr. O'Callaghan had a taxi waiting. One of four taxi rides I had with

24 Mr. O'Callaghan. He had a taxi waiting. So I followed Mr. Kaye's instructions

10:32:33 25 to go into the Dail. The taxi, Mr. O'Callaghan had the taxi pull up at

26 Buswells.

27 Q. 89 Who else travelled in that taxi with you?

28 A. Mr. Owen O'Callaghan and myself.

29 Q. 90 Just the two of you?

10:32:46 30 A. Yeah.

10:32:46 1 Q. 91 And it pulled up in Buswells Hotel across the road from the Dail?
2 A. Yes, is it Molesworth Street?
3 Q. 92 Yes.
4 A. And we got out of the taxi there. Mr. O'Callaghan went into Buswells. He
10:33:12 5 didn't tell me what he was going in for. But I followed as far as the door.
6 So he went on up the lobby and Mr. Lawlor was sitting, there's a bit of an
7 alcove up the end of the lobby at that time, a couple of steps up to it with
8 seats and a table in it. Mr. Lawlor was sitting there. So Mr. O'Callaghan
9 went and said -- brief chat with him and Lawlor got up and he came towards the
10:33:26 10 door. Passed by me on the door. Mumbled something and carried on walking. So
11 Mr. O'Callaghan beckoned to me to come on. So we went across Kildare Street,
12 in the open gates. Not through the security thing, just in the open gate of
13 the Dail.
14 Q. 93 Mr. Lawlor was --
10:33:45 15 A. Lawlor was.
16 Q. 94 -- was a TD at that stage, isn't that right?
17 A. He was a TD. Well, yes he was.
18 Q. 95 So there was the three of you; yourself, Mr. O'Callaghan and Mr. Lawlor?
19 A. That's correct. And Lawlor just put his hand up to the security man as he
10:34:00 20 passed and went in the front door of the Dail. I assumed we were going into
21 the Dail but Lawlor continued on out the back door. So O'Callaghan says to me.
22 I asked him where are we going. He says "never mind you'll see". And we went
23 out the back door of the Dail and we went on up the street and came to an
24 office. So Lawlor went into the office, upstairs and we came into a room.
10:34:25 25 There was a desk to the right-hand side in the room, sort of diagonally across
26 the corner and there was a little round table just opposite the door where we
27 entered the room. So I was asked to sit at that table. Mr. Lawlor went
28 straight into a back room.
29 Q. 96 Did you know where you were at this stage?
10:34:45 30 A. As I said Mr. Dunlop was in the office, so I assumed it was Mr. Dunlop's

10:34:49 1 office.

2 Q. 97 Were you introduced to Mr. Dunlop?

3 A. No, I wasn't.

4 Q. 98 Did Mr.--

10:34:54 5 A. I was just asked to sit at the table.

6 Q. 99 Did Mr. Lawlor introduce Mr. O'Callaghan to Mr. Dunlop?

7 A. No, no, they knew each other.

8 Q. 100 Did you get the impression --

9 A. They were familiar. Mr. O'Callaghan, I seen him on several occasions prior to

10:35:09 10 that with Mr. Dunlop. So Mr. Lawlor went straight into a back room.

11 Q. 101 And was Mr. -- did you get the impression?

12 A. The back room was to the left of where we entered the door.

13 Q. 102 Did you get the impression that Mr. Dunlop was awaiting your arrival?

14 A. I did, yes.

10:35:25 15 Q. 103 Was there anybody else there other than Mr. Dunlop?

16 A. There was some -- I thought I heard another voice in the room -- in it was in a

17 room to the left-hand side.

18 Q. 104 Is this the room that Mr. Lawlor went into?

19 A. Correct.

10:35:42 20 Q. 105 This was a room off the room you were now in?

21 A. Yeah. It was a sizeable room, about, I would say 18 foot by 14 foot or

22 something. The room we arrived in when we came to the top of the stairs and

23 when went in the door, to the right-hand side there was a desk diagonally

24 across the corner and there was a little round table in front of us.

10:36:09 25 Q. 106 And are you saying --

26 A. Small round dark oak coloured table.

27 Q. 107 And did you sit at that table?

28 A. I was told to sit there.

29 Q. 108 And did --

10:36:18 30 A. I was told to wait.

10:36:19 1 Q. 109 And you weren't introduced to Mr. Dunlop and Mr. Dunlop wasn't --

2 A. I was not introduced to anybody. I was just asked to wait at the table. Mr.

3 Dunlop got up and he went into the back room with Mr. O'Callaghan.

4 Q. 110 So no you're left in this room and Mr. Lawlor, Mr. Dunlop and Mr. O'Callaghan

10:36:35 5 are all in another room?

6 A. That's correct.

7 Q. 111 And you think that from -- that you thought that somebody else was in that

8 room?

9 A. Yes, there was another voice but I wasn't sure who it might be. First I

10:36:49 10 thought it might have been Ambrose Kelly. I was trying to hear the voice but

11 with the various talking going on to see if I could identify it.

12 Q. 112 Were you not tempted?

13 A. But I wasn't really concerned with, you know, whether to identify it or not.

14 Q. 113 Were you not tempted perhaps to go into that room yourself?

10:37:09 15 A. I wasn't invited.

16 Q. 114 Now, you were left on your own not having been introduced to Mr. Dunlop?

17 A. I wouldn't make a habit of walking into somebody's office or room without being

18 invited.

19 Q. 115 Yes. So you remained in the outer room, if I can call it that?

10:37:25 20 A. I was left sitting at the table.

21 Q. 116 How long were you?

22 A. Occasionally Frank Dunlop would come out and he'd go to his desk and he'd be

23 opening drawers and picking out bits of paper, going back into the room again.

24 Then an argument seemed to develop in the room. There seemed to be an argument

10:37:51 25 going on of some sort.

26

27 So in the end after about, I'm not exactly sure the time but 20 minutes or half

28 an hour, I got fed up and I felt there was some form of set-up and I got up and

29 I walked out. Nobody spoke to me. Mr. Dunlop kept passing me by in and out.

10:38:07 30 And there was some kind of, I could hear some voices raised and I went out,

10:38:14 1 walked out and I went down on to Mount Street I think it was. So I was walking
2 down Mount Street when I heard Mr. O'Callaghan call me and asking me what the
3 so and so was wrong with me. So I told him. So and so you this is some form
4 of set-up and I'm not part of it and I don't want to be.

10:38:39 5 Q. 117 What was Mr. O'Callaghan's response to that?

6 A. His response to that was he made it on another occasion was, "F you, you will
7 never put a foot on that site. That's the best site in Ireland. And you'll
8 never build a foot on it."

9 Q. 118 Did you --

10:38:57 10 A. So I went to walk away and then after a while Dunlop arrived with, I think it
11 was a Volvo, green colour Volvo car. And I -- pick up Mr. O'Callaghan. And
12 then they asked me to get into the car, which I was reluctant to do but they
13 said they were going back to the bank. And for me to hop in, to give me a lit
14 lift back to Ballsbridge. So I did. When you got back to the bank centre what
10:39:36 15 happened. Well I left. I didn't go. I went into Paul Sheeran's, he lived
16 close by, Merrion Hall.

17 Q. 119 And you didn't go in to the bank?

18 A. No.

19 Q. 120 Did you raise with Mr.--

10:39:48 20 A. No, I don't think so. I didn't. There was no meeting with the bank. The bank
21 did not have a meeting. They asked me to come over to a meeting but when I
22 arrived there was no meeting.

23 Q. 121 Did you ask Mr. O'Callaghan or Mr. Dunlop in that trip from Leinster House to
24 Ballsbridge who was in the back room?

10:40:09 25 A. No, I didn't. I assume whatever the setup was, that it was something peculiar.
26 But I overheard Mr. Dunlop having a go at Mr. O'Callaghan about leaving him
27 with Lawlor. That Lawlor had cut up rough over not getting, seemingly he was
28 supposed to get 100,000. And he only got 40,000. And Mr. Lawlor seemingly
29 went for Mr. Dunlop. So I over heard Dunlop having a go at Owen O'Callaghan
10:40:42 30 that why did he leave.

- 10:40:44 1 Q. 122 Why did he --
- 2 A. Leave him with Lawlor. That Lawlor, that he nearly had to call the Guards was
- 3 the words he said.
- 4 Q. 123 Was -- when did Mr. Dunlop have that conversation with Mr. O'Callaghan?
- 10:40:58 5 A. They were speaking by the car as I got out of it.
- 6 Q. 124 This is when you got out in --
- 7 A. Yeah.
- 8 Q. 125 -- in Ballsbridge?
- 9 A. That's correct.
- 10:41:06 10 Q. 126 They were having that conversation in the car?
- 11 A. In the car, as I got out of it. As I got out of the car I over heard them and
- 12 I over heard Dunlop attacking Mr. Lawlor -- Mr. O'Callaghan for the fact that
- 13 he left him, that Lawlor was -- and O'Callaghan said something to the effect
- 14 that oh, I'll try and square it, I'll give him a bit more. And I went back, I
- 10:41:30 15 left then.
- 16 Q. 127 So you're telling the Tribunal, Mr. Gilmartin, that the conversation that you
- 17 recall from that car journey was a conversation between Mr. O'Callaghan and Mr.
- 18 Dunlop concerning money and concerning money being sought of Mr. Dunlop by
- 19 Mr. Lawlor and Mr. O'Callaghan confirming to Mr. Dunlop that he would try and
- 10:41:53 20 give some more money to Mr. Lawlor, is that correct?
- 21 A. That's correct.
- 22 Q. 128 Now, Mr. Dunlop has told the Tribunal, if I could have 1890, please. That the
- 23 meeting which you referred was a meeting in January 1991.
- 24 A. That's not true.
- 10:42:13 25 Q. 129 He says "I cannot recall whether or not I made contact with Mr. O'Callaghan
- 26 first or he with me. I did however meet him early in January 1991. I believe
- 27 in January when he Mr. Gilmartin and Mr. Lawlor came to my office for a
- 28 meeting."
- 29 A. At no time did I come to Mr. Dunlop's office with Mr. Lawlor. I never
- 10:42:39 30 knowingly went to Mr. Dunlop's office with anybody.

- 10:42:42 1 Q. 130 Can I ask you, Mr. Gilmartin, how many times were you in Mr. Dunlop's office?
- 2 A. Once.
- 3 Q. 131 And was that the one occasion that we --
- 4 A. That was late April.
- 10:42:50 5 Q. 132 1991?
- 6 A. I didn't think it was the 25th. I thought it was the 28th of April. I'm
- 7 not -- I thought it was the 28th of April. But anyway.
- 8 Q. 133 The 28th would have been a Sunday, Mr. Gilmartin?
- 9 A. Oh, well then it was the Friday.
- 10:43:14 10 Q. 134 Thursday the 25th?
- 11 A. Yeah, yeah. It was not a Sunday. I thought it might have been around the
- 12 28th. The last days of April.
- 13 Q. 135 He says the meeting --
- 14 A. But it was it was definitely late or the end of April.
- 10:43:19 15 Q. 136 He says the meeting in January 1991 was the first occasion that I met either
- 16 man. In other words Mr. Dunlop is telling the Tribunal that he had never met
- 17 you or Mr. Lawlor prior -- sorry. You or Mr. O'Callaghan prior to his first
- 18 meeting attended by yourself and Mr. O'Callaghan and Mr. Lawlor.
- 19 A. He did not meet me in January.
- 10:43:38 20 Q. 137 Yes.
- 21 A. That's an absolute certainty. The only occasion that Mr. Dunlop or I was in
- 22 his presence was when I was taken there on the pretense of going to the Dail to
- 23 meet senior politicians. I was taken there by Owen O'Callaghan, who eventually
- 24 teamed up with Mr. Lawlor and we arrived in Frank Dunlop's office.
- 10:44:02 25 Q. 138 Can I ask you, Mr. Gilmartin. What do you think was the purpose of the meeting
- 26 with Mr. Dunlop on that occasion?
- 27 A. I believed that it was some form of set-up because the bank was well aware that
- 28 I would not go to Mr. Dunlop's office even at their invitation. They were well
- 29 aware of that.
- 10:44:23 30 Q. 139 Had you discussed with the bank -- had you discussed Mr. Dunlop with the bank

- 10:44:29 1 prior to April 1991?
- 2 A. Yes, I had.
- 3 Q. 140 And in what context did you --
- 4 A. I asked the bank on numerous occasions why Mr. Dunlop happened to appear at the
- 10:44:40 5 bank when I happened to have a meeting with them with Owen O'Callaghan, on
- 6 numerous occasions. And I continued to ask them up until 1996. I demanded to
- 7 know what Dunlop was doing and what was his purpose and I noticed from the
- 8 sanitised documents you had from the bank that there's none of these queries in
- 9 the minutes or anything else. They seemed to have been pretty well sieved
- 10:45:13 10 through.
- 11 Q. 141 Are you saying that you had raised those concerns and queries concerning Mr.
- 12 Dunlop prior to this meeting on the 25th of April 1991?
- 13 A. Yes, I had been told long before that by numerous people, including a director
- 14 of Irish Life, to make certain that I had nothing to do with Mr. Dunlop. That
- 10:45:34 15 he was well I won't repeat. I'm repeating somebody else's statement so.
- 16 Q. 142 Perhaps best not, Mr. Gilmartin.
- 17 A. I won't repeat actually what he called him.
- 18 Q. 143 In any event --
- 19 A. And he was one of quite a few people.
- 10:45:48 20 Q. 144 Yes. You say that you had been warned away from Mr. Dunlop or engaging Mr.
- 21 Dunlop, is that correct?
- 22 A. That's correct, had nothing to do with him. And I got good advice from friends
- 23 as well.
- 24 Q. 145 Mr. Dunlop in his statement says "The meeting in January 1991, was the first
- 10:46:02 25 occasion I met either man. Mr. Lawlor arranged this meeting and advised me in
- 26 advance that Mr. Gilmartin was reluctant to attend as he did not want any
- 27 involvement by me in his project."
- 28 A. Mr. Lawlor -- I don't know anything about Mr.-- that comment by Mr. Lawlor.
- 29 Mr. Lawlor did not figure in any arrangement on my behalf any meeting.
- 10:46:29 30 Q. 146 It --

10:46:30 1 A. Other than when I started off first.

2 Q. 147 It says the three men arrived --

3 A. Involved with Arlington.

4 Q. 148 "The three men arrived together from Leinster House, where Messrs. O'Callaghan
10:46:41 5 and Gilmartin had met Mr. Lawlor. I had been told in advance by Mr. Lawlor
6 that Mr. O'Callaghan and Gilmartin would be in Leinster House for meetings that
7 day."

8 A. We were not in Leinster House. We arrived -- I arrived at the bank for a
9 meeting as I thought with the bank to be told there was no meeting but that I
10:46:58 10 had to go into Leinster House. We did not go into Leinster House. We passed
11 through the front door out the back door.

12 Q. 149 "It was at this meeting in my offices in January 1991 that I learnt for the
13 first time that both developers, Messrs. Gilmartin and O'Callaghan had joined
14 forces or intended joining forces and were to proceed on the basis that the
10:47:19 15 Quarryvale lands represented the most attractive site for a town centre and for
16 a shopping complex."

17 A. I would suggest that's fabrication to suit -- because Mr. Dunlop was involved
18 with Mr. O'Callaghan in thwarting me for long before that.

19 Q. 150 Now, Mr. Dunlop has told -- will tell the Tribunal that at a subsequent meeting
10:47:45 20 he was advised by Mr. O'Callaghan that he had been -- that he was joining
21 forces with you at the request of AIB because they feared that their loan of
22 some millions to you for the purchase of the lands would be lost if the
23 proposal to have Quarryvale zoned for town centre and for retail shopping was
24 not achieved.

10:48:05 25 A. Well I don't know what the liaison between Mr. O'Callaghan, Mr. Dunlop. Nor
26 neither do I -- am I fully aware of what the game was between Mr. O'Callaghan,
27 the bank and Mr. Dunlop.

28 Q. 151 Mr. Dunlop --

29 A. Neither am I totally aware, other than the game the bank played with me, which
10:48:27 30 I find totally, should I say, puzzling to say the least. That the bank was

10:48:33 1 concerned about my loan when they funded Owen O'Callaghan, they put up loans
2 Owen O'Callaghan drawn with security on my assets. Not only that, that they
3 eventually run the bill up from 9,000 -- nine million pounds to 25 million with
4 no concern whatsoever. And Mr. O'Callaghan added nothing, done nothing only
10:49:04 5 took from the scheme that I had proposed for Quarryvale.

6
7 Actually, they got a few, a string of sheds instead of what I had proposed for
8 Quarryvale. Now, I would like an explanation from the bank as to how they were
9 so concerned about my loan when they managed in the end to run it up. To pay
10:49:27 10 themselves 40 percent interest. To pay themselves 400,000 and some fee and
11 they paid themselves a quarter of a million second fee, all taken from my
12 assets.

13 Q. 152 Mr. Dunlop --

14 A. And on top of that, they funded Mr. O'Callaghan only purely on my assets. What
10:49:49 15 do you call that?

16 Q. 153 Mr.--

17 A. What could anybody call it? It was total embezzlement.

18 Q. 154 Yeah.

19 A. It was fraud in anybody's books.

10:50:08 20 Q. 155 If we continue, Mr. Gilmartin, for the moment with what Mr. Dunlop says
21 about --

22 A. I apologise for that. But they are queries I would love the bank to answer to
23 me.

24 Q. 156 Mr. Gilmartin, if we just concentrate for the moment on what Mr. Dunlop says
10:50:25 25 about that meeting and about your involvement at that meeting. He says "I
26 became aware that Mr. Lawlor was advising both men". That's both yourself and
27 Mr. O'Callaghan. Was Mr. Lawlor advising you?

28 A. No, he was not.

29 Q. 157 Mr. Gilmartin?

10:50:37 30 A. I had sacked Mr. Lawlor anything to do with Arlington.

10:50:40 1 Q. 158 He says however from the outset --

2 A. Any connection with me, I terminated it with Arlington back ...

3 Q. 159 He says --

4 A. When we were involved in Bachelor's Walk.

10:50:50 5 Q. 160 He says "However from the outset Mr. Lawlor opposed Mr. Gilmartin's proposal

6 for a one and a half million square feet retail shopping on the outskirts of

7 Dublin and said so repeatedly to me from the outset. He also said so at the

8 first meeting between Mr. Gilmartin and O'Callaghan and myself in January

9 1991."

10:51:07 10 Was there a discussion, Mr. Gilmartin, at that meeting where you --

11 A. That's a total smoke screen. The same smoke screen Lawlor started playing when

12 he was caught out. Lawlor was gun hoe for my scheme. 100 percent for it. And

13 there's evidence in there from various notes we discovered to the Tribunal.

14 And so was Owen O'Callaghan.

10:51:31 15 Q. 161 My query to you, Mr. Gilmartin --

16 A. I --

17 Q. 162 I'm sorry for cutting you off. But my query to you was; was there a discussion

18 at that meeting in Mount Street on that occasion at which Mr. Lawlor

19 contributed the fact that he was opposed to your proposals. A simple yes or no

10:51:53 20 will suffice?

21 A. No such discussion. I was left --

22 Q. 163 Did you make any contribution to any discussion on any topic at that meeting --

23 A. Absolutely none. I was left sitting at a table talking to myself.

24 Q. 164 Okay. Well Mr. Dunlop continues. "The meeting between Mr. Gilmartin, Mr.

10:52:07 25 O'Callaghan and Mr. Lawlor and I lasted approximately one hour." This is what

26 Mr. Dunlop will tell the Tribunal I understand, Mr. Gilmartin. He will say

27 "Most of this was taken up by Mr. Gilmartin talking of his ambitious plans. He

28 repeatedly stated that his plans could be achieved despite the criticism of

29 them in terms of size, location and impact. He said he had support for his

10:52:28 30 proposal from the very top politically but I do not recall him specifically

10:52:33 1 identifying any particular politician in this regard. When the meeting
2 concluded all three left together."
3 A. That's an absolutely lie.
4 Q. 165 If Mr. Dunlop gives that evidence, Mr. Gilmartin --
10:52:44 5 A. It's a lie.
6 Q. 166 And if Mr.--
7 A. No such discussion took place.
8 Q. 167 And --
9 A. Absolutely I can guarantee you, no such discussion took place with me about
10:53:07 10 anything on that occasion. So that is an absolute fabrication.
11 Q. 168 Now, we do know if we look at 4971. That Mr. Dunlop did have an entry in his
12 diary for 1.30 meeting with Liam. Which presumably is a meeting with
13 Mr. Lawlor. What time do you say your meeting took place?
14 A. Our meeting took place, it had to be some time around between 2 and 3 o'clock.
10:53:30 15 I arrived for a meeting in the bank for two o'clock. I would say at the time I
16 got upstairs to meet Mr. Kaye it was just gone two o'clock. Mr. Kaye there was
17 no meeting. Mr. Kaye was standing in the outside of his office and told me
18 that they wanted me to meet some people in the Dail. That I had to go with Mr.
19 O'Callaghan.
10:53:57 20 Q. 169 Yes.
21 A. And I left there. Mr. O'Callaghan had a taxi waiting.
22 Q. 170 Yes.
23 A. And I left there. So the length of time it took to go to Buswells, get out of
24 the taxi and then walk from there to where ever Dunlop's office was in Mount
10:54:14 25 Street.
26 Q. 171 We can time it somewhere between two o and three o'clock you say?
27 A. It would have been probably, shortly before three o'clock.
28 Q. 172 Now, if we revert to Mr. Dunlop's statement at 1890, he says "Following on that
29 meeting he received a phone call from Mr. Lawlor who said that Mr. O'Callaghan
10:54:31 30 would be in contact with him".

10:54:35 1
2 And he goes on at 1891 to say "Shortly after this meeting either the following
3 day or within matter of days, I met Mr. O'Callaghan for the second time in my
4 office by prior arrangement at his request. There were no other persons
10:54:47 5 present. It was at this meeting that I was made aware that he, Mr.
6 O'Callaghan, had become involved in Quarryvale at the request of AIB. It was
7 at this meeting that I first learnt of the difficult relationship that had
8 developed between Mr. Gilmartin and AIB.
9
10:55:01 10 Similarly, Mr. O'Callaghan informed me that neither AIB nor he believed that
11 Mr. Gilmartin on his own could manage the process which would be required to
12 have the Quarryvale site zoned for both town centre purposes and retail
13 shopping. Mr. Gilmartin's insistence on achieving a one and a half -- a
14 million and a half square feet of retail shopping was unrealistic and was
10:55:22 15 acting as a disincentive to those who might be willing to support the
16 development at the Quarryvale site.
17
18 Mr. O'Callaghan informed me that as a professional lobbyist was required so
19 that the necessary interaction between all of the parties concerned,
10:55:36 20 councillors, officials, community groups, residents associations and the media
21 could be properly and effectively co-ordinated. He referred to the fact the
22 Mr. Gilmartin lived in Luton and he in Cork and it was necessary to have
23 somebody in Dublin overseeing and managing matters.
24
10:55:49 25 Mr. Ambrose Kelly was to be the architect for the proposed development and
26 while he practiced in the Dublin he could not be expected to handle matters
27 other than the normal technical issues involved. I had never heard of nor met
28 Mr. Ambrose Kelly prior to this point."
29
10:56:02 30 Now, did you ever have a discussion, Mr. Gilmartin, with either the bank and/or

10:56:06 1 Mr. O'Callaghan about the necessity of having a professional lobbyist to
2 interact with various parties including councillors and politicians and
3 residents groups?
4 A. No, I certainly did not.

10:56:18 5 Q. 173 Did you know at this time, that is in April 1991, that Mr. O'Callaghan had had
6 a second meeting with Mr. Dunlop?
7 A. No, I did not.

8 Q. 174 When did you know or when did you learn for the first time that Mr. Dunlop had
9 any input into the rezoning of Quarryvale?
10:56:35 10 A. I was aware from long before this, sometime before, that Dunlop had some
11 influence with the politicians. Senior politicians as well as councillors and
12 I was made aware of it.

13 Q. 175 Who made you aware of that, Mr. Gilmartin?
14 A. Remember I told you. A director of Irish Life was one of the people who told
10:57:10 15 me --
16 Q. 176 His influence generally but --
17 A. That he was a bag man.

18 Q. 177 No, that's not what I'm asking you, Mr. Gilmartin. I'm asking you who told you
19 that he had an input into Quarryvale and Quarryvale rezoning?
10:57:24 20 A. As far as I was concerned, he had no influence in Quarryvale at that time
21 whatsoever.

22 Q. 178 As of April 1991 he had no input?
23 A. No influence of my reckoning.

24 Q. 179 Okay.
10:57:36 25 A. Or of my doing.

26 Q. 180 Did you at some stage come to the realisation that he did have some input into
27 the rezoning of Quarryvale?
28 A. Oh, yes, I did. On the 16th of May.

29 Q. 181 So between the 25th of April and the 16th of May did you have any knowledge of
10:58:03 30 Mr. Dunlop's involvement in the rezoning of Quarryvale?

- 10:58:03 1 A. Oh, I -- I was made aware by Owen O'Callaghan that if I didn't let Dunlop on
2 board that the reason he had him on board if I -- I would never get zoning
3 without him and Dunlop.
- 4 Q. 182 When did you -- when did Mr.--
- 10:58:15 5 A. Mr. O'Callaghan made no bones about that time and again.
- 6 Q. 183 When did Mr. O'Callaghan tell you that it was necessary for you to have Mr.
7 Dunlop on board in order to get a rezoning of Quarryvale?
- 8 A. When I tackled him about the meeting, the phony meeting that I was brought to.
- 9 Q. 184 How long after the meeting did you attack or challenge Mr. O'Callaghan?
- 10:58:36 10 A. When I walked out of the office I challenged Mr. O'Callaghan.
- 11 Q. 185 Are you saying this was on the foot path in Mount Street?
- 12 A. On Mount Street, yes.
- 13 Q. 186 He --
- 14 A. But on numerous occasions.
- 10:58:48 15 Q. 187 So did you leave that meeting or leave that car, for example, in Ballsbridge
16 with Mr. O'Callaghan and Mr. Dunlop in the belief and knowledge that Mr. Dunlop
17 was now involved and would be involved in relation to the rezoning of
18 Quarryvale?
- 19 A. He was not involved on my behalf.
- 10:59:05 20 Q. 188 I'm not suggesting that to you, Mr. Gilmartin. But I'm asking you, were you
21 aware from that day forward, that is the 25th of April 1991, forward. That Mr.
22 Dunlop was going to have an involvement in the rezoning of Quarryvale?
- 23 A. Well I seemed to have no option in it.
- 24 Q. 189 And what role did you think he was going to play in relation to the rezoning of
10:59:27 25 Quarryvale?
- 26 A. He was employed by the bank and Owen O'Callaghan for whatever purpose and I had
27 no say in it.
- 28 Q. 190 Why do you say he was employed by the bank, Mr. Gilmartin?
- 29 A. Because of his political influence.
- 10:59:44 30 Q. 191 No but how do you know that the bank had any input into Mr. Dunlop's problems?

10:59:49 1 A. Because I challenged Mr. Dave McGrath one day about rid of Dunlop's
2 involvement. I challenged the bank on several occasions and it should be
3 minuted. I've witnesses --

4 Q. 192 Yes.

11:00:03 5 A. -- to this. As to why Frank Dunlop was involved in anything to do with my
6 company.

7 Q. 193 Mr. Gilmartin, you were telling the Tribunal that you challenged Mr. Dave
8 McGrath?

9 A. That's correct.

11:00:15 10 Q. 194 Can I ask you, when did that challenge take place?

11 A. That took place back in ... it was later than that date. It was some time in
12 September.

13 Q. 195 Of '91?

14 A. He was one of the ones.

11:00:34 15 Q. 196 Of 1991?

16 A. ' 9 1, yes.

17 Q. 197 And what did Mr. McGrath say when you asked him about --

18 A. He says we ... "We have money at risk he says and we'll employ whoever we F*ing
19 well like" was his words to me.

11:00:49 20 Q. 198 We know, for example, Mr. Gilmartin, that from the Heads of Agreement and
21 particularly the one in December 1990, that the bank had reserved the right to
22 have an involvement in the appointment of professional advisors?

23 A. That's correct.

24 Q. 199 Going forward?

11:01:02 25 A. That's correct.

26 Q. 200 Was there ever any discussion on the appointment of any professional advisors
27 at this time with the bank and Mr. O'Callaghan?

28 A. There were a number of people I objected to. Well one was Ambrose Kelly.
29 Number one, he wasn't an architect. Number two, he was like Lawlor, a hustler.
11:01:23 30 He turned up at meetings he wasn't invited to. He happened to turn up at

11:01:30 1 Gunne's office on numerous occasions when I had a meeting with Mr. Gunne. On
2 one occasion I had a meeting with, I think it was I think it was a Mr. Mulcahy
3 of De Loitte & Touche. And when I turned up for the meeting. Well we met in
4 the Conrad Hotel. Mr. Kelly happened to be there.

11:01:51 5
6 Now, there was at no time, because I already had architects who I was quite
7 confident. I had every confidence in and the team I had was, in my opinion,
8 second to none, in putting that scheme together. Not only -- not only from the
9 scheme itself but from the confidence of the institutions that were going to
11:02:16 10 invest in it. So there was people that the bank and O'Callaghan brought into,
11 over my head without my authority or my say. Why, I already had the whole
12 scheme layouts, levels, everything prepared.

13 Q. 201 Mr. Gilmartin, if I could just take you back for a second to what Mr. Dunlop
14 says about his involvement. At 1891. He says that he became aware that
11:02:53 15 Mr. McGrath and Mr. Gilbride had been involved through you in the scheme and he
16 viewed this as a positive development. Did you ever discuss with Mr.--
17 Councillors McGrath or Gilbride the involvement of Mr. Dunlop in this project?

18 A. No. And if I did, it would have been negative.

19 Q. 202 It says that "Similarly, from comments made to me by Mr. Lawlor, I believed
11:03:21 20 that it was on the advice of Councillors Colm McGrath, that Mr. Gilmartin
21 refused to countenance my involvement. Again, apparently arising from a
22 perception by Councillor McGrath of a relationship between Mr. Lawlor and
23 myself."

24

11:03:34 25 Do you know anything about that, Mr. Gilmartin?

26 A. No, I wasn't aware of what they let -- I had met Mr. McGrath and Mr. Gilbride
27 formally was introduced to me by Liam -- sorry. By Willie Farrell.

28 Q. 203 Yes. He says that I should point out --

29 A. Although I did know John Gilbride when he was a youngster going to school.

11:03:55 30 Q. 204 He goes on to say that I should point out that when Councillor McGrath learnt

- 11:03:57 1 of my involvement he welcomed it and he and Councillor Sean Gilbride told me
2 that they had become frustrated with Mr. Gilmartin because he refused to take
3 advice and was persisting in his objective of providing one and a half million
4 square feet of retail shopping. In vehement opposition of the planners --
- 11:04:13 5 A. That's not true.
- 6 Q. 205 So was there any expression of frustration to you by Councillor McGrath or
7 Gilbride?
- 8 A. Not a bit. Nothing with Mr. McGrath or Tom Boland or the councillors that were
9 on my scheme. The brochure that I presented. There was no question of me
11:04:31 10 building 1.5 million square feet. I think I provided the Tribunal with a
11 feasibility study. The same feasibility study that the Inland Revenue took
12 from my house, which shows that I was building a gross area of 700,000 square
13 feet. Out of which 100,000 some square feet was miles. There was storage
14 areas taken out of that. And the actual net area was below 400,000 square
11:05:04 15 feet.
- 16
17 Since the beginning of this Tribunal this one and a half million square feet
18 has been used and presented to the press, one thing and another. Shock horror
19 I was going to destroy Ireland and the world with this one and a half million
11:05:24 20 square feet. It's a total smoke screen. It's being used as a smoke screen.
21 And it's been used ever since. Mr. Lawlor was gun hoe for the whole deal if he
22 got this 20 percent stake or his 100,000 pounds up front. Mr. Gilbride,
23 Mr. McGrath, all of them, they wanted -- they were all enthusiastic about
24 getting this into Clondalkin.
- 11:05:54 25 Q. 206 Now, Mr. Gilmartin, we do know and we'll be dealing with it over the coming
26 days, that monies were paid to Mr. Dunlop in 1991 and 1992. Isn't that right?
27 Paid first of all to Frank Dunlop & Associates and then there were payments
28 made to a company called Shefran Limited, isn't that right?
- 29 A. That's correct.
- 11:06:15 30 Q. 207 And these were made by the bank either through Riga or through Barkhill, isn't

11:06:20 1 that correct?

2 A. That's correct. There was monies disappearing out of my account without my
3 authority to a company called Shefran. I tried to find out who Shefran was. I
4 demanded of the bank. I have witnesses to that. Seamus Maguire was present.
11:06:37 5 Paul Sheeran was present on numerous occasions when I demanded of the bank to
6 know who Shefran was and what involvement because I was getting -- seeing this
7 money disappearing, hundreds of thousands of pounds disappearing.

8 Q. 208 Yes. At 18 --

9 A. Without my authority or my say.

11:06:56 10 Q. 209 At 1893, Mr. Dunlop has told the Tribunal that there was a desire to keep his,
11 that is the payments to Mr. Dunlop, hidden from you. And he says whilst -- he
12 says -- "given the intensity of the lobbying campaign and the range of public
13 and private contacts with councillors and others from January 1991 onwards, I
14 cannot explain our desire to have the professional fees paid in such a way as
11:07:27 15 to keep Mr. Gilmartin unaware of my involvement. If he was being kept informed
16 he would have known within a very short time that I was accompanying Mr.
17 O'Callaghan to meetings and was answering queries from the media about
18 Quarryvale.
19

11:07:39 20 I had already established another company Shefran Limited with the same
21 operational address as Frank Dunlop & Associates Limited i.e. 25 Upper Mount
22 Street Dublin 2 and I told Mr. O'Callaghan this. We agreed that the fees would
23 be billed via this company. He and I agreed that professional fees 100,000
24 pounds would be paid to me for professional work undertaken on the Quarryvale
11:08:01 25 project in 1991. It was agreed that this sum would be paid over a three month
26 period. By agreement the first invoice was issued on the 25th of March 1991 in
27 the sum of 25,000 pounds. And this was paid on or about the 16th of May 1991.
28 A second invoice was issued again by agreement in the sum of 40,000 pounds on
29 the 2nd of April 1991 and this was paid on the 30th of May 1991.

11:08:24 30 A third invoice was issued by agreement in the sum of 15,000 pounds on the 1st

11:08:28 1 of May 1991. And was paid on about the 13th of June 1991. Each of these
2 invoices were issued in the name of Shefran Limited on Shefran Limited
3 notepaper. Professional fees totalling 80,000 pounds therefore, were paid in
4 the period and he says 25th of March 1991 to the 13th of June 1991."

11:08:47 5
6 But in fact I think they were paid between the period 16th of May '91. Which
7 was the date of the vote, and the 13th of June 1991.
8

9 Did you know when you met Mr. Dunlop on the 25th of April 1991 that he had
11:09:01 10 raised invoices through a company Shefran Limited. One invoice on the 25th of
11 March 1991 for 25,000 pounds and another on the 2nd of April 1991 for 40,000
12 pounds?

13 A. No, I didn't.

14 Q. 210 Did you know that by the 13th --

11:09:21 15 A. Actually. Sorry, go on.

16 Q. 211 Sorry, go ahead?

17 A. No, I was just going to say that the first time I became aware of something
18 dodgy about Shefran was when De Loitte & Touche wrote me a letter listing a
19 number of payments and asking why they were VAT free. They wanted me to
11:09:44 20 account for these payments. While I had no knowledge whatsoever of what they
21 were talking about. And I told them so.

22 Q. 212 And --

23 A. And they went back to the bank to get answers.

24 Q. 213 Now, Mr. Dunlop continues just further on on that page. He says. "In my
11:10:02 25 relationship with Mr. Lawlor was such that when he asked me what fees I'd
26 agreed with Mr. O'Callaghan I told him. It was at this stage that Mr. Lawlor
27 claimed that he had been responsible for introducing me to Mr. O'Callaghan and
28 for my appointment and he asked requested half of my fee. After some argument
29 I agreed and initially paid him 5,000 pounds. This was paid in cash in my
11:10:21 30 office, 25 Upper Mount Street, Dublin 2."

11:10:23 1
2 And then he goes on to try and date that first payment.
3 Then he speaks at 1894 of a second payment of 5,000 pounds to Mr. Lawlor's
4 election fund in June 1991.

11:10:39 5
6 And then he says "I gave Mr. Liam Lawlor 40,000 pounds in cash at my offices at
7 25 Upper Mount Street, Dublin 2 in late May, early June 1991. After the vote
8 in Dublin County Council with regard to the Quarryvale on the 16th of May 1991.
9 Mr. Lawlor was aware of the monies I was in receipt of that time from Mr.
11:10:59 10 O'Callaghan. I had already agreed to pay half my professional fee which he
11 knew to be 100,000 pounds. He wanted 50,000. But by the 30th of May 1991, I
12 had only received 65,000 pounds. Although I had issued an invoice for the sum
13 of 15,000 pounds on or about the 1st of May 1991. This was paid on the 13th of
14 June 1991.

11:11:18 15
16 I told Mr. Lawlor that I had only received 65,000 pounds was due another
17 payment of 15,000 shortly making total of 80,000. He then asked me for 40,000.
18 The 40,000 was in AIB sacking bags, in a leather briefcase and I transferred
19 the money into a plastic bag in the front office on the first floor of the
11:11:37 20 building at the above address. There is only one entry concerning Mr. Liam
21 Lawlor in my 1991 diary for this period. That is the 29th of May and that
22 refers to meeting with a third party, making it unlikely that the money was
23 handed over to Mr. Lawlor at this time.
24 I cannot therefore state specifically on what date this money was handed to
11:11:54 25 Mr. Lawlor in my offices."
26
27 Did you know that Mr. Lawlor had been paid 40,000 pounds by Mr. Dunlop in 1991?
28 A. But not at that date. On the 25th of April was the date that I heard the
29 discussion that Mr. Lawlor had been given 40,000 pounds and he kicked up hell
11:12:16 30 over the fact that he was expecting, he was promised 100 by Owen O'Callaghan.

- 11:12:21 1 Q. 214 So basic --
- 2 A. Having a go at O'Callaghan about the fact that he walked out and left him to
- 3 bear the brunt of Mr. Lawlor's anger.
- 4 Q. 215 So can the Tribunal take it, Mr. Gilmartin, that as of the 25th of --
- 11:12:35 5 A. The only knowledge I have of what Mr. Dunlop or what Mr. Lawlor received was
- 6 that occasion, the 25th of April.
- 7 Q. 216 Yes. So on the 25th of April you knew that money was moving between Mr.
- 8 O'Callaghan, Mr. Dunlop and Mr. Lawlor?
- 9 A. Correct.
- 11:12:59 10 Q. 217 And you knew that at least Mr. Lawlor was receiving substantial monies?
- 11 A. Yeah, and it was hearsay to me from a conversation and an argument between Mr.
- 12 O'Callaghan and Mr. Dunlop.
- 13 Q. 218 But you knew that Mr. Lawlor was receiving up to 40,000 pounds from Mr. Dunlop?
- 14 A. On that occasion, yes.
- 11:13:15 15 Q. 219 And you knew that he was receiving it in connection or with something in some
- 16 way connected with Mr. O'Callaghan and almost certainly Quarryvale?
- 17 A. That's correct.
- 18 Q. 220 So when you left the car in April the 25th 1991, you knew that Mr. Dunlop,
- 19 Mr. Lawlor, Mr. O'Callaghan were transferring monies in relation or in
- 11:13:37 20 connection with Quarryvale?
- 21 A. Yeah, I suspected it long before that but on that occasion it was confirmed to
- 22 me.
- 23 Q. 221 And if Mr. Lawlor was receiving 40,000 pounds from Mr. Dunlop, then obviously
- 24 Mr. Dunlop was receiving in excess of 40,000 pounds from Mr. O'Callaghan?
- 11:13:53 25 A. That correct.
- 26 Q. 222 And Mr. Dunlop has told the Tribunal, as you will have seen in the papers and
- 27 the statements supplied, that he claims to have paid a number of councillors
- 28 for their support in relation to the Quarryvale motion, isn't that right?
- 29 A. Well that's -- I was well aware from what I was told that this was Dunlop's ...
- 11:14:19 30 it was his profession; that he was the head of a corruption ring, political

11:14:29 1 corruption ring.

2 Q. 223 Now, whilst all of these councillors have denied receiving either the amounts

3 specified or indeed any amounts in connection with any improper purpose, Mr.

4 Dunlop will tell the Tribunal that he gave money to councillors including

11:14:44 5 Councillor McGrath, for example, who had been assisting you, isn't that right?

6 A. I'm not aware of Mr. Dunlop but I am aware the second taxi ride. This was when

7 I was bankrupt.

8 Q. 224 This would have been in 1992.

9 A. I was falsely bankrupt on a false claim.

11:15:03 10 Q. 225 You're talking about a period in 1992, is that correct?

11 A. Which gave us one hell of a problem. But anyway, the bank was demanding me to

12 come over to meetings and eventually they would pay the ticket but not the taxi

13 fare.

14 Q. 226 You're going to recount an occasion I think, Mr. Gilmartin, when you say --

11:15:25 15 A. When you --

16 Q. 227 Mr. O'Callaghan --

17 A. You have asked me a question.

18 Q. 228 No, no, you are recounting.

19 A. In connection with Mr. McGrath receiving money.

11:15:32 20 Q. 229 Yes.

21

22 CHAIRMAN: I think, Mr. Gilmartin. Mr. Gilmartin was asked was he aware that

23 Mr. McGrath had received money. He is now going to explain.

24

11:15:42 25 MR. QUINN: Yes.

26

27 CHAIRMAN: I presume, when he became aware or how he became aware. So even

28 though it does move forward a little perhaps he should be allowed explain.

29

11:15:52 30 MR. QUINN: Sorry, Mr. Gilmartin.

11:15:53 1 A. You asked me. Sorry. I do apologise for ...

2 Q. 230 No, no, that's okay.

3 A. But to answer that question.

4 Q. 231 Yes.

11:15:59 5 A. I have to repeat this.

6 Q. 232 Yeah.

7 A. I had a go at the bank. They were demanding me to come to meetings and all the

8 rest of it. As I seen it, they were some way or other, if not directly

9 responsible, but by lack of prudence, or whatever, they passed on information

11:16:29 10 to Owen O'Callaghan, Lawlor and Dunlop about my affairs. Who set about making

11 sure that I was put out of action. But on this occasion the bank demanded me

12 to come over to several meetings. Now, I complained to the bank.

13

14 I was owed 25,000 pounds, which would have been a great help to Vera, to my

11:16:54 15 wife and my family in 1992. And the bank refused to pay me a penny. While at

16 the same time they were very busily handing out hundreds of thousands through

17 Frank Dunlop to various politicians, as I discovered. But on this occasion the

18 bank insisted I come to a meeting. I came to that to that meeting. I had a go

19 at the bank that day. And I've witnesses to this, about the fact that they

11:17:33 20 were handing out money and they would not help me in any way whatsoever while I

21 had six or eight million pounds in the scheme.

22

23 But they were still handing out money to Frank Dunlop and others and I wanted

24 to know why. I also wanted to know why they would only pay my air fare. I had

11:17:55 25 to pay, get a taxi on both ends and I'd to get a taxi from -- I could ill

26 afford the money at the time because the tax man had destroyed me. They lifted

27 my car. They tried to get me house off me. They -- they did take one house.

28 One house I lost. I lost a development, office block in Milton Keynes worth

29 five million. I lost a site that I had already put in place that would have

11:18:27 30 been worth 20 million. And I was totally wiped out by a false claim by false

11:18:35 1 information fed by -- engineered by, if not the bank, Owen O'Callaghan and his
2 cohorts. Now, this is the situation I want you to think about.

3
4 Mr. O'Callaghan was going to the airport that particular day that I made all of
11:19:00 5 those complaints. So they said that Owen would give me a lift to the airport
6 in, he had a taxi. On the way to the airport Mr. O'Callaghan was taunting me
7 about the fact that I didn't know how business was done in Dublin etc. etc.
8 And how I thought that Colm McGrath was working in my interest. But that Colm
9 McGrath was on his payroll.

11:19:25 10
11 So I listened to this. So he opened his thing. He pulled out what looked like
12 a bankers draft or a cheque for an amount of money. And he said to me that's
13 30,000 pounds that I've -- that will be 30,000 pounds I've given to McGrath.
14 The cheque was for either 20 or 10,000, I'm not quite sure. I didn't see the
11:19:50 15 figure properly on the cheque because he pulled it out and showed it to me. He
16 said I'm meeting Colm McGrath at the airport. But McGrath doesn't want you to
17 see him there. So I says to him well I'm not concerned whether he sees me or
18 not. I have no concern about that Owen I said. You know, and he let me know
19 that Mr. McGrath was on his payroll as well, taunting me about Gilbride being a
11:20:20 20 neighbour of mine from home and I thought he's on my payroll was the words he
21 used to me. John Gilbride is on my payroll. He's working for me. He's given
22 up his job at the school and he's working for me. He showed me the cheque he
23 was handing to McGrath. He also was advising me to sneak into the airport. I
24 said I'm sneaking no where. I sneak no place for anybody. I don't have to
11:20:56 25 sneak anywhere for anybody I said. I don't care whether McGrath sees me or
26 doesn't see me. What am I worried about that for.

27
28 Now, here was a gentleman who had 2.2 million of my money. Who I was forced
29 into handing over my business to by the bank, who had fed false information to
11:21:19 30 the Inland Revenue and had managed to get me destroyed. And he's showing me a

11:21:24 1 cheque that he's paying to a crooked politician. How do you think I felt?

2 Q. 233 Mr. Gilmartin, did you ever have a discussion, any other discussion with Mr.

3 O'Callaghan about paying politicians?

4 A. Yes, I did many.

11:21:36 5 Q. 234 Well can you --

6 A. Or at least he used to brag all of the time about how, who he had on his

7 payroll.

8 Q. 235 Did he ever tell you, for example, as you have told the Tribunal, that he paid

9 Mr. Ahern money?

11:21:49 10 A. Yes, he did. He told me in -- sometime in -- at the end of ... '89 that he had

11 given Bertie Ahern 50,000 at a match. That Bertie was on his payroll.

12 Q. 236 Did he tell you in 1989 that he had given the him the 50,000 or did he tell you

13 subsequently?

14 A. It was late '89.

11:22:13 15 Q. 237 No but what I want to establish, Mr. Gilmartin, is when did he tell you rather

16 than when he alleged -- when he is said to have made the payment. When did he

17 tell you --

18 A. It was sometime in October. Late October. Mid to late October.

19 Q. 238 Of 1989?

11:22:28 20 A. 1989.

21 Q. 239 That he told you?

22 A. Yes.

23 Q. 240 That he had made the payment?

24 A. He had made a 50,000 pounds at the match.

11:22:34 25 Q. 241 And he had made that payment in the same year?

26 A. Correct.

27 Q. 242 So, in other words, from 1989, you knew that Mr. O'Callaghan had paid 50,000

28 pounds to Mr. Ahern at a match?

29 A. I didn't --

11:22:49 30 CHAIRMAN: Well he had been told.

11:22:51 1 A. No, I was being told by Owen O'Callaghan.
2
3 Q. 243 MR. QUINN: Yes, sorry, yes.
4 A. I had no knowledge. I did not see Mr. Ahern getting any --
11:22:59 5 Q. 244 I accept that. What I'm trying to establish Mr. Gilmartin. Is when you say
6 you were told by Mr. O'Callaghan that he, Mr. O'Callaghan, had made a 50,000
7 pounds payment to Mr. Ahern?
8 A. It was some time around the 20th of October. Around that period. It was in
9 mid late October.
11:23:15 10 Q. 245 1989?
11 A. 1989.
12 Q. 246 That you had a conversation with Mr. O'Callaghan at which Mr. O'Callaghan is
13 alleged to have said to you that he had made a payment or a recent payment to
14 Mr. Ahern?
11:23:29 15 A. Yes, he told me that Mr. Ahern was on his payroll as he told me Mr. Reynolds
16 was on his payroll on numerous occasions.
17 Q. 247 No, I want to be specific about this if I can, Mr. Gilmartin. We're dealing
18 with a conversation between yourself and Mr. O'Callaghan. Which you date to
19 some period in 19 -- October 1989.
11:23:48 20 A. That's correct. It was --
21 Q. 248 And where did that conversation take place?
22 A. It was after some meeting in the bank. In the bank centre branch.
23 Q. 249 So it would have been in Ballsbridge in AIB in Ballsbridge?
24 A. That's correct.
11:24:04 25 Q. 250 In 1989?
26 A. In 1989. It was October.
27 Q. 251 And in what context did it arise that Mr. O'Callaghan told you that he had just
28 made a 50,000 pounds payment to Mr. Ahern who would at that time have been I
29 think the Minister for Labour?
11:24:17 30 A. Mr. Ahern -- Mr. O'Callaghan was bragging about his political -- his political

11:24:26 1 ... connections to me. And I mentioned the fact well there was one gentleman I
2 trusted. That was Mr. Ahern. I said he was the only man that helped me when
3 Green was trying to get -- the fuss was created over the land purchase, the
4 corporation land purchase.

11:24:48 5 Q. 252 And that would be the previous June, isn't that right, '89?

6 A. That would have been the previous June.

7 Q. 253 Yes.

8 A. And at that time I actually trusted Mr. Ahern 100 percent. So he scoffed at

9 this idea to me and he said the only reason that Mr. Ahern interfered in the

11:25:09 10 land because they were sure that Green was going to get the land because Green

11 had wrote in letters offering some silly money. 12 million pounds or something

12 for the 70 acres of corporation land. This was after George Redmond and Lawlor

13 started interfering. And they started accusing of the cosy deals that I was

14 having with the corporation. I'd no cosy deals with the corporation. I --

11:25:37 15 Bruton --

16 Q. 254 If I could just stay with the conversation --

17 A. Yeah.

18 Q. 255 Mr. Gilmartin, please.

19 A. But he said to me that I thought Mr. Ahern was on my side. But he wasn't one

11:25:50 20 little bit on his side. He said that cost me 50 grand. He said we were

21 certain Green was going to get that. We were certain that Green was going to

22 get the site.

23 Q. 256 So -- are you suggesting Mr.--

24 A. And your plans are to the water.

11:26:06 25 Q. 257 Yes. So, in other words, what you're saying, Mr. Gilmartin, is that at this

26 conversation in October 1989, Mr. O'Callaghan is telling you that he paid

27 Mr. Ahern 50,000 pounds?

28 A. And it was --

29 Q. 258 To ensure that Green did not get the site that you ultimately --

11:26:27 30 A. It was some way connected with the -- Mr. Ahern intervening on my behalf.

11:26:32 1 Q. 259 Yes.

2 A. That it was more to intervene and to prevent Green from getting the site

3 because they were convinced Green was going to get the site.

4 Q. 260 Going to acquire the site?

11:26:42 5 A. Because there was letters published that Green had sent in to Dublin

6 Corporation talking about 12 million pounds or something for the site.

7 Q. 261 That was their tender is that what you're referring to, the Windar tender?

8 A. I'm referring to -- there was a fuss kicked up by Mr. Redmond, Mr. Lawlor etc.

9 that Paddy Morrissey and co was doing cosy deals with me and this was given to

11:27:07 10 The Times and various other papers. It was an absolutely lie. It was a

11 fabrication but on that occasion Mr. Ahern sent in, on my request, Joe Burke.

12 Q. 262 Yes. And that's the same Joe Burke that you told the Tribunal earlier last

13 week had come to you talking about money in September '89?

14 A. That's correct.

11:27:31 15 Q. 263 And you didn't know whether Mr. Burke was looking for the half million pounds

16 for himself or Mr. Ahern and you gave evidence about your trip around the city

17 in relation to that?

18 A. That's correct.

19 Q. 264 And all of that knowledge would have been available to you and was foremost to

11:27:45 20 your mind when you were telling Mr. O'Callaghan that you trusted Mr. Ahern in

21 October 1989?

22 A. That's correct.

23 Q. 265 I thought you had told the Tribunal, Mr. Gilmartin, that you had -- you weren't

24 convinced whether Mr. Burke was looking for the money for himself or for

11:28:01 25 Mr. Ahern, isn't that right?

26 A. That's correct.

27 Q. 266 You'd also told the Tribunal I think that he had looked for the money from

28 Mr. Ahern, isn't that right?

29 A. That's correct, that was -- he talked around it in circles and it was to do

11:28:13 30 with Mr. Ahern had helped me.

11:28:15 1 Q. 267 You obviously had resolved the issue in your own mind, because a month later
2 you are telling Mr. O'Callaghan that Mr. Ahern was the one politician that you
3 believed, isn't that right?
4 A. He was the only one that helped, that I seen at that time.

11:28:31 5 Q. 268 That you trusted?
6 A. That I trusted. That I seen.

7 Q. 269 And it's in that context you say you had this conversation with Mr. O'Callaghan
8 where he was disabusing you of that belief by telling you that he had insured,
9 it had cost him 50,000 pounds payment to Mr. Ahern?

11:28:44 10 A. Yeah.

11 Q. 270 For Mr. Ahern to have Mr. Burke interfere and ensure that you got the site?
12 A. That's correct.

13 Q. 271 Even though you had the only tender, it was approved, recommended by
14 Mr. McLoone and adopted by the Council, isn't that right?

11:28:59 15 A. That's --

16 Q. 272 Not the only tender. There were two tenders but yours was the larger tender,
17 isn't that right?
18 A. That's correct.

19 Q. 273 Did you ever have another conversation with Mr. O'Callaghan in relation to
11:29:17 20 payments by him to Mr. Ahern?
21 A. Yes, it was in connection with Blanchardstown. It was after -- again, after a
22 bank meeting and the ... Quarryvale. Well nothing seemed to be happening from
23 I left off sometime ... I was ousted out of Quarryvale and I had no say
24 whatsoever. The bank always told me they were running it. They had the
11:29:50 25 controlling interest. Mr. O'Callaghan had a minority interest, just like I had
26 after the shareholders agreement of '91. He had 40 percent, I had 40 percent,
27 the whole controlling interest was held by the Allied Irish Bank. I made a
28 complaint to the Irish -- to the Allied Irish Bank. By this time Green
29 happened to start getting off the ground and were progressing with
11:30:18 30 Blanchardstown. And because I had a number of very good covenant retailers

11:30:28 1 lined up for Quarryvale, I was worried about the fact that if Green got off the
2 ground that we might loose some of those to Blanchardstown. I made this
3 complaint to the bank or expressed my worry about it to the bank.
4

11:30:48 5 CHAIRMAN: What date, Mr. Gilmartin?
6 A. And then I said -- I told the bank at the time that my information was that
7 Blanchardstown was getting designation. It was guaranteed designation. Just
8 like Tallaght.
9 Q. 274 MR. QUINN: Can I ask you two things, Mr. Gilmartin at this stage before we go
11:31:06 10 further. Your expression of concern to the bank. Was that at -- to Mr. Kaye
11 or was it at a board meeting? And secondly, when was it? Can you date it?
12 What year?
13 A. This would have been '90 ... I'm not a 100 percent sure. '92, '93ish.
14 Q. 275 Yes and was it --
11:31:27 15 A. '93 I think. '93 because you're asking me now about any other payment.
16 Q. 276 Yes.
17 A. That was mentioned to me.
18 Q. 277 By Mr. O'Callaghan?
19 A. Yeah.
11:31:37 20 Q. 278 And you think that there was --
21 A. I think that was '93.
22 Q. 279 '92 '93. Yes.
23 A. But years, a couple of years had gone by and nothing had happened in
24 Quarryvale. It hadn't advanced not one inch further than where I left off.
11:31:55 25 Q. 280 And was that expression of concern at a board meeting or was it at a meeting
26 with one of the bank's representatives?
27 A. It was at the bank meeting.
28 Q. 281 At a board meeting of Barkhill?
29 A. At Barkhill. But I don't think that Mr. Kaye was present. I think he might
11:32:11 30 have been replaced at that time by a Michael O'Farrell.

11:32:16 1 Q. 282 Yes.

2 A. On that occasion.

3 Q. 283 And so there O'Farrell --

4 A. I was reasonably sure that Mr. Kaye was not present.

11:32:23 5 Q. 284 Yes. Who else would have been present at that meeting?

6 A. As far as I remember, the people present on behalf of the bank was Mr.

7 O'Farrell, Mary Basquill, Ms. Basquill, there was a fellow from the -- used to

8 sit in at the meeting.

9 Q. 285 Was that Mr. Pitcher?

11:32:48 10 A. Barry Pitcher.

11 Q. 286 Yes. He was a director I think?

12 A. He wasn't always at the meeting. I think on that occasion he was at the

13 meeting. Mr. Owen O'Callaghan Mr. John Deane.

14 Q. 287 Anybody else at the meeting?

11:33:00 15 A. And I'm not quite sure if at this time Paul Shreenan and/or Seamus Maguire was

16 at the meeting.

17 Q. 288 Okay.

18 A. One of them was there but I'm ...

19 Q. 289 Either Mr. Sheeran or Mr. Maguire?

11:33:14 20 A. Yeah.

21 Q. 290 So we're at a meeting in --

22 A. Because at that time I had appointed Mr. Sheeran to help me to ...

23 Q. 291 So --

24 A. Because of my situation.

11:33:26 25 Q. 292 So we're at a meeting in bank centre. All of these people are in attendance.

26 You are expressing your concern about the possibility of Blanchardstown

27 receiving designation, is that correct?

28 A. That's correct.

29 Q. 293 And what happened then?

11:33:49 30 A. Mr. O'Callaghan said that Blanchardstown was not getting designation. That he

11:33:49 1 had it from good authority it was not. I contradicted that rather forcefully
2 and I said I knew on good authority from what I was told by various Ministers,
3 Blanchardstown was getting designation and would have to get it if Tallaght got
4 it because all three towns were guaranteed designation.

11:34:10 5
6 So O'Callaghan then excused himself. Left the office and he went out. He was
7 out for some time and he came back in, back in to the meeting. And he said he
8 could guarantee that Blanchardstown was not getting designation. So I asked
9 him, I asked the question how the hell do you know. And he said I have it on
11:34:40 10 good authority. So I says, I says to him, well I said it has to be some
11 authority. He said I have it from the horse's mouth. I'm absolutely certain
12 and guaranteed that Blanchardstown will not get designation. That was some
13 time in '93.

14 Q. 294 You think that was in 1993?

11:35:05 15 A. I think it was '93.

16 Q. 295 And just, Mr. Gilmartin, in relation to that. When it he said it he had it
17 from the horse's mouth, what did you understand him to mean by that?

18 A. No, on the way out of the meeting after the meeting at the bank.

19 Q. 296 Yes.

11:35:20 20 A. Because Mr. Deane I think was present at that meeting as well. And on the way
21 out of the bank in the corridor outside I said to him, I'm absolutely amazed I
22 said that you could give that absolute categoric assurance. And he said I know
23 they're not going to get it he says because I have seen to it. I got guarantee
24 from the Minister of Finance who was then Bertie Ahern as far as I remember.
11:35:49 25 He said it cost me 30 grand.

26 Q. 297 The conversation in relation to the 30 grand was a conversation, you say, which
27 occurred immediately following the meeting. In other words, it was money, the
28 impression you are conveying and correct me if I'm wrong, Mr. Gilmartin, is
29 that you were led to believe that he had negotiated a payment which had to be
11:36:14 30 made of 30,000 o to confirm a that designation wouldn't --

- 11:36:20 1 A. I had took it that he had paid 30,000 making sure Green hadn't got the.
- 2 Q. 298 He hardly had paid 30,000 between the time he left the meeting and returned to
- 3 the meeting and confirmed?
- 4 A. He must have done it previously. He was able to guarantee. That's his
- 11:36:34 5 statement to me. It cost me 30,000.
- 6 Q. 299 But the guarantee didn't come at the meeting. It only came after he had left
- 7 the meeting and returned to the meeting --
- 8 A. No, he was able to guarantee at the beginning of the meeting that
- 9 Blanchardstown was not getting it. But I insisted. So to show me how wrong I
- 11:36:53 10 was he left the meeting. He came back in and whoever he was speaking to, the
- 11 indications was that it had to be a Minister of some sort or other.
- 12 Q. 300 If we could have 2201, please.
- 13 Now, this is what you have said in 2001 to the Tribunal in relation to the
- 14 payment, both payments, both the 50,000 and the 30,000, Mr. Gilmartin. And
- 11:37:26 15 we'll spend the rest of the morning or a lot of the morning dealing with what
- 16 you have said on this issue at various times.
- 17
- 18 You said "I also recall Mr. O'Callaghan telling me, again I believed that it
- 19 was sometime in 1992, that he had given 50,000 pounds to Bertie Ahern in 1989.
- 11:37:42 20 And that he had given him a further 30,000 pounds sometime later when Mr. Ahern
- 21 had apparently been instrumental in blocking Green Property plc getting special
- 22 tax designation for Blanchardstown. I inferred from what Mr. O'Callaghan told
- 23 me that on the basis that he was paying monies to Bertie Ahern he had been able
- 24 to call on the support of Mr. Ahern in his efforts to frustrate my project for
- 11:38:05 25 Westpark/Quarryvale, even though I thought at one stage that Mr. Ahern was
- 26 supportive of the project."
- 27
- 28 A. That's correct.
- 29 Q. 301 Yes.
- 11:38:14 30 A. But the dates here was at the time I gave the dates as I said. I wasn't a 100

11:38:20 1 percent sure what year.

2 Q. 302 Well leaving the dates aside --

3 A. I was able to put it together from number one the match. The match was, as I

4 understood it, was a Cork match which I understood to be the All-Ireland final.

11:38:36 5 Which that year took place between Cork and Meath.

6 Q. 303 But the payment, that first payment, that 50,000 pounds payment. You were told

7 about that within a month of it having taken place, isn't that right?

8 A. That's correct. Yeah, it was after it had taken place.

9 Q. 304 And the -- you were supplied with sufficient detail by Mr. O'Callaghan in

11:39:09 10 relation to the payment to enable you to now say that the payment had taken

11 place after an All-Ireland between Cork and Meath?

12 A. I thought the match he referred to -- I assumed that it was Cork/Meath match.

13 It's inaccurately introduced in here, at a match in Cork I think one of your --

14 one of the Tribunal put it. But it was not. It was the Cork All-Ireland. It

11:39:26 15 was between Cork and Meath. It was me that assumed that's the match that he

16 was referring to. But there was a match between Ireland and someone else in

17 October that year as well, a soccer match.

18 Q. 305 Mr. Gilmartin, just looking at what --

19 A. It could have been either match he was referring to but it was at the match he

11:39:47 20 said.

21 Q. 306 This is your statement to the Tribunal in 2001, isn't that right?

22 A. Yeah.

23 Q. 307 There's mention here of one conversation, not two, concerning payments to

24 Mr. Ahern, isn't that right?

11:40:01 25 A. That's correct.

26 Q. 308 And that conversation is some time in 1992, isn't that correct?

27 A. That's correct there but I was given the thing from my recollection from my

28 memory.

29 Q. 309 But this is something hugely important, Mr. Gilmartin. And it's not something

11:40:19 30 you would forget, isn't that right?

11:40:23 1 A. That's correct. But don't forget, it was ten years on. And I was talking
2 off -- talking to -- sitting talking to the Tribunal people.

3 Q. 310 No this is --

4 A. And dates was a fierce problem with me.

11:40:37 5 Q. 311 Well I'll --

6 A. Trying to remember what year, let alone what month.

7 Q. 312 This is your considered statement to the Tribunal supplied by your solicitors
8 in 2001, Mr. Gilmartin.

9 A. Yeah.

11:40:47 10 Q. 313 This isn't. We're not now looking at what you might have said to Mr. Noel
11 Smyth solicitor or what you might have said in a telephone conversation or
12 recorded as having said in a telephone conversation to Tribunal counsel. This
13 is your considered statement to the Tribunal, isn't that right?

14 A. Yeah.

11:41:02 15 Q. 314 There's no mention for example of any payments to Mr. Mr. Reynolds in this
16 statement, isn't that right?

17 A. That's correct.

18 Q. 315 And you are dealing here with your allegation of your payment to Mr. Ahern,
19 isn't that right?

11:41:13 20 A. That's correct.

21 Q. 316 And you are referring to one conversation in relation to that with Mr.
22 O'Callaghan, isn't that right?

23 A. That's correct.

24 Q. 317 You're not referring to two conversations?

11:41:23 25 A. Well that will would seem to be. I told the -- of the two, the two -- I've
26 told of the two incidents in one statement.

27 Q. 318 It's just 25 to ...

28

29 CHAIRMAN: All right. We'll take a ten or fifteen minute break

11:41:49 30

11:41:49 1 MR. QUINN: All right.

2

3

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

4

AND RESUMED AS FOLLOWS:

11:42:37 5

6

CHAIRMAN: Good afternoon.

7

8

Q. 319 MR. QUINN: Thank you, Mr. Gilmartin.

9

Before the break you were outlining to the Tribunal, instances where you say

12:07:18 10

you were told by Mr. O'Callaghan of payments made by him to politicians, isn't that right?

11

12

A. That's right

13

Q. 320 You had over heard a conversation in the car in the -- on the return visit on

14

the 25th of April from Mr. Dunlop's office where there was discussion about the

12:07:33 15

payment to Mr. Lawlor of the 40,000 by Mr. Dunlop and you say Mr. O'Callaghan's

16

contribution that he would give some extra money to Mr. Lawlor, isn't that

17

right?

18

A. That's correct.

19

Q. 321 And then you told the Tribunal about the Mr. Lawlor -- Mr. O'Callaghan telling

12:07:49 20

you that he had paid Mr. Gilbride and that Mr. Gilbride was on his payroll as

21

you've described it?

22

A. That's right.

23

Q. 322 And then you told the Tribunal about an occasion on a taxi ride to Dublin

24

Airport when Mr. O'Callaghan told you that he had given in all or would in all

12:08:05 25

have given 30,000 to Mr. McGrath and he was on his way to give him some of that

26

money either 10 or 20,000 and he showed you the cheque?

27

A. That's correct.

28

Q. 323 And then you spoke about two occasions that you had conversations with Mr.

29

O'Callaghan. The first of which you date to about October 1989 when he told

12:08:24 30

you he had given 50,000 pounds to Mr. Bertie Ahern. And the second

12:08:29 1 conversation which you think took place in 1993 when he told you he had given
2 another 30,000 to Mr. Ahern?

3 A. That's correct.

4 Q. 324 Were there any other conversations that you had with Mr. O'Callaghan where, at
12:08:40 5 which Mr. O'Callaghan told you told he you he had made political contributions
6 or other contributions to politicians?

7 A. Well there was a number of occasions. There was one which -- there was another
8 conversation with regard to Mr. Ahern but I'm not a 100 percent sure what the
9 figure was mentioned. But it was in connection -- it had nothing to do with
12:09:05 10 Quarryvale.

11 Q. 325 But was it a payment that you were told about that Mr. O'Callaghan had made to
12 Mr. Ahern?

13 A. That's correct.

14 Q. 326 Where did that conversation take place?

12:09:14 15 A. It was in connection with the golden isle --

16 Q. 327 No. Where did the conversation take place?

17 A. In Dublin.

18 Q. 328 Where in Dublin?

19 A. Well it would have been one of the bank meetings because they were the only
12:09:29 20 meetings I had with Mr. O'Callaghan was in connection with meetings at the bank
21 I was called to.

22 Q. 329 Who was --

23 A. So it would have been after.

24 Q. 330 A bank meeting involving Quarryvale?

12:09:36 25 A. Yeah.

26 Q. 331 And who was present at that meeting?

27 A. The meeting.

28 Q. 332 No, no the conversation meeting.

29 A. Only myself and Mr. O'Callaghan.

12:09:43 30 Q. 333 And when would that have taken place?

12:09:47 1 A. Oh, it would have taken place after whatever that meeting or occasion.

2 Q. 334 I'm trying to date the meeting at which you are now going to tell us Mr.

3 O'Callaghan told you about other payments he says he made to Mr. Ahern?

4 A. That would have been around '93, '94.

12:10:06 5 Q. 335 '93, '94. It would have been after the second meeting that you've already

6 spoken about?

7 A. I didn't pay a lot of attention to what he was saying on the particular date.

8 But he did mention a figure about which I'm not a 100 percent sure. So I

9 didn't mention the figure.

12:10:21 10 Q. 336 But are you saying that there was a third conversation at bank centre that you

11 attended with Mr. O'Callaghan at which Mr. O'Callaghan told you that he had

12 made yet another payment to Mr. Ahern of a figure which you can't remember?

13 A. Yeah.

14 Q. 337 This time in connection with another project?

12:10:38 15 A. Well Athlone.

16 Q. 338 And you think that that meeting at which that conversation took place was

17 sometime in '93, '94?

18 A. It was, yeah, in that period. I think it was closer to '94.

19 Q. 339 And can you recall how much Mr. O'Callaghan said on that occasion he had given

12:11:00 20 Mr. Ahern?

21 A. No, I can't remember exactly what figure was mentioned.

22

23 CHAIRMAN: Mr. Quinn, sorry. Is Mr. Ahern aware of this?

24

12:11:10 25 MR. QUINN: No either -- well ... I will be dealing with what we understand

26 Mr. Gilmartin has said to the Tribunal over a period. But this is something he

27 has said that he -- that payments were made to Mr. Ahern in connection with

28 this other project.

29

12:11:29 30 JUDGE KEYS: Is Mr. Ahern --

12:11:31 1 CHAIRMAN: Is Mr. Ahern aware of this?
2
3 JUDGE KEYS: On notice of this?
4
12:11:37 5 CHAIRMAN: This particular allegation relating to Athlone.
6
7 MR. QUINN: Well, he's aware that there is an allegation that he received
8 money. What I'm dealing with is how Mr. Gilmartin says he knows that
9 allegation arose. Which is effectively a conversation he says he's had with
10 Mr. O'Callaghan.
11
12 CHAIRMAN: All right. We just want to see what information has been
13 circulated in relation to this module on that particular issue.
14 So we can return to that on Tuesday. If you want to deal with the other.
12:12:12 15
16 MR. QUINN: Yes.
17 Q. 340 Leaving that conversation aside, Mr. Gilmartin. Did you have any other
18 conversations with Mr. O'Callaghan in relation to payments to other
19 politicians?
12:12:26 20 A. There was -- there was a statement made to me by Mr. O'Callaghan when
21 Mr. Reynolds visited his house in '94. March '94.
22 Q. 341 Now -- just before you say what was said at the meeting during the course of
23 that conversation, Mr. Gilmartin. I want you to tell me when the conversation
24 took place and where it took place and who was in attendance. This is the
12:12:54 25 conversation now between yourself and Mr. O'Callaghan?
26 A. Usually there was only myself and Mr. O'Callaghan present when he told me those
27 things.
28 Q. 342 And where did this conversation?
29 A. I'm not making an allegation about Mr. Ahern or -- I'm repeating what I was
12:13:11 30 told.

- 12:13:11 1 Q. 343 By Mr. O'Callaghan?
- 2 A. By Mr. O'Callaghan.
- 3 Q. 344 Yes. And what you're now about to tell the Tribunal is that, is a conversation
- 4 you had with Mr. O'Callaghan at which Mr. O'Callaghan tells you something that
- 12:13:22 5 -- concerning Mr. Reynolds, is that correct?
- 6 A. That's correct.
- 7 Q. 345 And where -- that's a conversation you say which would have taken place at bank
- 8 centre?
- 9 A. Either after a bank meeting or, you know, on the way to.
- 12:13:35 10 Q. 346 And in what year?
- 11 A. This was '94.
- 12 Q. 347 This is the conversation takes place in 1994?
- 13 A. This was definitely March '94 or around.
- 14 Q. 348 Around March '94 the conversation takes place?
- 12:13:47 15 A. Pardon?
- 16 Q. 349 It's in March '94 the conversation takes place between yourself and Mr.
- 17 O'Callaghan?
- 18 A. That's correct.
- 19 Q. 350 And it takes place in bank centre?
- 12:13:56 20 A. It took place in that vicinity.
- 21 Q. 351 Yes. So you're aware?
- 22 A. On the way out of the bank centre or.
- 23 Q. 352 In March 1994. What does Mr. O'Callaghan tell you in that conversation?
- 24 A. On that particular day, which was around 11th or 12th of March, he told me that
- 12:14:16 25 he was tired because they were up late the night before, that Mr. Reynolds was
- 26 at his house in Cork and had dinner at his house. And he was there to collect
- 27 his money. And he told me that Albert was absolutely knackered, three o'clock
- 28 in the morning, that he gave him the money. He gave him I think it was a
- 29 cheque for over 100,000 pounds, 150,000 or something at three o'clock in the
- 12:14:51 30 morning. And that Albert was, to use his words and I quote "knackered" because

12:14:56 1 he had to catch a flight to America. So the following morning they had to pick
2 him up early by helicopter.

3 Q. 353 Now, that 150,000 pounds, did you understand Mr. O'Callaghan to be telling you
4 that that was Mr. O'Callaghan's money that he was giving to Mr.--

12:15:14 5 A. That's the way that he put it across. That he paid him.

6 Q. 354 Yes. And what did he -- or did he say what that money was in connection with?
7 A. It was in connection with Golden Island.

8 Q. 355 And did Mr. O'Callaghan tell you that?
9 A. Sorry. It had some connection Golden Island but I wasn't a 100 percent sure
12:15:36 10 about that because he was talking about Mr. Reynolds heading out for America.

11 Q. 356 Yes. We're dealing with your conversation now with Mr. O'Callaghan as you are
12 exiting a meeting in March 1994, at bank centre in Ballsbridge and Mr.
13 O'Callaghan is telling you that he was up the night before because he had to --
14 because he gave Mr. Reynolds, who was at dinner with him, 150,000 pounds of his
12:16:07 15 own money?

16 A. Yeah, he said there was dinner. There was other people he mentioned. There
17 was a Mr. Walsh.

18 Q. 357 Yes.
19 A. And others.

12:16:14 20 Q. 358 Yes.
21 A. That he mentioned was at the dinner.

22 Q. 359 The Tribunal --
23 A. As well as Mr. Reynolds.

24 Q. 360 The Tribunal --
12:16:20 25 A. In his bedroom.

26 Q. 361 The Tribunal will hear evidence, Mr. Gilmartin, in relation to a Fianna Fail
27 fundraising dinner in Cork in 1994. As I understand your evidence and I want
28 you to be absolutely clear on this, Mr. Gilmartin. As I understand your
29 evidence, you are not saying that the 150,000 pounds was collected at a
12:16:45 30 fundraising dinner and was given to Mr. Reynolds on behalf of Fianna Fail?

- 12:16:49 1 A. I don't know what the circumstances. I'm only relaying what Mr. O'Callaghan
2 told me.
- 3 Q. 362 Yes. But you did say and you were able to tell the Tribunal that the payment
4 was a payment by Mr. O'Callaghan of Mr. O'Callaghan's money and was paid in
12:17:01 5 connection with a tax designation of Golden Island?
- 6 A. I'm not a 100 percent sure whether I gave that exact evidence at the time to
7 the Tribunal.
- 8 Q. 363 No, no.
- 9 A. I was talking about his visit to America.
- 12:17:20 10 Q. 364 Mr. Gilmartin, we're at cross purposes?
- 11 A. Yeah.
- 12 Q. 365 I am not at this moment in time talking about what you might or might not have
13 told the Tribunal at any stage in the past.
- 14 A. Yeah.
- 12:17:29 15 Q. 366 I'm really interested in you telling the Tribunal the conversation that you say
16 you had with Mr. O'Callaghan on this date. Do you understand?
- 17 A. Yeah.
- 18 Q. 367 And we are now in a period in March 1994. You are exiting Allied Irish Bank's
19 premises in Ballsbridge. You are speaking with Mr. O'Callaghan and he is
12:17:49 20 speaking to you. And I want you to tell the Tribunal in detail, what you say
21 you recollect having been said by Mr. O'Callaghan on that occasion?
- 22 A. Yeah. Well I'm going back. I'm relying just on memory of the exact
23 conversation which is rather difficult. But it went in the lines that
24 Mr. Reynolds had visited his house and it was around the 10th or 11th of March
12:18:23 25 '94. And he was in Cork. He may have mentioned some kind of fundraising
26 because he did mention a Mr. Walsh and I think he mentioned a gentleman ... I
27 can't remember all the names now, but --
- 28 Q. 368 Was Mr. Noel C Duggan, is that the gentleman you're trying to remember?
- 29 A. Pardon?
- 12:18:48 30 Q. 369 Mr. Noel C Duggan?

12:18:50 1 A. A Mr. Duggan, yeah. Something to do with ...

2 Q. 370 The fundraising dinner in Cork?

3 A. Something to do with Milltown. Mill Street. Mill Street. He mentioned were

4 present.

12:19:04 5 Q. 371 Yes.

6 A. At the dinner. And he told me that he gave Albert the money at three o'clock

7 in the morning in the bedroom.

8 Q. 372 How much money?

9 A. 150,000 was the figure he used. He told me.

12:19:23 10 Q. 373 Now, we do know and Mr. O'Callaghan will tell the Tribunal that at that

11 fundraising dinner he contributed a sum of 10,000 pounds. And the others who

12 were in attendance at the dinner will give evidence in a sum -- appears to have

13 been lodged of in the region of 50,000 pounds to Fianna Fail, following on that

14 dinner. There were subsequent lodgements by other people who attended the

12:19:57 15 dinner subsequently but immediately following the dinner it would appear that

16 it had generated in or about 50,000 pounds.

17

18 Could your recollection, Mr. Gilmartin, be flawed and could in fact Mr.

19 O'Callaghan have been referring to a collection of approximately 50,000 pounds

12:20:05 20 at a fundraising dinner, 10,000 of which he or his company had contributed and

21 which is receipted?

22 A. I'm repeating what Mr. O'Callaghan told me. That he gave him 150,000 pounds at

23 three o'clock in the morning in the bedroom. And that Albert was I quote his

24 words "knackered" and he had to be up early because the helicopter was picking

12:20:29 25 him up in the morning to take him because he was on a flight to America for St.

26 Patrick's Day.

27 Q. 374 And did you --

28 A. The following days.

29 Q. 375 Are you suggesting that Mr. Reynolds stayed overnight in Mr. O'Callaghan's

12:20:41 30 house?

12:20:41 1 A. That's what Mr. O'Callaghan told me.

2 Q. 376 Did Mr. O'Callaghan tell you about any other payments that he had made to
3 politicians or for political purposes?

4 A. Well I'd have to go over. He was continuously bragging about who was on his
12:21:04 5 payroll.

6 Q. 377 When you say who was --

7 A. He used to make a thing of it.

8 Q. 378 Did he -- when you say on his payroll. Are you saying people that he gave --
9 money to?

12:21:19 10 A. That's correct.

11 Q. 379 And are you talking about politicians?

12 A. Politicians, yes.

13 Q. 380 And did he name any of these politicians that --

14 A. At one stage in a conversation but I cannot be absolutely certain of because at
12:21:36 15 times either I didn't hear correctly or at times I didn't -- I wasn't
16 interested in what was being said to me. I was totally -- I had too many
17 problems of me own at that time and I didn't want to listen to -- there was
18 some mention of the Minister of Industry and Commerce but I don't know who he
19 was referring to. And he did tell me that he had paid a six figure sum to
12:22:04 20 Michael Martin. He says Micheal Martin was an up and coming politician in the
21 Fianna Fail party and that he was being groomed one day to be Prime Minister or
22 to be Taoiseach, at that time. Now, I didn't know Micheal Martin or anything
23 about him. Didn't even know who he was. But he told me that he had paid him a
24 six figure sum.

12:22:32 25 Q. 381 When did he tell you that?

26 A. Oh, that was ...

27

28 CHAIRMAN: Is Mr?

29

12:22:38 30 MR. QUINN: Yes and I'm going to put on screen now in a moment what Mr. Martin

12:22:43 1 will say about that. When did he tell you about that?

2 A. It was around that time.

3 Q. 382 Also '94 or '95?

4 A. Yeah, I'm totally relying on me memory over a period. Events that happened

12:22:55 5 over a period of from '87 to '96. Nine year period and that's twenty years

6 ago.

7 Q. 383 Now, just working backwards, Mr. Gilmartin. I'm going to put on screen what

8 the various people you've referred to have said.

9 If I could have 2761. This is a statement of Mr. Martin in relation to monies

12:23:13 10 he received from Mr. O'Callaghan between 1989 and 1993.

11 A. Yeah.

12 Q. 384 And Mr. Martin, like the other people referred to you by you including Mr.

13 O'Callaghan will all be giving evidence in due course.

14

12:23:25 15 He says that "Between 1989 and 1993, I received the following political

16 donations from Mr. Owen O'Callaghan.

17

18 In or about June 1989 General Election, I received political donation of 1,000

19 pounds.

12:23:37 20 In or about the time of the June 1991 Local Election, I received a political

21 donation of 5,000 pounds.

22 There was a political fundraiser by way of a race night organised by the

23 Charles Daily Fianna Fail Cumann of which I am a lifelong member to provide

24 funding for a forthcoming General Election November 1992.

12:23:54 25 I believe that Mr. Owen O'Callaghan may have contributed 200 pounds by way of

26 sponsorship to that race night.

27 While the following did not involve a contribution to me, for completeness sake

28 I wish to stay state that Mr. O'Callaghan or his company made a contribution of

29 5,000 pounds in July 1993, to a civic project. The dredging of the Atlantic

12:24:15 30 pond in response, in respect of which I as then Lord Mayor of Cork, was patron.

12:24:19 1 Such contribution was not made to me and it was lodged to an account
2 specifically established for the project in AIB, 65 South Mall Cork."
3 And he gives the account number "by the voluntary committee established to
4 oversee the project. The payments referred to at A, B and C above are all
12:24:33 5 political donations made in the context of election campaigns.

6
7 Such funds from were used by me to defer costs in such elections. With regard
8 to the 1991, Local Election campaign, I paid substantial part of the overall
9 party expenses for the south central electoral area, my ward. Furthermore in
12:24:54 10 or about September 1991, I established a constituency office in my home,
11 converting a garage into self-contained office which was staffed by a
12 secretary. While there was exchequer funding in respect of the secretary's
13 salary the other costs borne by me. Any funds raised left over after the 1991
14 Local Elections would have been used for bone fide political purposes,
12:25:10 15 including inter alia the establishment of the constituency office and
16 associated expenses.

17
18 3.A In relation to the donation of 1,000 pounds made in the summer of 1989, I
19 believe that such cheque was cashed by me but not lodged through AIB for the
12:25:26 20 purposes of spending in the 1989 election campaign. I have requested my bank
21 to check the matter and to search their records. The bank statements from my
22 account at AIB, Bridge Street, do not show any such lodgement at that time.

23
24 With regard to the donation of 5,000 pounds made in or about June 1991, it
12:25:42 25 appears 3 and a half, 000 thereof was lodged to my wife's, Mary's AIB Baggot
26 Street, Dublin, account on the 4th of July 1991." Account number given "and
27 the balance of 1,500 pounds was cashed and applied for political expenditure.

28
29 On the 18th of July 1991, a further 2,550 pounds was withdrawn from this
12:26:03 30 account which I believe was applied for political expenditure at that time.

12:26:05 1 From the record, my wife -- for the record my wife lived and work in the Dublin
2 from 1984 to 1991. In relation to the sponsorship of the race night, I believe
3 cannot be certain that the same was lodged to the Charles Daly Cumann account
4 at AIB, Mayfield branch -- account given. In any event such donation was made
12:26:24 5 to the Cumann rather than to me personally. The donation relating to the Lord
6 Mayor Atlantic pond restoration fund was lodged to a specific account of the
7 project established for that purpose at AIB 66 South Mall Cork" and again the
8 account number is given.

9
12:26:39 10 "I did not maintain records, vouchers or documentation in relation to
11 expenditure in the 1980s or early 1990s. There was no reason to retain the
12 same. I am seeking to obtain from printers, details of expenditure on
13 promotional material as these would have comprised a significant portion of the
14 spending. I will furnish these to the Tribunal if and when they can become
12:26:58 15 available."

16
17 At 2763 he goes on to say. "I herewith enclose three statements obtained from
18 Lee Press Printers Limited, Cork. Two are dated July 1991 and one is dated May
19 1992. The July records shows that amounts of 714 and 1,017.61. The May 1992
12:27:16 20 record shows an amount of 1,050.11. These records relate to some of the
21 printing expenses incurred at the time of the 1991 Local Elections and would
22 not be complete. Other vouchers would not have been traced to date.

23
24 5. I have been in contact with AIB to request copies of bank statements for
12:27:33 25 the relevant periods and in that context I enclose herewith the following."
26 And he gives extracts from his wife's account in AIB, Baggot Street and a copy
27 letter of Mr. Foley, regional director of AIB dated 10th of November 2004
28 regarding same.

29
12:27:47 30 If I could have 20154, please. Sorry. If I could have 20155 first. Sorry.

12:28:08 1 This is Mr. Reynolds' response.

2

3

"Private dinner March 1994 dated 26th of January 2006.

4

12:28:15 5 I have never attended a fundraising dinner for Fianna Fail in the home of Owen
6 O'Callaghan. I have never received any payment whatsoever political or
7 otherwise in the sum of 150,000 or 40,000 from Owen O'Callaghan. For the
8 avoidance of doubt, I have never received monies from any third party on behalf
9 of Mr. O'Callaghan or otherwise. The suggestion that I received money for my
10 assistance in the tax designation of the Golden Island development in Athlone
11 County Westmeath is entirely without foundation and an outrageous allegation.

12

13 I did attend a dinner at the home of Mr. Neil Welsh on or about 11th of March
14 1994. This dinner was in the nature of a get to know you dinner. The dinner
15 was to the best of my knowledge arranged by Mr. Welsh in consultation with
16 members of the Fianna Fail party. I cannot say with any degree of certainty
17 who initially proposed the dinner. I was not involved in organising the
18 dinner.

19

12:29:04 20 I have read the letter of Mr. Welsh to this Tribunal dated the 16th of June
21 2005, and I have no reason to disagree with any of the contents of the letter.
22 I would, however, wish to make it perfectly clear that whilst political
23 contributions may have been received by the Fianna Fail political party at the
24 dinner, no money whatsoever was received by me in my personal capacity nor did
12:29:28 25 I handle any contributions received by the Fianna Fail party. I had no idea
26 how much money was received by the Fianna Fail party on the night in question
27 but I believe that the records held at party headquarters will confirm what
28 monies were received."

29

12:29:36 30 And then at 20154. A letter dated the 20th of April 2007. Mr. Reynolds says.

12:29:45 1 "The allegation that I stayed overnight at the home of Mr. Owen O'Callaghan and
2 received the sum of 150,000 pounds from Mr. O'Callaghan is absolutely untrue.
3 I had previously furnished a statement of the 26th of January 2006, to the
4 Tribunal in this regard. And I enclose herewith a further copy of this
12:30:02 5 statement for noting for the Tribunal. In a further letter from the Tribunal
6 dated 12th of April 2007, I am asked to comment on a further allegation by Mr.
7 Gilmartin, that a sum of 40,000 pounds was paid to me. Again, there is
8 absolutely no truth in this allegation and I never received any payment what so
9 ever from Mr. Owen O'Callaghan as suggested by Mr. Gilmartin or otherwise.

12:30:19 10
11 In a further letter from the Tribunal also dated 12th of April 2007, I am asked
12 to comment on the allegation that I set matters in motion with the English
13 Revenue regarding Mr. Gilmartin's tax affairs. I never had any dealings with
14 whatsoever with the tax affairs of Mr. Gilmartin. The allegation that I set
12:30:35 15 matters in motion with English Revenue is totally and utterly untrue.

16
17 I am concerned that such further statements have been requested of me
18 particularly in the light of the clarification and narrative statement
19 furnished to the Tribunal in January 2006. It is particularly noteworthy that
12:30:51 20 Mr. Gilmartin does not provide any grounds of any nature whatsoever to
21 substantiate the false allegations. I take grave exception to these
22 allegations made by Mr. Gilmartin and request your confirmation that my
23 statement has been recorded in full and with the same vigilance as spurious,
24 unfounded, defamatory and untrue allegations of misstatements made by Mr.
12:31:10 25 Gilmartin."

26
27 A. Well number one, Mr. Gilmartin did not make the allegation. Mr. Owen
28 O'Callaghan made the allegation. I did not make any allegation about Albert
29 Reynolds. So he is inaccurate or incorrect there for a start. Mr. Owen
12:31:30 30 O'Callaghan that made the allegation and Mr. Owen O'Callaghan was telling me

12:31:35 1 how friendly he was with Mr. Albert Reynolds and that he was at his house and
2 repeating what Mr. O'Callaghan said. That he was at his house and he mentioned
3 Kathleen. Now, I'm not quite sure whether Kathleen was O'Callaghan's wife or
4 Reynolds wife. That his wife, they were very friendly.

12:31:57 5 Q. 385 And now we --

6 A. But Mr. O'Callaghan had told me and he told me he gave him the money in the
7 bedroom of his house at three o'clock in the morning. He also told me that he
8 was picked up by helicopter from his house in the morning. Now, I suppose it
9 can be verified whether an official helicopter arrived at Mr. O'Callaghan's
10 house or not on that morning. But I don't know. I'm repeating what
11 Mr. O'Callaghan told me.

12 Q. 386 And I'm going to read to you, Mr. Gilmartin, what the Taoiseach, Mr. Ahern has
13 said in relation to these allegations.

14

12:32:39 15 If I could have 14240 please.

16

17 "10th of December 2003.

18 Dear Judge Mahon. I refer to your letter of the 18th November from Ms. Susan
19 Gilvarry solicitor in respect of the above matter. As the letter related to a
12:33:01 20 direction by the Members of the Tribunal, I am replying directly to you.

21

22 Mr. Thomas Gilmartin and Arlington.

23 My recollection of my meetings with Mr. Gilmartin is set out in detail in the
24 course of my statement and exchanges in the Dail on 27th of January 1999.

12:33:15 25 Following on from my remarks in the Dail, I sent the Tribunal a copy of my
26 statement to the House. For your convenience I am again sending you a copy of
27 this material. I am also attaching an exchange of correspondence with former
28 deputy Liam Lawlor from February March 2002 relating to Mr. Gilmartin.

29 I previously forwarded a copy of this correspondence to the Tribunal at that
12:33:34 30 time.

12:33:34 1 In regard to the Tribunal's specific inquiry that in or about early February
2 1989, Mr. Thomas Gilmartin attended at Dail Eireann for a meeting with members
3 of the cabinet to discuss his plans for Quarryvale, I confirm that I have no
4 recollection of attending any such meeting. It is my firm belief that I did
12:33:50 5 not attend any such meetings. There is no record in my diary for that period
6 of such a meeting taking place. Moreover, in all of the time since I began to
7 sit around the cabinet table on 10th of March 1982, I have never witnessed a
8 private developer attending a cabinet meeting to discuss a commercial project."
9

12:34:07 10 And you will recall, Mr. Gilmartin, that Mr. Ahern gave evidence in Quarryvale
11 I in relation to this. And there was also evidence from two witnesses who were
12 put forward by way of alibi witnesses to say Mr. Ahern was elsewhere when that
13 meeting may have taken place, isn't that right? I don't want to open up that
14 debate. I'm just putting it on the record just at this stage.

12:34:27 15
16 It goes on at 14241. "Prior to my statement to the Dail in January 1999, an
17 exhaustive search was conducted through official records and ministerial
18 diaries across a number of Government departments. The detail of the search is
19 set out in my statement and remarks on 27th of January 1999 in Dail Eireann.

12:34:44 20 As is clear from that statement, there is no reference in any of those records
21 to any such meeting between Mr. Thomas Gilmartin and a group of cabinet
22 members.

23
24 3. Subsequent searches of records in my procurement also turned up no
12:34:56 25 references to this meeting. The details of these searches are." And he
26 outlines the details of the searches.

27
28 "A search of records regarding the Quarryvale development and the Department of
29 an Taoiseach, Department of Enterprise and Trade and Employment, formally the
12:35:10 30 Department of Labour and the Department of Finance as well as a search my own

12:35:14 1 personal records and diaries that was carried out in May 2001. These searches
2 were conducted as part of my liable action against Mr. Denis (Starry) O'Brien.
3 I attach details of these searches for your information.
4

12:35:23 5 A further search in March 2002 of my own records and diaries for references
6 relating to any meeting or meetings between myself and Mr. Gilmartin.
7

8 3. On foot of your correspondence I directed an official in my office to
9 conduct a further search of my records and diaries. It is my recollection that
12:35:39 10 post 1987, the then Taoiseach, Mr. Haughey, did not hold meetings involving
11 Ministers and/or people on official business in Leinster House. Such meetings
12 would have taken place in he his own office in Government buildings. I do have
13 a specific recall of one meeting with Mr. Gilmartin. This took place in
14 Drumcondra on the 10th of October 1988. I have a diary record of this meeting.

12:36:00 15 Towards the end of the meeting Tim Collins, who was a friends of mine and had
16 a business in the area, dropped into the office for a cup of tea as was his
17 regular practice. He joined the meeting for a brief period. It is my
18 recollection and the Bachelor's Walk was the development that Mr. Gilmartin
19 wanted to brief me on. I met Mr. Gilmartin because the Bachelor's Walk
12:36:17 20 development would potential have been a big project in my constituency with
21 considerable employment potential.
22

23 My diary entry for that meeting refers to Tom Gilmartin and Arlington.
24 Arlington is the company that was investing in Bachelors Walk. I assume based
12:36:31 25 on my practice that I then arranged with Mr. Gilmartin, that he would meet me
26 officially in my department on 13th of October 1988. I have a diary record of
27 that meeting. I also have a diary record of a meeting with Mr. Gilmartin on
28 the 28th of September 1989 in the Department of Labour. I do not have any
29 specific recollection of those meetings. This is not in itself surprising
12:36:52 30 given that during my time as Minister for Labour, I often had more than 20

12:36:55 1 meetings in a single day with the department. At that time I was a member of
2 the Ministerial Task Force on employment and therefore I had numerous meetings
3 with groups and companies in an effort to encourage and stimulate and create
4 employment creation. It is most likely that I had these meetings with Mr.

12:37:08 5 Gilmartin in this context.

6
7 At some point in the course of my contact with Mr. Gilmartin during his period,
8 I believe that I suggested Mr. Joe Burke as someone who could assist Mr.
9 Gilmartin in relation to the Bachelor's Walk project. Mr. Gilmartin I assume
12:37:21 10 had asked me for an introduction to someone on the Council who could assist him
11 and I referred to him to Mr. Burke.

12
13 In regard to the meeting 28th of September 1989, I made the point remarks in
14 the Dail in January 1999, that my meeting with Mr. Gilmartin took place on the
12:37:36 15 same date as a separate meeting between Mr. Pdraig Flynn, the then Minister
16 for Environment, Seamus Brennan, the then Minister for Tourism and Transport
17 and a delegation from Arlington, including Gilmartin. This meeting took place
18 in the conference room Leinster House and also attended by Jimmy Farrelly, who
19 was then a senior civil servant in the Department of the Environment. I expect
12:37:55 20 Mr. Farrelly's minutes of this meeting have been forwarded to the Tribunal.

21
22 I thus assume that at my meeting with Mr. Gilmartin occurred in connection with
23 this meeting and was to enable him to brief me on developments. I am also
24 aware that Mr. Gilmartin has stated that he had a telephone conversation with
12:38:15 25 me. I have no specific recollection of that telephone conversation. However,
26 I can state with certainty that I never asked Mr. Gilmartin for any money or
27 donation.

28
29 It is my invariable practice not to personally speak to people asking them for
12:38:21 30 money or donations, whether for myself or Fianna Fail. I thus would not have

12:38:25 1 raised any issue about political donations. If Mr. Gilmartin informed me
2 during the telephone call that he had made a donation to Padraig Flynn that
3 fact would not be itself suspicious as Padraig Flynn treasurer of Fianna Fail
4 to whom party political donations were made. I do not recall any other meeting
12:38:42 5 or conversation with Mr. Gilmartin and I believe that I had no such meeting or
6 conversation with him. I did attend a Fianna Fail fundraising event in London
7 on 23rd of November 1989. I did not engage in conversation about any of the
8 matters referred to in your letter at this function. I do not recall speaking
9 to any of the Arlington executives who were at this function. However, it is
12:39:02 10 my normal practice to exchange pleasantries with people attending such
11 functions and I presume I did so on this occasion.

12
13 Payments donations contributions or benefits. I have set out below details of
14 any pavements, donations, contribution or benefits that I may have received
12:39:15 15 from the persons named in Ms. Gilvarry's letter."

16
17 And then he gives, I call the names and what he says in relation to each.
18
19 "Mr. Thomas Gilmartin. Nothing.

12:39:26 20
21 Under the heading of payment, donation, contribution or benefit received.
22 Mr. Owen O'Callaghan nothing.

23
24 Under the heading payment, donation, contribution or benefit received.
12:39:36 25 Mr. Frank Dunlop. No payment, donation, contribution or benefit directed to me
26 but he did attend some functions run by the Fianna Fail organisation in Dublin
27 central constituency. The total amount paid for these events would not have
28 been substantial.
29 Shefran Limited. Nothing.
12:39:50 30 Barkhill Limited nothing.

12:39:53 1 O'Callaghan Properties Limited nothing.
2 Arlington Securities Limited nothing.
3 Riga Limited. Nothing.
4 Merrygrove Estates Limited. Nothing.

12:40:01 5 Mr. John Corcoran of Green Properties plc. I believe that he may have attended
6 one of the annual fundraising events for the Dublin central constituency
7 organisation or have made some form of small donation. I am disclosing this
8 possible scenario for the sake of completeness."
9

12:40:17 10 At 14244.
11

12 "The above information is based on records available to me for the Dublin
13 central constituency where donations are sought and administered by officers in
14 the constituency. I understand that Fianna Fail has furnished to the Tribunal
15 records of the payments, donations, contributions or benefits received by it.
16

17 Paragraph 3. Mr. Owen O'Callaghan and John Corcoran. My diary confirms that I
18 met Mr. Corcoran on the 13th of July 1993. My recollection of this meeting is
19 that he briefed me about Green Properties plans for future investment in the
12:40:47 20 country. From my diary records I can confirm that I met Mr. Owen O'Callaghan
21 on the 24th of March 1994, although I do not recall what was discussed. While
22 I know there has been some references in the media to tax designation in
23 relation to shopping centres being developed at Quarryvale and Blanchardstown.
24 I have no specific recollection of discussing this topic with either Mr.
12:41:07 25 O'Callaghan or Corcoran. In any case neither project was designated.
26

27 My diary confirms that I met Mr. O'Callaghan on the 10th of November 1994 at
28 the Department of Finance. I recall that Mr. O'Callaghan was accompanied by a
29 gentleman from an America financial company who I believe was called
12:41:24 30 Mr. William O'Connor. In the light of the request in your letter to refer to

12:41:27 1 discussions in respect of certain lands in west Dublin, I wish to state that at
2 this meeting Mr. O'Callaghan appraised me of his plans to build a stadium in
3 Clondalkin for which he was hoping to obtain Government support.

12:41:38 5 I also met Mr. O'Callaghan in my office on the 5th floor of Leinster House
6 during the period in which I was leader of the opposition. This meeting took
7 place as best I can remember in early 1996 and the purpose of the meeting was
8 for Mr. O'Callaghan to update me on his stadium proposals in west Dublin.

12:41:53 10 On the 8th of November 1996, as part of my tour of constituencies in
11 anticipation of a General Election, I visited the constituency of Dublin West
12 as one of the many canvassing engagements I undertook that day. This visit
13 including a trip to the Quarryvale site. Sorry. Including a trip. I met
14 briefly with Mr. O'Callaghan and he updated me on when the development was
12:42:20 15 expected to be completed. I was accompanied on this occasion by a group of
16 members and supporters of the local Fianna Fail organisation.

18 Conclusion.
19 In conclusion I wish to say that if I can be of any further assistance to the
12:42:24 20 Tribunal in this matter, please do not hesitate to contact me. I do, however,
21 wish to state that should any further documentation or information come to my
22 attention which is relevant to your request, I shall furnish same to you.

24 This letter is based on my best recollection of events referred to.

12:42:41 25
26 Yours sincerely."

28 20445. It's a letter of the 16th of March 2004, from Frank Ward and company
29 solicitors "Re my client Fianna Fail/an Taoiseach Mr. Bertie Ahern TD,
12:42:51 30 documents relating to Quarryvale/Arlington 1987, 1990 module.

12:42:57 1
2 Dear Ms. Gribbon. I write in reply to your letter of the 10th of March 2004,
3 and enclosed statement of Thomas Gilmartin of the same date. I note the
4 allegations made by Mr. Gilmartin in that statement. As far as I am aware this
12:43:08 5 allegation has never before been raised over the 14 years since this event is
6 said to have occurred. In particular it seems never to have been brought to
7 the attention of the Tribunal during the six-year period in which Mr. Gilmartin
8 had been dealing with the Tribunal.

9
12:43:22 10 I outlined -- instructs me that he did not directly or indirectly request money
11 from Mr. Gilmartin in the manner described or at all. He did not ask Mr. Joe
12 Burke to request money on his behalf and Mr. Gilmartin nor does he believe that
13 any such request was made by Mr. Joe Burke. The allegations of Mr. Gilmartin's
14 statement including his recounting of efforts to locate my client and various
12:43:44 15 public houses are both ridiculous and fanciful. My client instructs me that he
16 does not frequent The Dead Mans Inn and that he did not recall having any
17 dealings with Mr. Gilmartin whatsoever during 1990."

18
19 1258. Letter of the 26th of October 2004.

12:44:02 20
21 "Re our client an Taoiseach, Mr. Bertie Ahern, discovery.

22
23 Dear Ms. Gilvarry. I refer to your letter requesting discovery of my client's
24 received in this office on the 18th inst. I am instructed to inform you that
12:44:13 25 my client has no objection in principle to making discovery to your Tribunal.
26 There are however a number of matters upon which I require clarification in
27 order to advise my client on the effects of the terms of the proposed order.
28 In the light of that clarification I may or may not wish to make
29 representations on variations to the terms of the order for discovery proposed
12:44:30 30 to be made against my client. Before outlining the matters of what

12:44:34 1 clarification required, I wish to advert to a number of matters. They are as
2 follows.

3
4 A. On the 8th of May 2000, the Tribunal sought a written narrative statement
12:44:44 5 from my client in relation to an allegation that he had received a payment of
6 50,000 pounds from Mr. Denis (Starry) O'Brien made on behalf of Mr. Owen
7 O'Callaghan in September 1989.

8
9 In a statement dated 31st of May 2000, my client informed the Tribunal as
12:44:58 10 follows. And I quote. "I did not receive the sum of 50,000 pounds or any sum
11 from Mr. Owen O'Callaghan or any of his representatives or agents for any
12 purpose or on any occasion whatsoever."

13
14 Paragraph B. In an affidavit sworn by my client on the 17th of November 2000,
12:45:13 15 at paragraph 5 thereof he swore as follows:

16
17 Furthermore, I say that I did not receive the sum of 50,000 pounds or any sum
18 from Owen O'Callaghan or any of his representatives or agents for any purpose
19 or any occasion whatsoever. A copy of this affidavit was furnished to the
12:45:29 20 Tribunal and in accordance with its request is contained in its letter of the
21 10th of October 2000.

22
23 Paragraph C. As you are aware, my client commits legal proceeding against
24 Denis (Starry) O'Brien in relation to an allegation that he has been paid
12:45:42 25 50,000 pounds by Mr. O'Brien on behalf of Mr. O'Callaghan. The learned trial
26 judge accepted at the hearing of the liable action that this allegation was
27 fully completely and absolutely false and untrue.

28
29 Paragraph D. My client will be furnishing a statement to your dealing with the
12:45:56 30 matters raised. Sorry. With the matters requested of him in your letter of

12:46:00 1 the 15th inst and 19th inst. However, I am instructed to inform you that the
2 statement which is in the course of preparation will repudiate the allegation
3 that my client received 50, 30,000 or any other monies from Mr. Owen
4 O'Callaghan or any companies associated with him or any agent or representative
12:46:28 5 of him or his companies.
6

7 The matters upon which clarification is required so that my client can be
8 advised as to the extent of the terms of the order or any variation to be
9 proposed are set out below. The lettering in your letter in relation to the
12:46:31 10 discovery is repeated in respect of these clarifications.
11

12 Paragraph A. While the allegation relates to the statement allegedly made in
13 1992, it is not clear whether the payment of 50,000 and/or 30,000 were
14 reputedly made in the same year. In the past it has been alleged that my
12:46:48 15 client was in receipt of 50,000 in 1989, from Mr. Owen O'Callaghan. Perhaps
16 the Tribunal would clarify the date or dates to which the alleged payments of
17 50 and 30,000 relate. Otherwise the existing terms of this paragraph are
18 without any limit.
19

12:47:01 20 Please confirm that this paragraph is not intended to refer to my client's
21 position in Fianna Fail. As you are aware extensive documentation has already
22 been furnished by Fianna Fail through discovery.
23

24 C. In the light of the breath of paragraph A above this paragraph could cover
12:47:15 25 a truly vast amount of documentation. Is it intended for instance to cover by
26 the requirement referred to such documentation in the second schedule of my
27 client as an employee of the Mater Hospital TD as Lord Mayor and so forth. It
28 could Also include mortgage documentation in relation to payments on the joint
29 account of my client and his wife. On the current wording this order
12:47:37 30 particularly in light of the allegation made by Mr. Tom Gilmartin would require

12:47:40 1 extensive discovery.
2
3 Unfortunately, the draft order in relation to financial institutions in the
4 State was not attached to your letter. I would be grateful to receive a copy
12:47:49 5 of same from you so that I can advise my client of its terms. I look forward
6 to receiving the clarification sought above.
7
8 In the light of those clarifications I may or may not wish to make
9 representations to the Tribunal as I will need time to take my client's
12:48:03 10 instructions in the light of that clarification. I would be grateful could if
11 the Tribunal could allow a period of 7/10 days from the date of receipt of your
12 letter of clarification to make further representations if any arising out of
13 that clarification. I will also respond to the terms of the order proposed to
14 be made against financial institutions. Yours sincerely solicitor Mr. Guidera.
12:48:24 15
16 1562, please.
17
18 This is a statement dated the 4th of November 2004.
19
12:48:30 20 It's headed office of An Taoiseach re Tribunal of Inquiry into certain planning
21 matters and payments.
22
23 1. As previously state in the my letter to the Tribunal dated 10th of December
24 2003, I have not received any money from Mr. Owen O'Callaghan. It follows
12:48:45 25 therefore that.
26
27 A. I did not receive the sum of 50,000 from Mr. Owen O'Callaghan.
28
29 B. I did not receive the sum of 30,000 pounds from Mr. Owen O'Callaghan.
12:48:55 30

12:48:55 1 2. I have made such denials on previous occasions. In a statement to the
2 Tribunal of the 31st of May 2000 concerning. Excuse me. An alleged payment of
3 50,000 pounds to me by Mr. Owen O'Callaghan I said as follows.

12:49:09 5 "I did not receive a sum of 50,000 pounds or any sum from Mr. Owen O'Callaghan
6 or any of his representatives or agents for any purpose on any occasion
7 whatsoever. Moreover, I have also sworn to this fact in an affidavit sworn by
8 me and furnished to the Tribunal in response to a request from the Tribunal.

12:49:27 10 That affidavit is dated the 17th of November 2000 and has previously been
11 furnished to the Tribunal. In that affidavit I said as follows.

13 "Furthermore, I say that I did not receive the sum of 50,000 or any sum from
14 Owen O'Callaghan or any of his representatives or agents or for any purpose or
12:49:44 15 on any occasion whatsoever.

16
17 1266.

18
19 Paragraph 3. In my Circuit Court libel proceedings against Mr. Denis (Starry)
12:49:58 20 O'Brien arising out of the allegations that I received a cheque in the sum of
21 50,000 pounds from Mr. O'Brien on behalf of Mr. O'Callaghan the trial judge
22 described these allegations as being "utterly completely and absolutely false
23 and untrue. The suggestion that the plaintiff Mr. Ahern the Taoiseach was
24 involved in any matters such as this must be found to be absolutely not so.

12:50:20 25
26 4. As I did not ever received any money from Mr. O'Callaghan it follows that I
27 could not have received the sum of 30,000 pounds for allegedly blocking Green
28 Property plc for obtaining special tax designation for the development of
29 Blanchardstown.

12:50:33 30

12:50:33 1 5. As I did not receive any money from Mr. Owen O'Callaghan there is no bank
2 account relevant to this outrageous allegation. Likewise, as I have received
3 no such payments, a reason for the alleged payment simply does not arise.
4

12:50:49 5 6. As far as I am concerned, I did not at any time discuss designation for
6 Blanchardstown with Mr. O'Callaghan. I also referred the Tribunal to Section 3
7 of my letter to the Tribunal of the 10th of December 2003 where I set out
8 details of my meetings with Mr. O'Callaghan between the years 1988 and 1997. I
9 refer to a further meeting that is relevant to the Tribunal's letter of the
10 19th of October 2004 at paragraph 10 below.

11
12 Paragraph 7.

13
14 It is a matter of public knowledge that Mr. Owen O'Callaghan contributed to
12:51:16 15 Fianna Fail. I understand that Fianna Fail has furnished to the Tribunal
16 records of all the payments donations and contributions or benefits received by
17 it and including contributions from Mr. O'Callaghan. However, I never received
18 any monies from him.

19
12:51:33 20 Clearly, I was not privy to or aware of any discussions and meetings between
21 Mr. O'Callaghan and Mr. Tom Gilmartin. What was or was not said at those
22 meetings is a matter for the Tribunal to raise with both of them. In relation
23 to the proposed National Stadium at Neilstown the position is as follows. In
24 correspondence dated 18th of November 2003 the Tribunal requested that I
12:51:55 25 provide a narrative statement that deals with inter alia "all dealings meeting
26 written or communications". I had with Mr. Owen O'Callaghan between the years
27 1998 to 1997.

28
29 In my response dated 10th of December 2003 I informed the Tribunal that on two
12:52:13 30 occasions in this period on the 10th of November 1994 and again in early 1996

12:52:18 1 Mr. O'Callaghan updated me on the Stadium proposals West Dublin.

2

3 10. I also recollect that Mr. O'Callaghan called to my constituency office in

4 May 1998. My recollection is that on this occasion Mr. O'Callaghan was

12:52:32 5 accompanied by Mr. Frank Dunlop. Mr. O'Callaghan wished to brief me on his

6 latest plans regarding his Stadium. I told Mr. O'Callaghan that it was my plan

7 to build a National Stadium elsewhere. That would remain totally under the

8 control of the State and be available to all sectors of the community. Hence I

9 was not in support of his proposals.

12:52:52 10

11 1268. Paragraph 11.

12

13 I have made this statement in response to requests from the Tribunal in its

14 letters of the 15th of October 2004 and the 19th of October 2004.

12:53:07 15

16 And then it's signed Bertie Ahern.

17

18 Q. 387 Now, Mr. Gilmartin. What I propose to do now is in relation to the -- to

19 those -- that correspondence and communication and what you have now told the

12:53:29 20 Tribunal. To take you through what you have said to the Tribunal at different

21 stages in relation -- or what you are recorded as having said to the Tribunal

22 at different stages in relation to first of all your allegation in respect of

23 the -- what was said to you by Mr. O'Callaghan in connection with Mr. Ahern in

24 the first instance. And then I will do Mr -- what you said in relation to

12:53:52 25 Mr. Reynolds and Mr. Martin and others.

26

27 But before I do so, I just want you to confirm that you have also told the

28 Tribunal, and again I will deal with it when I'm dealing with your statements,

29 of other payments which you say -- which you say you were told were made by Mr.

12:54:07 30 O'Callaghan to politicians -- not told by Mr. O'Callaghan but what you said

12:54:14 1 were made to politicians, isn't that right

2 A. That's correct, yeah

3 Q. 388 I think you identify, for example, Mr. McSharry as somebody whom you have told

4 the Tribunal received money from Mr. O'Callaghan?

12:54:25 5 A. Yes, Mr. McSharry called in Cork to collect his money.

6 Q. 389 You have said that to the Tribunal. But you're not saying, as I understand

7 your evidence, you are not saying that you were told that by Mr. O'Callaghan?

8 A. I was told it by Mr. O'Callaghan.

9 Q. 390 Okay. Well we better deal with that at this stage then. There is a further

12:54:43 10 conversation you say between yourself and Mr. O'Callaghan?

11 A. I was last --

12 Q. 391 He identifies yet another politician?

13 A. Told by an independent.

14 Q. 392 We'll leave the independent out of it just for a moment. I'm more concerned

12:54:54 15 that you would tell me was you say was said to you by Mr. O'Callaghan at this

16 stage. First of all, where did this meeting take place?

17 A. This meeting took place on the 7th of December.

18 Q. 393 No, no. The meeting at which Mr. O'Callaghan told you about a payment to Mr.--

19 A. The first he told me about Mr. McSharry being in Cork to collect the money was

12:55:16 20 the 7th of December 1988.

21 Q. 394 This is when you first met Mr. O'Callaghan, is that correct?

22 A. Yes, for the last ten years I have been listening to a lot of hog-wash about

23 something to do with the tunnel and my lies about what was said at the tunnel.

24 Q. 395 Just for a second, Mr. Gilmartin. Just for a second --

12:55:34 25 A. I'm coming back to it.

26 Q. 396 But it's very important. You are now going to tell the Tribunal --

27 A. You asked me a question.

28 Q. 397 Yes but I want you to understand what the question is, just for completeness.

29 Because it's important. My question to you now, Mr. Gilmartin, is for you to

12:55:49 30 identify a date and a time and a place where you say you had a conversation

12:55:53 1 with Mr. O'Callaghan at which Mr. O'Callaghan told you about a payment by him
2 to Mr. McSharry. Do you understand?
3 A. The first time was the 7th of December 1988.
4 Q. 398 That's your first meeting with Mr. O'Callaghan?
12:56:10 5 A. Yeah. It was in the Royal, I think it's the Royal Dublin Hotel. Beside the
6 Council offices which Mr. O'Callaghan had booked a room.
7 Q. 399 Okay?
8 A. It was on the day that we negotiated the deal on Neilstown.
9 Q. 400 And will you tell the Tribunal, Mr. Gilmartin, what you say Mr. O'Callaghan
12:56:27 10 said to you on that occasion.
11
12 CHAIRMAN: Well, sorry. Can I just stop you there, Mr. Quinn. It's nearly
13 one o'clock. I'm conscious that we're going into something slightly new. And
14 perhaps rather than deal with it partly.
12:56:41 15 A. No, no, it's not new, Your Honour.
16
17 CHAIRMAN: No.
18
19 MR. QUINN: A new topic.
12:56:46 20
21 CHAIRMAN: A new topic today.
22 A. Yeah.
23
24 CHAIRMAN: That perhaps it should be done in full on Tuesday.
12:56:52 25
26 I am also conscious of the fact that given that -- the fact that it's the
27 weekend and some days will pass before we resume. It should be made quite
28 clear that Mr. O'Callaghan has denied A, telling Mr. Gilmartin of these
29 payments. Along the lines that he has given evidence.
12:57:14 30

12:57:14 1 And also, that Mr. O'Callaghan denies making any such payments to Mr. Ahern or
2 to Mr. Reynolds.

3
4 And also, Mr. McGrath and I think Mr. Gilbride have also denied that.

12:57:28 5
6 MR. QUINN: That's correct.

7
8 CHAIRMAN: To the Tribunal that they received any improper payments from Mr.
9 O'Callaghan and Mr. McSharry has denied received receiving any money from Mr.
10 O'Callaghan.

11
12 So I am just keen that that be made clear before we rise.

13
14 So I think it might be appropriate in those circumstances, we would resume Mr,
15 resume with Mr. Gilmartin on Tuesday at ten o'clock.

16
17 MR. QUINN: Tuesday.

18
19 CHAIRMAN: All right.

12:57:59 20
21
22 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**
23 **TUESDAY, 12TH JUNE, 2007, AT 10: 00 A.M.**

24
25
26
27
28
29
30