

THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY,

19TH MARCH 2008, AT A 10:30 A.M:

CHAIRMAN: Good morning, Mr. Murphy.

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

Mr. Blair Hughes, please.

MR. HOLLAND: Chairman, before you take the evidence of Mr. Hughes, my name is

David Holland Senior Counsel. I'm applying for limited representation on the
part of the Irish Permanent Building Society (inaudible)

CHAIRMAN: Certainly, granted.

MR. HOLLAND: Thank you very much.

MR. BLAIR HUGHES, HAVING BEEN SWORN, WAS QUESTIONED BY

MR. MURPHY AS FOLLOWS:

CHAIRMAN: Good morning, Mr. Hughes.

A. Good morning.

Q. 1 MR. MURPHY: Good morning, Mr. Hughes.

A. Good morning.

Q. 2 Mr. Hughes, I think that you were manager of the Irish Permanent Building

Society as it then was, between sometime in 1993 and the 6th of January 1997,
is that correct?

A. Correct.

Q. 3 And I think that you have furnished two statements to the Tribunal. I am going
to come to those in just one moment, isn't that right?

A. Correct.

10:36:05 1 Q. 4 And I think you've attended the Tribunal for private interview for the first
2 occasion the 3rd of March of this year and the 2nd occasion, which was the 12th
3 of March of this year, is that correct?

4 A. Correct.

10:36:24 5 Q. 5 Now, Mr. Hughes, I would like to begin, please, by reading into the record your
6 two statements. The first is at page 27365 of the brief.

7
8 and it's entitled "draft statement of Blair Hughes former manager of the Irish
9 Life And Permanent plc's, Drumcondra branch".

10:36:53 10
11 "I joined Irish Permanent Building Society on the 4th of January 1983. I
12 worked in various branches of the company and eventually was appointed manager
13 of its Drumcondra branch in 1993. I remained manager of the branch until 6th
14 January 1997.

10:37:08 15
16 While I was manager of the Drumcondra branch I met two or three times, Mr. Tim
17 Collins who was a customer of the branch. The lower ground floor of the branch
18 was open plan. I sat at the back of the open plan area. I could see customers
19 queuing in front of the tellers. If I was in the branch and saw Mr. Collins I
10:37:32 20 would approach him and have a chat. I would on occasions complete a withdrawal
21 or lodgement docket for Mr. Collins while talking to him and hand it to a
22 teller to complete the transaction.

23
24 During the course of my time in the branch I became aware that Mr. Collins was
10:37:49 25 operating an account in the branch under two initials. I have been shown a
26 documents relating to a B/T account No. 2352605737. I believe that this is the
27 account that Mr. Collins was operating under two initials.

28
29 I have examined the following documents relating to this account covering the
10:38:09 30 period when I was manager of the branch.

10:38:11 1 withdrawal" -- I am not concerned with this but just for completeness.
2
3 "Withdrawal docket for 20,000 pounds cheque dated 26th August 1994. None of
4 the handwriting on the document is mine.
10:38:24 5
6 Copy cheque for 20,000 pounds dated 26th August 1994, made payable to BT. I
7 confirm that I signed this cheque. I believe that this cheque was cashed in
8 the branch and that 20,000 pounds cash was given to Mr. Collins. The copy
9 cheque shows that the cheque was not cleared by another financial institution.
10:38:45 10 I have no specific recollection of this transaction.
11
12 Lodgement docket for 20,000 pounds cash dated 26th October 1994, none of the
13 handwriting on the document is mine.
14
10:38:57 15 Lodgement docket for 10,000 pounds cash dated 18th of July 1995, none of the
16 handwriting on the document is mine.
17
18 I had no reason to believe that this account was operated for or on behalf of
19 the Fianna Fail Party, the local Cumann or that it related to a Building Trust.
10:39:12 20
21 I attended a number of Christmas functions for local business people in
22 Mr. Ahern's constituency office in St. Luke's across from the branch. I met
23 Mr. Ahern at these functions but I never discussed any accounts or business
24 with Mr. Ahern. Dated the blank day of March 2008." Maybe it hasn't been
10:39:32 25 signed by you, is that right?
26 A. No.
27 Q. 6 It hasn't. But is that your statement?
28 A. Correct.
29 Q. 7 All right. And I think in sequence it's the first of the two statements, is
10:39:39 30 that right?

10:39:40 1 A. Yes.

2 Q. 8 Now, the second, if we can move to the second statement, please, and it's at

3 page 27261.

4

10:39:52 5 and it's entitled "draft statement of Blair Hughes. Former manager of the

6 Irish Life And Permanent plc's Drumcondra branch".

7

8 "I was aware that while I was manager the two accounts were opened in the

9 Drumcondra branch by Mr. Bertie Ahern. These accounts were both opened on the

10:40:13 10 31st January 1994. The account numbers were 50655251 and 2376419436."

11

12 If I may interject there, Mr. Hughes. We are only dealing with the second of

13 those two accounts.

14 A. Okay.

10:40:31 15 Q. 9 Continuing your statement.

16

17 second paragraph "nine lodgements were made to Mr. Ahern's account number

18 2376419436, while I was manager of the branch. I believe as a result of

19 dealing myself with a number of these lodgements that some of the lodgements

10:40:47 20 were made by a lady from Mr. Ahern's St. Luke's constituency office. I believe

21 based on the documentation that I reviewed recently, that her name was Grainne

22 Carruth. I had my desk in the open plan ground floor of the back. I could see

23 the customers when they were lodging or withdrawing. I spoke to Ms. Carruth on

24 a number of occasions when she was making lodgements and I found her to be very

10:41:13 25 friendly.

26

27 I believe that a number of lodgements to Mr. Ahern's account number given,

28 consisted in part or all of Sterling.

29

10:41:21 30 I have reviewed the following documentation in relation to the lodgements

10:41:25 1 account number given (this account)
2
3 1. Lodgement of 5,000 pounds cheque dated 31st January 1994.
4 None of the handwriting on the lodgement document is mine. The docket does not
10:41:38 5 identify the person who made the lodgement.
6
7 2. Lodgement of 4,119.59 pounds cash, dated 9th March 1994.
8
9 A. There was a purchase of the 4,000 pounds sterling on 9th March 1994 at
10:41:55 10 10:24 in the branch. The transaction was completed on teller machine number 2
11 and was the 12th transaction conducted on that machine that day. The company
12 paid 4,119.59 pounds to the seller of the Sterling. A lodgement of 4,119.59
13 pounds was made to this account on 9th March 1994 at 10:28 on teller machine
14 No. 2 and was the 13th transaction on that machine that day.
10:42:21 15
16 B. There was a purchase of 1,000 pounds Sterling on 9th March 1994 at 10:28/9
17 in the branch. The transaction was completed on teller machine No. 2 and was
18 the 14th transaction conducted on that machine that day. The company paid
19 1,028.40 pounds to the seller of the Sterling. The a lodgement of 1,028.40
10:42:49 20 pounds was made to Ms. Cecelia Ahern's account and number given, on the 9th
21 March 1994 at 10:31, on teller machine No. 2 and was the 15th transaction on
22 that machine that day. The lodgement docket was signed by Ms. Grainne Carruth.
23
24 C. There was a purchase of 1,000 pounds Sterling on 9th March 1994 at 10:31 in
10:43:13 25 the branch. The transaction was completed on teller machine No. 2 and was the
26 16th transaction conducted on that machine that day. The company paid 1,028.40
27 to the seller of the Sterling.
28
29 A lodgement of 1,028.40 was made to the account of Ms. Georgina Ahern account
10:43:37 30 number, number given, on 9th March 1994 on at 10:33 on teller machine No. 2 and

10:43:44 1 was the 17th transaction on that machine that day. The lodgement docket was
2 signed by Ms. Grainne Carruth. None of the dockets contain any of my
3 handwriting.

10:43:55 5 3. Lodgement of 7,000 pounds cheque dated 23rd March 1994.
6 None of the handwriting on the document is mine. The docket does not identify
7 who made the lodgement.

9 4. Lodgement of 3,518.99 pounds cash dated 9th of May."
10:44:15 10 And in the statement 2004, I think it should be 1994, isn't that's correct?

11 A. Correct.

12 Q. 10 "A. There was a purchase of 5,450 pounds Sterling on 9th May 1994 at 11:07 in
13 the branch. The transaction was completed on teller machine No. 2 and was the
14 25 transaction conducted on that machine that day. The company paid 5,518.99
10:44:40 15 pounds to the seller of the Sterling.

16
17 A lodgement of 3,518.99 pounds was made to this account on 9th May 1994 at
18 10:59 on teller machine No. 2, and was the 21st transaction on that machine
19 that day. The lodgement docket was signed by Ms. Grainne Carruth.

10:45:08 20
21 B. A lodgement of 1,000 pounds was made on 9th May 1994 at 10:58 to
22 Ms. Cecelia Ahern's account, account number given. This was completed on
23 teller machine No. 2 and was the 20th transaction on that machine that day.
24 The lodgement docket was signed by Ms. Grainne Carruth.

10:45:18 25
26 C. A lodgement of 1,000 pounds was made on 9th May 1994 at 10:56 to
27 Ms. Georgina Ahern account number, number given, and was the 19th transaction
28 on that machine that day. The lodgement docket was signed by Ms. Grainne
29 Carruth. None of the dockets contain any of my handwriting.

10:45:39 30

10:45:42 1 5. Lodgement of 50.63 pounds cash on 10th May" and again it's 2004 but I think
2 it should be 1994.

3 A. '94

4 Q. 11 "There was a purchase of 50 pounds Sterling on the 10th May 1994 at 17:01 in
10:45:58 5 the branch. The transaction was completed on teller machine No. 2 and was the
6 52nd transaction on that machine that day. The company paid 50.63 pounds to
7 the seller of the Sterling. A lodgement of 50.63 pounds was made to this
8 account on 10th May 1994.
9

10:46:20 10 6. Lodgement of 1,434.15 pounds cheque and cash dated 23rd May 1994.
11
12 I believe that the figures in the columns regarding cash/cheque on the
13 lodgement docket are mine. My log on identification number 136 is on the
14 lodgement docket. The lodgement docket identifies that Ms. Grainne Carruth
10:46:42 15 made the lodgement.
16
17 7. Lodgement of 3,970.19 pounds cash dated 28th October 1994.
18
19 There was a purchase of 4,000 pounds Sterling on 28th October 1994 at 16:43 in
10:46:59 20 the branch. The transaction was completed on teller machine No. 2 and was the
21 123rd transaction on that machine that day. The company paid 3,970.19 pounds
22 to the seller of the sterling. The transaction was completed under my log on
23 identification number. A lodgement of 3,970.19 pounds was made to this account
24 on 28th October 1994. The transaction appears to have been completed at either
10:47:31 25 13:49 or 15:49. The it was completed on teller machine No. 1 and was the 105th
26 transaction on that machine that day. The transaction was completed under my
27 log on identification number. The lodgement docket is signed by Ms. Grainne
28 Carruth. The lodgement docketed is date in the handwriting as the 27th of
29 October 1994 but the transactions occurred on the 28th October 1994.
10:47:57 30

10:48:05 1 It would not have been unusual for the purchase of Sterling to be completed
2 after the lodgements of Irish Pounds to customers accounts had been completed.
3 The critical thing was the exchange rate was fixed when the lodgements were
4 made. Thereafter the other important item was to have the purchase of the
10:48:23 5 Sterling completed when the branch balanced its cash and cheques at the close
6 of that business day.

7
8 8. Lodgement of 10,060.71 pounds cheque dated 12th April 1995. None of the
9 handwriting on the lodgement document is mine. The docket identifies that
10:48:40 10 Mr. Cyprian Brady made the lodgement.

11
12 9. Lodgement of 5,000 pounds cheque dated 21st December 1995, none of the
13 handwriting on the lodgement document is mine. The docket identifies that
14 Ms. Grainne Carruth made the lodgement.

10:48:56 15
16 Dated the blank day of March 2008."

17
18 And again it's not signed, Mr. Hughes, but is that your statement to the
19 Tribunal?

10:49:03 20 A. Correct, yes.

21 Q. 12 Thank you very much.

22
23 Now, I want to ask you in a little bit of detail, Mr. Hughes, about two
24 accounts. And the two accounts are an account of Mr. Ahern's in the Irish
10:49:29 25 Permanent Building Society as it then was, and then secondly, the B/T account.
26 And I would like to begin with Mr. Ahern's account. Is that all right?

27 A. That's okay.

28 Q. 13 And if we could have page 19400, please. Now, Mr. Hughes, this is Mr. Ahern's
29 account I think and I believe it was opened on the 31st of January 1994, is
10:50:13 30 that correct?

10:50:16 1 A. Yes.

2 Q. 14 Are you familiar with this document?

3 A. I have seen it.

4 Q. 15 Yes. And I, this relates to his account number 2376419436 and there is another

10:50:33 5 number which is 77595799. And this is an account opened by Mr. Ahern at the

6 Drumcondra branch of the Irish Permanent Building Society on the 31st of

7 January 1994, at a time when you were manager there, is that correct?

8 A. That's correct.

9 Q. 16 All right. And what does this document represent?

10:50:58 10 A. It's a copy of the page of a passbook.

11 Q. 17 A passbook. All right. Can you recall, Mr. Hughes, if you were involved in

12 any way in the opening of the account?

13 A. No, I cannot.

14 Q. 18 You can't recall or you weren't involved?

10:51:14 15 A. I wasn't involved.

16 Q. 19 All right. Do you know who of your staff was involved?

17 A. I don't know the name but his log on number is there D04.

18 Q. 20 D04?

19 A. He opened the account.

10:51:30 20 Q. 21 All right. And, Mr. Hughes, did you know Mr. Ahern at this time in 1994?

21 A. I knew who he was.

22 Q. 22 Yes.

23 A. Yes.

24 Q. 23 Well --

10:51:44 25 A. How do you mean?

26 Q. 24 I mean did you meet him from time to time or ...?

27 A. I just met him at Christmas, yes, that was the only time, in his office.

28 Q. 25 At Christmas where?

29 A. In St. Luke's.

10:51:54 30 Q. 26 All right. Now, Mr. Hughes, if we could just, I would like to just take you

10:52:06 1 through this document for a second and just touch briefly on each transaction.
2 We can see I think that as I've said the account was opened on the 31st of
3 January 1995. And --
4

10:52:30 5 CHAIRMAN: 1994. Sorry, 1994.
6

7 Q. 27 MR. MURPHY: 1994. I beg your pardon.
8 Could I bring you through the top line, please, that's just above balance
9 forward. What the different columns are. The column on the extreme left is
10:52:46 10 date I think, is that right?
11 A. Yeah the second column is the branch number.
12 Q. 28 Yes.
13 A. Third column would be the operative who made the transaction.
14 Q. 29 Yes.
10:52:54 15 A. Fourth column would be the type of transaction.
16 Q. 30 Yes.
17 A. And then we have a debit, credit and a balance.
18 Q. 31 Debit first of all and then.
19 A. I'm not too sure. No, debit, credit and a balance.
10:53:07 20 Q. 32 Debit, credit and a balance. All right. On the first line then I think we see
21 31st of January 1994, branch 705, is that the Drumcondra branch?
22 A. Yes.
23 Q. 33 And the operate is D04, is that right?
24 A. Yes.
10:53:21 25 Q. 34 Balance forward and then zero.
26 A. Zero, that's right.
27 Q. 35 All right. And on the next line then the 31st of January 1994, again the
28 branch 705 the same operative D04, a cheque lodgement of 2,500 giving a balance
29 of 2,500, is that correct?
10:53:38 30 A. Correct.

10:53:38 1 Q. 36 All right. And then on the next line the 9th of March 1994, at Drumcondra a
2 different operative C87.
3 A. Correct.
4 Q. 37 A cash lodgement of 4,119.59 pounds.
10:53:53 5 A. Correct.
6 Q. 38 And giving a new balance, isn't that right?
7 A. Correct.
8 Q. 39 23rd of March 1994, Drumcondra the operative is 910?
9 A. Yes.
10:54:03 10 Q. 40 Cheque lodgement of 7,000 with a new balance, is that right?
11 A. Correct.
12 Q. 41 The next line 9th of May 1994, Drumcondra branch the same operative as the
13 previous one, 910, cash lodgement the sum of 3,518.99 pounds with a new
14 balance, is that correct?
10:54:22 15 A. Correct.
16 Q. 42 The following day the 10th of May 1994, in Drumcondra the operative is 136 cash
17 lodgement 50.63 pounds, a new balance.
18 A. Correct.
19 Q. 43 Next 23rd May 1994, Drumcondra the same operative 136 a cheque lodgement of
10:54:40 20 1,000 and a new balance.
21 A. Yes.
22 Q. 44 On the 30th of June 1994, interest is credited.
23 A. Yep.
24 Q. 45 On the 28th of October 1994, Drumcondra the operative is 136 cash lodgement
10:54:53 25 3,970.19 pounds with a new balance.
26 A. It's not very clear but ...
27 Q. 46 It's not very clear. All right.
28 A. But I assume it's right.
29 Q. 47 I believe it to be correct, yes.
10:55:06 30 A. Okay.

10:55:06 1 Q. 48 I believe the figure to be 3,970.19 pounds.
2 A. All right.
3 Q. 49 On the 31st of December 1994, interest is credited.
4 A. Yes.
10:55:14 5 Q. 50 On the 12th of April 1995, 618 is the new branch number there, am I right in
6 thinking this?
7 A. That's correct, the branch numbers changed.
8 Q. 51 It's still Drumcondra?
9 A. It is, yes.
10:55:27 10 Q. 52 All right. Sorry. Which one was on I on -- 618 Drumcondra and the operative
11 is, can you read that?
12 A. It's 532, is it? On the 12th. We have 31st of the 12th. Are you on the 31st
13 of the 12th '94?
14 Q. 53 I think I may have. Sorry. I think I may have jumped.
10:55:55 15
16 CHAIRMAN: No. I think you are at the previous one. 28th of October 1994.
17
18 MR. MURPHY: Yes.
19
10:56:01 20 CHAIRMAN: 705, 136 and that's the figure that's not clear.
21
22 Q. 54 MR. MURPHY: 3,975.19 pounds and then -- I'm sorry. And then on the 31st of
23 December 1994, interest is credited. Then on the 12th of April 1995, it's the
24 same branch, Drumcondra with a new number 618, and the cashier is 532. And
10:56:25 25 there is a cheque lodgement of 10,060.71 pounds with a new balance, is that
26 correct?
27 A. Yes.
28 Q. 55 30th of June 1995, interest is again credited.
29 A. Correct.
10:56:34 30 Q. 56 21st of December 1995, Drumcondra JO6 is the cashier, cheque lodgement 5,000

10:56:40 1 with a new balance, is that right?

2 A. Correct, yep.

3 Q. 57 And then between the 31st of December 1995 and 30th of June 1997, there are

4 one, two, three, four interest transactions giving a new balance, isn't that

10:56:51 5 right?

6 A. Yes.

7 Q. 58 And then on the 15th of September 1997 again Drumcondra, is that right, has the

8 branch number changed again?

9 A. 717. I think that's in probably O'Connell Street.

10:57:07 10 Q. 59 All right. And the cashier is given and can you describe what is the

11 description?

12 A. It's a partial cheque withdrawal of 30,000.

13 Q. 60 Of 30,000. Leaving a balance.

14 A. Correct.

10:57:21 15 Q. 61 And leaving a balance of 8,602.53 pounds.

16 A. Yes.

17 Q. 62 All right. Now, just by way of overview in relation to that account,

18 Mr. Hughes. The account as we said was opened on the 31st of January 1994.

19 Between that date and the 21st of December 1995, in other words, during 1994

10:57:48 20 and 1995, the only transactions of the account on the account were lodgements

21 and they totalled 37,685.51 pounds, is that correct?

22 A. Yes, yes.

23 Q. 63 All right. The only transactions after that date being the 21st of December

24 1995, are the accrual of interest and the withdrawal of the 30,000 pounds that

10:58:12 25 you've just referred to leaving the balance of 8,602.53 pounds on the 15th of

26 September 1997, isn't that correct?

27 A. Yes.

28 Q. 64 All right. All together on that account there are nine lodgements in 1994 and

29 1995. Five of which are cheque lodgements and four of which are cash

10:58:31 30 lodgements, is that right?

10:58:36 1 A. Yep.

2 Q. 65 And there is one withdrawal. There 1994 and 1995 and one withdrawal in 1997,
3 is that correct?

4 A. Yes.

10:58:44 5 Q. 66 All right. Mr. Hughes, can you be of any assistance to us or can the Irish
6 Permanent be of any assistance do you know in relation to the five cheque
7 lodgements in relation to the cheques or the source of those lodgements, where
8 they came from, the bank they came from, the account they were drawn on?

9 A. No.

10:59:01 10 Q. 67 You can't?

11 A. No.

12 Q. 68 And is it possible to, do you know to get any information in relation to that?

13 A. In relation to the cheques?

14 Q. 69 Yes. Just the cheques I'm talking about now for a second?

10:59:12 15 A. No.

16 Q. 70 Pardon?

17 A. No, I don't think so.

18 Q. 71 All right. So in other words you believe it's not possible to go behind the
19 statement on the account there in the passbook in relation to the cheques, is
10:59:27 20 that it?

21 A. No, I don't think so.

22 Q. 72 Yes. All right.

23

24 MR. HOLLAND: Sir, I think it might assist if I indicated to the Tribunal that
10:59:37 25 this witness wouldn't have been privy to the exercise carried out by the Irish
26 Life and Permanent in relation to finding documents. (inaudible) and
27 information in respect of those efforts were required would have to come from
28 some other quarter.

29

10:59:54 30 CHAIRMAN: He says in any event, he says for the record that he is not aware

10:59:58 1 that there is any other information available in relation to the cheques other
2 than what we see on the passport.

3

4

MR. HOLLAND: That is the position.

11:00:05 5

6

CHAIRMAN: That is the o position, all right.

7

8

Q. 73 MR. MURPHY: Thank you.

9

Just in a general way, looking at that page, Mr. Hughes, may I ask you if you

11:00:17 10

are aware who made those lodgements, whether they were cheque or cash. In

11

other words, if it was Mr. Ahern or someone on his behalf in a general way.

12

We'll come on to specifics in a moment but in a general way who lodged?

13

A. Not from looking at that I couldn't tell --

14

Q. 74 Pardon.

11:00:37 15

A. From looking at that I couldn't tell who made the lodgements, you'd have to see

16

the documentation.

17

Q. 75 Yes. All right. And from your recollection in relation to that account. You

18

were manager at the time. Do you recall?

19

A. I don't recall, no.

11:00:46 20

Q. 76 All right. And do you recall without looking at the documentation did you have

21

dealings with this account?

22

A. I've had three, there were three transactions that were under my log on, 23rd

23

of the 5th, 30th of the 6th and the --

24

Q. 77 All right. And do you recall with whom you dealt?

11:01:17 25

A. No.

26

Q. 78 No. Now, Mr. Hughes, I want to move on now to specific lodgements and I want

27

to deal in particular with the following four specific lodgements that appear

28

on this extract from the passbook. And the first one is on line three there

29

the 9th of March 1994, a cash lodgement of 4,119.59 pounds. That's the first I

11:01:56 30

want to deal with. And then I want to deal with the cash lodgement on the 9th

11:01:56 1 of May 1994 of 3,518.99 pounds. And thirdly, the following day the 10th of May
2 1994, a cash lodgement of 50.63 pounds. And fourthly, the 28th of October
3 1994, a cash lodgement of 3,970.19 pounds. I want to go through each one of
4 those and the documents that accompany those transactions.

11:02:22 5
6 And to deal first of all with the, with the lodgement on the 9th of March 1994,
7 cash lodgement the amount is 4,119.59 pounds. And in relation to this, may I
8 refer to page 27283, please. And this is a letter which the Tribunal received
9 from Mr. Cathal McCarthy, chief legal officer from the Irish Life And Permanent
11:03:04 10 dated 5th of March 1988. And it says:

11

12 "Dear Ms. Gilvarry, re account number 77595799, Mr. Bertie Ahern.

13 B/T account number 2352605737, Mr. Tim Collins.

14

11:03:20 15 I acknowledge receipt of your letter of the 4th instant and I note the contents
16 thereof."

17

18 And dealing first of all Mr. Hughes with Mr. Ahern's account. Account number
19 and the number is given (this account) - Mr. Bertie Ahern.

11:03:35 20 A. Okay.

21 Q. 79 "The company has previously furnished you with the lodgement dockets for the
22 five transactions specified in your letter. The company recently decided to
23 see if it could locate the daily records of foreign exchange purchases in the
24 Drumcondra branch for the eight lodgements to this account to ensure that it
11:03:49 25 had complied with a number of orders for discovery.

26

27 It located a number of documents details of which I set out hereunder in
28 relation to the queries raised in the your letter.

29

11:03:59 30 1. Lodgement of 4,119.59 pounds on the 9th of March 1994.

11:04:05 1 There was a purchase of 4,000 pounds Sterling on 9th March 1994 at 10:24. The
2 transaction was completed on teller machine No. 2 and was the 12th transaction
3 conducted on that machine that day. The company paid 419.59 pounds (sic) to
4 the seller of the Sterling. The company paid 4,119.59 pounds to the seller of
11:04:33 5 the Sterling (copy herewith). The company believes that this document is
6 discoverable because a lodgement of 4,119.59 pounds was made to this account on
7 the 9th March 1994 at 10:28 on teller machine No. number 2 and was the 13th
8 transaction on that machine that day.

11:04:51 10 B. There was a purchase of 1,000 pounds Sterling on 9th March 1994 at 10:28/9.
11 The transaction was completed on teller machine No. 2 and was the 14th
12 transaction conducted on that machine that day. The company paid 1,028.40
13 pounds to the seller of the Sterling (copy herewith). The company believes
14 that this document should be furnished as Ms. Cecelia Ahern authorised it to
11:05:11 15 furnish background documentation to specified lodgements to her account.

16
17 A lodgement of 1,028.40 was made to Ms. Cecelia Ahern's account, account number
18 given, on 9th March 1994 at 10:31 on teller machine No. 2 and was the 15th
19 transaction on that machine that day. The lodgement docket was signed by
11:05:30 20 Ms. Grainne Carruth.

21
22 C. There was a purchase of 1,000 pounds Sterling on 9th March 1994 at 10:31.
23 The transaction was completed on teller machine No. 2 and was the 16th
24 transaction conducted on that machine that day. The company paid 1,028.40 to
11:05:46 25 the seller of the Sterling (copier herewith), the company believes that this
26 document should be furnished as Ms. Georgina Ahern authorised it to furnish
27 background documentation to specified lodgements to her account.

28
29 A lodgement of 1,028.40 was paid to the account of Ms. Georgina Ahern account
11:06:05 30 number, number given on 9th March 1994 at 10:33 on teller machine No. 2 and was

11:06:10 1 the 17th transaction on that machine that day. The lodgement docket was signed
2 by Ms. Grainne Carruth".
3
4 And then the letter goes on to another lodgement and we'll deal with that in a
11:06:21 5 moment.
6
7 Now, Mr. Hughes, we have seen from the passbook that the sum of 4,119.59 pounds
8 was lodged on the 9th March 1994, to Mr. Ahern's account, isn't that right?
9 A. Yeah.
11:06:47 10 Q. 80 And if we could have document number 27287, please. I think this is the
11 document that sends that sum of money into Mr. Ahern's account, is that
12 correct?
13 A. It's the lodgement docket, yes.
14 Q. 81 Lodgement docket. Can I take you through it, please. It's an Irish Permanent
11:07:25 15 Building Society as you say I think it says lodgement form, is that right?
16 A. Yes.
17 Q. 82 And it has the account number of Mr. Ahern's account, is that right?
18 A. Yeah, correct.
19 Q. 83 And then on the left-hand side of it, it has Mr. Ahern's name, Bertie Ahern?
11:07:32 20 A. Yes.
21 Q. 84 Do you know whose writing that is in?
22 A. No.
23 Q. 85 Do you see your handwriting, are you involved in this in any way?
24 A. No.
11:07:39 25 Q. 86 No. And on the right-hand side do we see a total of 4,119.59 pounds?
26 A. Correct.
27 Q. 87 And all right. And what does that indicate?
28 A. That's a cash lodgement.
29 Q. 88 All right. To that account?
11:07:57 30 A. Yes.

11:07:57 1 Q. 89 All right. Now, can I take you through the, from left to right, the computer
2 entry there, please, Mr. Hughes. Can you just explain this to us?
3 A. In the first one 090394 is the date, followed by the time.
4 Q. 90 10: 28.
11:08:17 5 A. 10: 28. The 705 is the branch number. 02 was the teller number and 13 is the
6 transaction and then the account number, cash 4,119.59 and it comes, across
7 into a cash lodgement and the number underneath was the operative who carried
8 out the transaction.
9 Q. 91 Is that C87?
11:08:42 10 A. I believe so.
11 Q. 92 Sorry is it 087?
12 A. I think it's C87.
13 Q. 93 All right. And in relation to the transaction 0013, you say that's the 13th
14 transaction of the day on that machine number 02, is that right?
11:08:56 15 A. Yeah.
16 Q. 94 Now, that, that's the lodgement form for that amount to Mr. Ahern's account?
17 A. Yes.
18 Q. 95 All right. And if we could have 27286, please. Now, Mr. Hughes, can you tell
19 us what this document is, please?
11:09:34 20 A. That is the purchase form from the society, from the society when we bought in
21 the Sterling. We bought in 4,000 pounds and we gave 4,119.59.
22 Q. 96 All right.
23 A. Was the Irish value.
24 Q. 97 All right. So I wonder could you just explain it to me, please. If somebody
11:09:55 25 comes into your branch with Sterling what happens?
26 A. We had a machine --
27 Q. 98 Yes.
28 A. -- with all the interest rates or the conversion rates were. Whatever the
29 amount of money he had, we put that into the machine and get an Irish
11:10:11 30 equivalent.

11:10:12 1 Q. 99 Yes.

2 A. And then that amount would be lodged to the account, the client's account.

3 Q. 100 All right. And where does this particular form come into that?

4 A. This is, this would be this amount then would be lodged account number 135 was

11:10:24 5 a sundry account.

6 Q. 101 It's a what?

7 A. A sundry account.

8 Q. 102 Okay.

9 A. Which maintained all the foreign currencies. So that way the branch kept a

11:10:33 10 track of the amount of foreign currency within it.

11 Q. 103 Is this an internal building society document?

12 A. Yes.

13 Q. 104 Sorry all right. And it's a sundry account for foreign currencies, is that

14 right?

11:10:47 15 A. For foreign currencies.

16 Q. 105 All right. So is this the document that sends the Sterling into the bank or

17 into?

18 A. It's into the bank.

19 Q. 106 All right. And the number is 135?

11:11:01 20 A. Correct.

21 Q. 107 And on this document the currency is what?

22 A. Sterling.

23 Q. 108 All right. And the amount is?

24 A. 4,000.

11:11:07 25 Q. 109 All right. And then it says "payment". Is that payment in Irish Pounds?

26 A. Yes.

27 Q. 110 And what sum is it there?

28 A. 4,119.59.

29 Q. 111 All right. Does that mean the customer or whoever came in exchanging 4,000

11:11:24 30 pounds Sterling, that that's the amount that they got in Irish Pounds?

11:11:28 1 A. Correct.

2 Q. 112 All right. And can you identify the signature, please?

3 A. Not the signature of the operative. I think his name is Michael Murnane.

4 Q. 113 All right. And is your writing on this?

11:11:42 5 A. No.

6 Q. 114 All right. And then could you take us through the computer entry, please on

7 the bottom left hand corner?

8 A. Again it's the date, it's a bit blurred. Time is 10:24, branch 705, machine

9 No. 2 and it was the 12th transaction and the sundry account 135.

11:12:04 10 Q. 115 All right. So does this mean that this transaction was done on the same

11 machine as the machine that did the transaction putting the 4,119.59 pounds

12 into Mr. Ahern's account?

13 A. Yes.

14 Q. 116 All right. And is it the transaction No. 12 that immediately precedes the

11:12:25 15 lodgement transaction?

16 A. Yes.

17 Q. 117 So, Mr. Hughes, do I understand this correctly, these two documents record two

18 different transactions, is that right, one is the exchange of Sterling and the

19 second is the lodgement of on an Irish amount to an account, is that right?

11:12:49 20 A. Correct.

21 Q. 118 Are they connected?

22 A. They were both the same amount of money, yes.

23 Q. 119 Yes.

24 A. Yes.

11:12:55 25

26 CHAIRMAN: Sorry, Mr. Hughes, if this is the same money that goes in to

27 Mr. Ahern's account as 4,119.59 then there would have been, am I right to

28 assume that there would have been a notional purchase of Sterling in the sense

29 that you wouldn't, if it's the same customer you don't physically hand over the

11:13:35 30 --

11:13:36 1 A. No, no.
2
3 CHAIRMAN: 4,119. So it's therefore a notional drawdown or a notional
4 purchase?
11:13:47 5 A. It is, basically a book figure.
6
7 CHAIRMAN: If it's somebody coming in who is not linked to the, to Mr. Ahern's
8 account and it happens to be a completely different customer and who wants to
9 take this money in cash, they would presumably, they would be, there would be
11:14:08 10 an actual drawdown of the funds?
11 A. There would have been, yes.
12
13 CHAIRMAN: Yes. And how would that appear in documentation or would it
14 appear?
11:14:26 15 A. Well --
16
17 CHAIRMAN: I know that your evidence is and I understand it, that this and the
18 transaction going in to Mr. Ahern's account are separate in the sense that
19 there's no paperwork to link one with the other, is that right?
11:14:43 20 A. No, there isn't. I haven't seen whether there is anything in the lodgement
21 docket of his account.
22
23 CHAIRMAN: There is nothing on the face of this document which says that this
24 is the money that goes into Mr. Ahern's account?
11:14:57 25 A. No.
26
27 CHAIRMAN: No. What's remarkable, if you like, about it is that the amounts
28 are the same and the times of the transactions are close together and it's the
29 same teller.
11:15:13 30 A. And the same teller.

11:15:14 1 CHAIRMAN: All right. I'm just wondering, if somebody comes in, if a third
2 party in fact came in with the 4,000 Sterling and wanted to take away the money
3 A. I don't think we did that because we had been caught earlier so there is a
4 change --

11:15:35 5
6 CHAIRMAN: What do you mean caught?
7 A. -- in instruction. Some fraudulent counterfeit notes some time earlier. Now,
8 I'm not too sure at what stage that happened and we didn't give out large sums
9 of money to people who didn't have accounts.

11:15:52 10
11 CHAIRMAN: So if somebody did come in and wanted to change money and you say
12 didn't have an account?
13 A. Well 4,000 pounds worth, we wouldn't have done it -- or 4,000 Sterling, we
14 wouldn't have done it.

11:16:04 15
16 CHAIRMAN: And well if somebody came in, say, with 3 or 400?
17 A. Possibly, yes.

18
19 CHAIRMAN: And they would be given the punt cash?
11:16:13 20 A. Correct.

21
22 CHAIRMAN: All right.

23
24 Q. 120 MR. MURPHY: In relation to the purchase form which is on screen, Mr. Hughes,
11:16:28 25 is it correct that there is no opportunity or facility or space on that
26 particular form to connect the exchange of Sterling with the lodgement to
27 somebody's account?

28 A. There is nothing, no.

29 Q. 121 No. So there is nothing on the face of that document to show that the money
11:16:56 30 went in to a particular person's account in this instance Mr. Ahern's account,

- 11:17:01 1 is that right?
- 2 A. No.
- 3 Q. 122 And in the same way with the lodgement form, there is nothing to show that the
- 4 lodgement came, came if it did, from a Sterling transaction?
- 11:17:13 5 A. No, no it's not.
- 6 Q. 123 The -- Mr. Hughes, the exchange transaction is at 10:24 on the machine 02, it's
- 7 the 12th transaction, and it involves somebody getting 4,119.59 pounds for
- 8 4,000 pounds Sterling. And the lodgement transaction takes place four minutes
- 9 later on the same machine and it's the immediately next transaction lodging
- 11:17:59 10 that sum to Mr. Ahern's account?
- 11 A. Right.
- 12 Q. 124 Does it follow from that, that what happened here was that 4,000 pounds
- 13 Sterling was exchanged and the sum received was 4,119.59 pounds and that went
- 14 into Mr. Ahern's account?
- 11:18:22 15 A. It does.
- 16 Q. 125 Pardon?
- 17 A. Yes.
- 18 Q. 126 Is there any other explanation? Could there be any other explanation?
- 19 A. I don't think so, not that I can think of.
- 11:18:34 20 Q. 127 All right. Now, if we could go back to 19400, please, for a second. You will
- 21 see, this is the passbook, Mr. Hughes, and we were just dealing with the
- 22 lodgement of 4,119.59 pounds. And I in fact want to go on to the next cash
- 23 lodgement there. But there are two more lodgements, not to this account, on
- 24 the same date that we've just dealt with on the 9th of March 1994. So I would
- 11:19:14 25 like to just divert to those for a second to complete the transaction carried
- 26 out on the 9th of March 1994.
- 27
- 28 MR. MILLAR: Mr. Chairman, sorry to interrupt Mr. Murphy.
- 29
- 11:19:25 30 But very briefly, I represent Grainne Carruth and I raised an issue earlier and

11:19:29 1 unfortunately a letter I had sent has apparently not arrived, concerning the
2 address that appears on the next document which will be on screen.

3
4 I don't know if it's been possible to facilitate me in this regard. But I was
11:19:40 5 hoping that this address, which is Ms. Carruth's elderly mother's address could
6 be omitted. And if it can't be omitted perhaps that you might direct that it
7 should not be recorded.

8
9 CHAIRMAN: Well the copy that goes up on screen can be omitted. That
11:19:52 10 presumably can be done. We can rise for a few minutes.

11
12 MR. MILLAR: The address appears I think on three or four pages that will
13 appear on screen. My apologies for the late notice about this but apparently
14 the letter didn't arrive here.

11:20:07 15
16 CHAIRMAN: No, no we would be happy to do that. Obviously if the
17 documentation that has been circulated has the address. But can it be removed
18 from the ...

19
11:20:17 20 MR. MURPHY: Yes. If you could give me a moment, Chairman.

21
22 CHAIRMAN: Are there three or four documents because they could be fed through
23 the machine here and put up on screen. We can rise for ten minutes.

24
11:20:36 25 MR. MURPHY: I think it might be better, Chairman. I do have to. I can't
26 skip on to something else if that's okay.

27
28 CHAIRMAN: Okay. We will just rise for ten minutes.

29
11:20:45 30 MR. MURPHY: Okay.

11:20:46 1

2

THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK

3

AND RESUMED AS FOLLOWS:

4

11:41:10 5

CHAIRMAN: All right?

6

7

MR. MURPHY: Thank you, Chairman, I think that has been dealt with now.

8

Q. 128 Mr. Hughes, I was saying that on the 9th of March 1994, we have already dealt

9

with the lodgement to Mr. Ahern's account. There were two other lodgements

11:41:25 10

that I just wanted to deal with.

11

12

The first if we could have 27289, please. And, Mr. Hughes, if you could take

13

us through this document, please. It's a lodgement form I think, is that

14

right, with an account number?

11:41:55 15

A. That's right. Sorry. It's a lodgement docket, yes.

16

Q. 129 All right. And there is an account number given.

17

A. Correct.

18

Q. 130 The date is the 9th of March 1994.

19

A. Yes.

11:42:05 20

Q. 131 The account is of Cecelia Ahern and it's lodged by Grainne Carruth and an

21

address has been given but it has been crossed out for privacy purposes.

22

A. Correct.

23

Q. 132 And the sum lodged is 1,028.40 pounds, is that right?

24

A. Correct.

11:42:30 25

Q. 133 Now, could you go through the computer please at the bottom?

26

A. The date the 9th of the 3rd transaction at 10:31.

27

Q. 134 Yes.

28

A. Branch 705, teller No. 2, transaction I think that's 15 or 13.

29

Q. 135 15, I think.

11:42:47 30

A. 15. Account number.

- 11:42:48 1 Q. 136 Yes.
- 2 A. And 1,028.40 pounds.
- 3 Q. 137 All right. And --
- 4 A. Cash lodgement.
- 11:42:56 5 Q. 138 Cash lodgement. All right. And so that's the lodgement by Grainne Carruth to
6 Cecelia Ahern's account on that date of that sum, is that right?
- 7 A. Correct.
- 8 Q. 139 All right. And if we could have 27288, please. Is this the society's purchase
9 form?
- 11:43:26 10 A. Sterling purchase form.
- 11 Q. 140 Sterling purchase form. Showing the account number 135?
- 12 A. Correct.
- 13 Q. 141 And the currency is given as, is that Sterling?
- 14 A. Sterling.
- 11:43:35 15 Q. 142 And does this mean that the society bought 1,000 pounds Sterling?
- 16 A. Yes.
- 17 Q. 143 Yes. And what did the person get for that 1,000 pounds Sterling?
- 18 A. 1,028.40.
- 19 Q. 144 All right. And again the computer entry, please?
- 11:43:51 20 A. I can't make out.
- 21 Q. 145 Insofar as you can.
- 22 A. In '94 the --
- 23 Q. 146 The time is?
- 24 A. I can't make out.
- 11:44:02 25 Q. 147 10 something?
- 26 A. Yeah.
- 27 Q. 148 All right?
- 28 A. 705, the branch 02, transaction No. 14 to the sundry account 135 and over to
29 the right is 1,028.40 pounds sundry part cash withdrawal.
- 11:44:22 30 Q. 149 All right. So this means that the society purchased 1,000 pounds Sterling and

11:44:30 1 gave the person the seller of the Sterling 1,028.40 pounds. Is that right?

2 A. Correct.

3 Q. 150 And this -- yes. And sorry. Could I ask just for the staff member there and

4 the bottom right hand corner?

11:44:45 5 A. I think it's 083.

6 Q. 151 Yes.

7 A. It's the same staff member Michael Murnane.

8 Q. 152 All right. And I think this is on machine No. 02, is that right?

9 A. Yes.

11:44:57 10 Q. 153 Which is the same machine as the lodgement of 1,028.40 was transacted, isn't

11 that right?

12 A. Correct.

13 Q. 154 And it's the, it's transaction No. 0014. Which is the immediately preceding

14 transaction, isn't that right?

11:45:12 15 A. It is.

16 Q. 155 All right. Can you say, Mr. Hughes, if the source of that lodgement of Irish

17 Pounds 1,028.40 pounds is the Sterling amount of 1,000?

18 A. Following through the documentation I would say yes.

19 Q. 156 Yes. Now, the second of the two other lodgements for that date, Mr. Hughes, if

11:45:53 20 we could have page 27291, please. That's a lodgement, the society's lodgement

21 form?

22 A. It is, yes.

23 Q. 157 Does -- and it shows the date 9th of March 1994.

24 A. Yeah.

11:46:18 25 Q. 158 The account in this instance is Georgina Ahern.

26 A. Correct.

27 Q. 159 It's lodged by Grainne Carruth.

28 A. Yes.

29 Q. 160 And the amount lodged is 1,028.40.

11:46:32 30 A. Yes.

11:46:32 1 Q. 161 And again could you take us through the computer entry please?
2 A. At 090394, 10:33, branch 705, 02 teller, transaction 17 and then the account
3 number, across over to the right it's a bit blurred but it's the amount of the
4 cash 1,028.40.

11:46:53 5 Q. 162 All right. And the person dealing with it?
6 A. I can't make that out it looks like C87, the same chap.

7 Q. 163 All right. And if we could have page 27290, please. This is the purchase form
8 again?
9 A. It is.

11:47:25 10 Q. 164 What does that show, Mr. Hughes, please?
11 A. 1,000 Sterling exchanged into 1,028.40.

12 Q. 165 Yes.
13 A. And down the bottom it's the date's a bit blurred but it's transaction 31, 705,
14 branch 02, transaction 16 sundry account 135 and on the right-hand side
11:47:53 15 1,028.40 pounds sundry part cash withdrawal.

16 Q. 166 Uh-huh it's the same amount as the amount lodged to the account of Georgina
17 Ahern that day isn't, is that right?
18 A. It is.

19 Q. 167 And it's done on the same machine, the transaction is on the same machine?
11:48:11 20 A. It is.

21 Q. 168 And the exchange is the transaction that immediately precedes the lodgement, is
22 that right?
23 A. It is, indeed, yes.

24 Q. 169 Can you say, Mr. Hughes, if it is the position that somebody came in to the
11:48:32 25 society on that day with 1,000 pounds Sterling, received 1,028.40 pounds and
26 that that sum was lodged to the account of Georgina Ahern?
27 A. That document would indicate, yes.

28 Q. 170 Now, just for a second, Mr. Hughes, if we could look at those three lodgements
29 on the 9th of March 1994. The first being of 4,119.59 pounds to Mr. Ahern's
11:49:06 30 account and then the lodgement to Georgina Ahern's account and Cecelia Ahern's

- 11:49:11 1 account in the sums of 1,028.40 respectively. It appears that in the space of
2 nine minutes between the first transaction at 10:24 and the final transaction
3 at 10:33, that there were six consecutive transactions numbered 12 to 17
4 inclusive on the same machine, is that correct?
- 11:49:36 5 A. Yes.
- 6 Q. 171 And that the first of those transactions in sequence was the buying by the
7 society of 4,000 Sterling --
- 8 A. Yes.
- 9 Q. 172 -- and giving 4,119.59.
- 11:49:50 10 A. Correct.
- 11 Q. 173 And the second transaction is the lodging of that very sum to the account of
12 Mr. Ahern.
- 13 A. Yes.
- 14 Q. 174 And the third transaction in sequence is the buying by the society of 1,000
15 Sterling and giving 1,028.40 pounds, isn't that right?
- 16 A. Yes.
- 17 Q. 175 And the fourth transaction is the lodgement of that very sum to the account of
18 Cecelia Ahern?
- 19 A. Correct.
- 11:50:17 20 Q. 176 And the similar situation in relation to Georgina Ahern in relation to the
21 taking in by the society of 1,000 sterling and the lodging of 1,028.40 to her
22 account, is that right?
- 23 A. Yes, yes.
- 24 Q. 177 Now, if we could go back for one second to 10400 please back to our passbook.
11:50:40 25 And on the 9th of May -- this is Mr. Ahern's passbook with the society?
- 26 A. Yeah.
- 27 Q. 178 For his account. On the 9th of May 1994, you see a cash lodgement of 3,518.19
28 pounds, isn't that right?
- 29 A. Yes.
- 11:51:04 30 Q. 179 Now, if we could have page 27293, please.

11:51:13 1 JUDGE FAHERTY: It's 99 pence actually, Mr. Murphy.
2
3 MR. MURPHY: 99 pence
4
11:51:19 5 JUDGE FAHERTY: I think it is, yes.
6
7 Q. 180 MR. MURPHY: Yes. Thank you, Judge.
8 Now, Mr. Hughes, this is a lodgement form, what does that show, please?
9 A. It shows a lodgement of 3,518.99 to that account.
11:51:53 10 Q. 181 The account of --
11 A. Bertie Ahern.
12 Q. 182 Yes, on what date?
13 A. On the 9th of the 5th '94.
14 Q. 183 Yes.
11:52:02 15 A. And lodged by Grainne Carruth.
16 Q. 184 All right. And what additional information is there from the computer entry?
17 A. It's 10:59, I think it's 02 machine at 21st transaction.
18 Q. 185 Yes.
19 A. Coming across confirming the computer lodgement confirming that of 3,518.99.
11:52:29 20 Q. 186 Yes.
21 A. And the operative was log on 910.
22 Q. 187 Yes, 910.
23 A. 910.
24 Q. 188 All right. Now, 27294, please. This is another lodgement form, Mr. Hughes,
11:53:09 25 what does that show?
26 A. Georgina Ahern, 1,000 pounds lodged on the 9th of the 5th '94, lodged by
27 Grainne Carruth, the date was the 9th of the 5th '94, branch number 705, 02 is
28 the machine, transaction No. 19, confirmation of 1,000 pounds cash, cash
29 lodgement by the operative 910.
11:53:42 30 Q. 189 All right. So this is 1,000 pounds going into her account, is that right?

- 11:53:42 1 Correct, correct.
- 2 Q. 190 And 27295, please. What does this show, Mr. Hughes, please?
- 3 A. A lodgement docket to the account of Cecelia Ahern for 1,000 on the 9th of the
- 4 5th '94 at 10 I think it's 50/58, I can't make that out, branch 705, machine 02
- 11:54:18 5 transaction 20 and confirmation of the printout 1,000 pounds cash lodgement and
- 6 the employee was log on 910.
- 7 Q. 191 All right. So if we take those three transactions, Mr. Hughes, they are
- 8 consecutive on the same machine I think, is that right?
- 9 A. Correct.
- 11:54:38 10 Q. 192 The first is 1,000 pounds to Georgina Ahern's account, that's transaction 19.
- 11 The second is 1,000 to Celia's account, that's transaction 20, is that correct?
- 12 A. Correct.
- 13 Q. 193 And the third transaction number 21 is the sum of 3,518.99 pounds to the
- 14 account of Mr. Ahern, is that right?
- 11:55:03 15 A. Yes.
- 16 Q. 194 All right. And those three lodgements total 5,518.99 pounds I think, is that
- 17 correct?
- 18 A. Yes.
- 19 Q. 195 All right. If we could have please page 27292. Another purchase form,
- 11:55:31 20 Mr. Hughes, I think?
- 21 A. It's a purchase form, yes.
- 22 Q. 196 Yes.
- 23 A. For 5,550.
- 24 Q. 197 I think --
- 11:55:40 25 A. Sterling.
- 26 Q. 198 Sorry could you just give us that figure again please?
- 27 A. 5,450.
- 28 Q. 199 Yes.
- 29 A. Sterling and the Irish amount was 5,518.99.
- 11:55:51 30 Q. 200 All right.

- 11:55:53 1 A. And that was 11:07, branch 705, machine 02, transaction No. 25, to the sundry
2 account 135 and confirmation on the right-hand side of lodgement of 5,518.99.
- 3 Q. 201 Yes.
- 4 A. And the operative was 910.
- 11:56:15 5 Q. 202 So it's the same operative as the operative who conducted the three lodgements
6 that we just talked about, is that right?
- 7 A. That's right.
- 8 Q. 203 And it's the same machine?
- 9 A. It is.
- 11:56:24 10 Q. 204 02. And it's later in time, the other three transactions were 19, 20, 21 this
11 is transaction No. 25?
- 12 A. Yep.
- 13 Q. 205 Is that significant?
- 14 A. Not particularly, no.
- 11:56:36 15 Q. 206 All right. Have you, were you involved in this transaction that you can see
16 from ...?
- 17 A. No.
- 18 Q. 207 No. All right. Does it appear, Mr. Hughes, from these records that somebody
19 arrived in with 5,450 pounds Sterling and was given 5,518.99 pounds Irish and
11:57:11 20 that was distributed as we saw between the three accounts or does that not
21 appear from the documents?
- 22 A. That would appear to be the case from the documents.
- 23 Q. 208 All right. 19400 again, please, the passbook. Just to see on the passbook the
24 next transaction that I want to ask you about, Mr. Hughes. It's on the next
11:57:54 25 day the 10th of May 1994, it's a cash lodgement of 50.63 pounds. And if we
26 could go to 27298, please. What does this, what does this document, it's a
27 purchase form?
- 28 A. Purchase form for 50 pounds Sterling.
- 29 Q. 209 Yes.
- 11:58:20 30 A. And there's a direct parity of 50 pounds Irish.

11:58:27 1 Q. 210 All right. Yeah.

2 A. And again. Sorry. It's on the -- again it's the same operative who conducted.

3 Q. 211 910.

4 A. 910.

11:58:38 5 Q. 212 Yes.

6 A. It's 17:01, branch 705, machine No. 2 transaction No. 52.

7 Q. 213 Yes.

8 A. And confirmation across on the right-hand side 50.63 pounds --

9 Q. 214 Yes.

11:58:55 10 A. -- lodged.

11 Q. 215 Just in relation to that. Is that -- I think you said that there was parity,

12 Mr. Hughes. I wonder if you look at the Irish payment again?

13 A. Sorry, 50.63.

14 Q. 216 50.63 is what was got by the seller, is that correct?

11:59:11 15 A. Correct.

16 Q. 217 What does the rest say, sum part what does all that mean?

17 A. Sun, is sundry account and a partial cash withdrawal.

18 Q. 218 All right. What does that mean?

19 A. It's a partial cash withdrawal from that account 135 account was a hold all

11:59:28 20 account.

21 Q. 219 Bank, society's account?

22 A. Yes.

23 Q. 220 All right. Okay. So that records somebody coming in and giving 50,000 pounds

24 (sic) Sterling to the bank and the bank giving that person 50.63 pounds and the

11:59:41 25 operative there is?

26 A. 910.

27 Q. 221 910. All right. 27364, please. Sorry, Mr. Hughes, lodgement form?

28 A. I beg your pardon it's a lodgement form for 50.63. Sorry, I can't read the

29 date on it.

12:00:10 30 Q. 222 All right.

12:00:10 1 A. It's on 02 machine.

2 Q. 223 Before you, to whose account?

3 A. It looks like Bertie Ahern I just see 'TIE at the end.

4 Q. 224 We understand it is, yes.

12:00:26 5 A. And at the bottom all I can make is out is 02 machine, 53rd transaction, the
6 account number, confirmation that 50.63 cash lodgement was made to that account
7 and it was operative 910.

8 Q. 225 All right. So same operative, same machine as the exchange of the 50 Sterling?

9 A. Correct.

12:00:43 10 Q. 226 And it's the immediately next, immediate next transaction?

11 A. 53, yeah.

12 Q. 227 All right. And is the source of that 50.63 Irish, the 50 pounds Sterling?

13 A. Based on the documentation I would say yes.

14 Q. 228 All right. Have you, had you anything to do with that, with those?

12:01:00 15 A. No.

16 Q. 229 All right. 19400 again, please. The final lodgement in relation to this
17 account, Mr. Hughes, on the 28th of October 1994, a cash lodgement of I think
18 3,970.19 pounds. You are having difficulty making out the ...?

19 A. I'll take your word for it.

12:01:53 20 Q. 230 Yes. I think it will appear from the particular documents we're about to look
21 at. If we could have 27296, please. Now, what is that, what does this show,
22 Mr. Hughes?

23 A. That's again a lodgement docket I think it's Bertie Ahern's lodged by looks
24 like Ms. Carruth.

12:02:20 25 Q. 231 Uh-huh.

26 A. And it was 3,970.19.

27 Q. 232 Uh-huh.

28 A. And across on the right-hand side, again the date is obscured, 02 is the
29 machine, transaction 105 and then on the right-hand side confirmation of
12:02:36 30 3,970.19 cash lodgement was made and operative 316.

- 12:02:43 1 Q. 233 All right. And 27297, please. This is the purchase form coming up.
- 2 A. It's a foreign exchange purchase form, Sterling 4,000 pounds and the payment in
- 3 Irish was 3,970.19.
- 4 Q. 234 Yes.
- 12:03:16 5 A. And on the right-hand side it's a little obscured. Sorry on the left-hand side
- 6 it's a wee bit obscured. I can't make out the transaction number.
- 7 Q. 235 All right.
- 8 A. But on the right-hand side confirmation of 3,970.19 with a sundry part cash
- 9 withdrawal and the operative was 316.
- 12:03:39 10 Q. 236 That's the same operative as made the lodgement of the same sum to Mr. Ahern's
- 11 account, is that right?
- 12 A. Correct, correct.
- 13 Q. 237 And then, yes. And it's on -- yes. So can you say in relation to from those
- 14 records, Mr. Hughes, if the sum that went into Mr. Ahern's account of 3,970.19
- 12:04:04 15 Irish comes from the 4,000 Sterling that was exchanged on that day?
- 16 A. I would say, yes.
- 17 Q. 238 Yes. All right. Did you have any involvement in that transaction?
- 18 A. I did that transaction.
- 19 Q. 239 Pardon?
- 12:04:19 20 A. I did that transaction.
- 21 Q. 240 Can I just sorry. If we have the purchase form. Is that your signature?
- 22 A. No, the figures in the box are mine.
- 23 Q. 241 Is that in other words STG for Sterling and the 4,000?
- 24 A. Store sorry I beg your pardon. No I did the cash lodgement not that one, I beg
- 12:04:41 25 your pardon.
- 26 Q. 242 27296, please. Could you identify any of your writing on that document please?
- 27 A. Yes, I filled out the actual amount 3,970.19 and it's under my log on.
- 28 Q. 243 Yes. Do you have any recollection of the transaction?
- 29 A. No.
- 12:05:10 30 Q. 244 All right. We see there that Ms. Carruth has made a number of the lodgements?

12:05:16 1 A. Correct.

2 Q. 245 Do you have any recollection of dealing with her having --

3 A. Yes. I used to meet her occasionally in the branch.

4 Q. 246 Yes.

12:05:25 5 A. And I would speak to her.

6 Q. 247 Yes.

7 A. I don't -- when she was in to do, to transact business.

8 Q. 248 All right.

9 A. And that's how I met her.

12:05:34 10 Q. 249 Yes. Do you recall what business she was coming in to transact?

11 A. I don't recall any specific ones but I had the impression -- I knew that she

12 was longing to the Ahern accounts.

13 Q. 250 To the Ahern accounts?

14 A. Yes.

12:05:48 15 Q. 251 All right. And have you recollection of her lodging, coming in with Sterling

16 and lodging Sterling to the accounts?

17 A. I formed the impression that some of those lodgements were Sterling.

18 Q. 252 Yes.

19 A. At that time I couldn't point them out by I just knew from conversations with

12:06:07 20 her.

21 Q. 253 Yes.

22 A. That some of them were Sterling.

23 Q. 254 Yes. Is that a recollection you have apart from the documentation?

24 A. Yes, that was my recollection then when I saw these documents.

12:06:23 25 Q. 255 Yes.

26 A. Confirmed it.

27 Q. 256 All right. If we could go back, please, to just passbook 19400 for a moment.

28 Just looking at the, we know that there are four cash lodgements to Mr. Ahern's

29 account and on the different dates. Four cash lodgements. Is it your

12:07:06 30 evidence, Mr. Hughes, that these all emanate from Sterling sums?

- 12:07:14 1 A. Based on the documentation I would say yes.
- 2 Q. 257 All right. And if you are correct in that, I think it means that the sum of
- 3 15,500 pounds Sterling was lodged to Mr. Ahern's and his two daughters'
- 4 accounts in the sum of space of eight months between March and October, is that
- 12:07:37 5 right?
- 6 A. I haven't done the sums.
- 7 Q. 258 You didn't do the sums?
- 8 A. Yes.
- 9 Q. 259 I think it's correct.
- 12:07:48 10 A. Okay.
- 11 Q. 260 Could I just ask you before leaving that, Mr. Hughes, if we were to take just
- 12 the lodgement for a second, the cash lodgement of 4,119.59 pounds, if that did
- 13 not start off in the branch on at that that day as Sterling, would it mean that
- 14 somebody had to come in and lodge the sum of 4,119.59 pounds to the account?
- 12:08:10 15 A. It would have done, yes.
- 16 Q. 261 Would that be a usual sum for a lodgement to an account?
- 17 A. It wouldn't be unusual.
- 18 Q. 262 Now, Mr. Hughes, if -- sorry, Mr. Hughes. If we could have 26129, please. I
- 19 want to move on to the B/T account, Mr. Hughes, which was opened before your
- 12:09:20 20 time as manager in the, in Drumcondra, isn't that right?
- 21 A. Correct.
- 22 Q. 263 And the, we will be dealing with the lodgement on the 26th of October 1994, the
- 23 lodgement of 20,000 pounds to the B/T account. Now, this is an extract from
- 24 the B/T account, you may be familiar, you may have seen it, have you?
- 12:09:50 25 A. Yeah.
- 26 Q. 264 All right. Before going on to that specific lodgement. Can I ask you, what
- 27 did you know about this account when you were manager?
- 28 A. That was an account operated by Mr. Collins.
- 29 Q. 265 Yes. Did you know Mr. Collins at that time?
- 12:10:09 30 A. I'd met him once or twice, I introduced myself to him in the branch and I spoke

12:10:14 1 to him on one or two occasions.

2 Q. 266 Yes. And as far as you were concerned, was it his account?

3 A. I had no information that it was not, that it was anyone else's account, I just

4 made an assumption that B and T was Bertie and Tim. I had no other evidence to

12:10:44 5 say it was anyone else's account.

6 Q. 267 Yes.

7

8 CHAIRMAN: Sorry, Mr. Murphy. Was that, we're keen to understand what your

9 assumptions were and understandings were many years ago when you were the

12:11:06 10 manager and you'd have seen Mr, that's when you met Mr. Collins on a couple of

11 occasions. You said, am I right that you assumed, are you saying when you

12 assumed it was Bertie/Tim. Is that something that you assumed then?

13 A. Yes.

14

12:11:23 15 CHAIRMAN: Or in more recent times?

16 A. No then. I assumed then. In the lack of any other information or another name

17 to that account. I had no information to say it was, it was just an assumption

18 on my part. It was just my assumption at the time.

19

12:11:39 20 CHAIRMAN: Did you know of any association between Mr. Collins and Mr. Ahern?

21 A. Yes, I had known they were associates, close associates.

22

23 CHAIRMAN: Politically or in a friendly way or?

24 A. Well, no, not politically. Friendly.

12:11:55 25

26 CHAIRMAN: I am just wondering what prompted you to believe at that time that

27 Mr. Ahern was part owner of the or part -- that the B was Bertie, Mr. Ahern?

28 A. Yeah.

29

12:12:09 30 CHAIRMAN: What prompted you at that time?

12:12:11 1 A. Just an assumption on my part. I may have been advised by people in the branch
2 when they arrived that had experience with it, I don't know. But I cannot
3 remember actually having discussed it with anybody. It was just an assumption
4 on my part, whether that be right or wrong.

12:12:28 5
6 CHAIRMAN: All right.

7
8 Q. 268 MR. MURPHY: Could we have 27366 please for a second. I just want you to
9 refer you to your second last paragraph of your first statement to the
10 Tribunal, Mr. Hughes. Where you say, the second paragraph there:

11
12 "I had no reason to believe that this account was operated for or on behalf of
13 the Fianna Fail Party, the local Cumann or that it related to a Building
14 Trust". Is that correct?

12:12:58 15 A. That's correct.

16 Q. 269 All right. And on the account the Tribunal has been told that when the
17 accounts with was opened the postal address was the branch of the society?

18 A. Yeah.

19 Q. 270 What does that mean?

12:13:14 20 A. Any correspondence -- well the correspondence wouldn't be sent out to the
21 client.

22 Q. 271 Pardon?

23 A. Correspondence would not be sent out to the client. If correspondence had to
24 be sent it would be kept in-house.

12:13:25 25 Q. 272 Do you have any recollection of that in relation to Mr. Collins?

26 A. No.

27 Q. 273 26129, please. If you could just take us across the third line from the bottom
28 there, please, Mr. Hughes. The date first of all is the 26th of October 1994.

29 A. Yes.

12:14:00 30 Q. 274 What does the rest say?

12:14:01 1 A. "Cash lodgement transaction 3001, 20,000 which gave a balance of 23,788.92 and
2 in Drumcondra branch portion on the 26th."
3 Q. 275 All right. 27189, please.
4 Mr. Hughes, what does this lodgement form show, please?

12:14:51 5 A. Not a lot.
6 Q. 276 Pardon?
7 A. I can't make out the right-hand side.
8 Q. 277 I see.
9 A. It's a bit dirty.

12:15:02 10 Q. 278 Well insofar as you can?
11 A. I think the transaction.
12
13 CHAIRMAN: Does the hard copy, Mr. Murphy, show any more detail I am just
14 wondering for Mr. Hughes?

12:15:10 15
16 MR. MURPHY: Well it might be easier for the witness. I really just don't
17 know, Chairman. I don't know that it does.
18
19 CHAIRMAN: Have we got the hard copy?

12:15:19 20
21 MR. MURPHY: We are just printing it off.
22
23 MR. HOLLAND: Chairman, I have to say that I am in possession of a better copy
24 than the Tribunal's copy.

12:15:28 25
26 CHAIRMAN: Perhaps that might be given to the witness who can ... sometimes
27 what comes up on screen can be more difficult.
28
29

12:15:37 30 MR. HOLLAND: I should say before that document is used. There is A

12:15:40 1 handwritten addition of a date to it, which should be disregarded.
2
3 CHAIRMAN: All right.
4 A. Thank you. 705 is the branch. On cashpoint 1, transaction is 54 and it's a
12:16:00 5 cash lodgement of 20,000 and carried out by operative C87.
6 Q. 279 Uh-huh and does it give the name of the account that the money is to be lodged
7 to?
8 A. I beg your pardon. B/T account.
9 Q. 280 And the account number is given I think is that right, in manuscript?
12:16:22 10 A. Yes.
11 Q. 281 And the total of 20,000 as well?
12 A. That's correct.
13 Q. 282 Is that any of your writing?
14 A. No.
12:16:29 15 Q. 283 Do you know whose it is?
16 A. No.
17
18 CHAIRMAN: And it says cash I think, is that right? Does it say cash?
19 A. Cash lodgement.
12:16:39 20
21 CHAIRMAN: Sorry.
22
23 Q. 284 MR. MURPHY: Right. So that's noting the lodgement of 20,000 pounds cash to
24 the B/T account, is that right?
12:17:00 25 A. Correct.
26 Q. 285 All right. 27188, please. What does that show please, Mr. Hughes?
27 A. It's a foreign currency purchase form for Sterling of 20,000 pounds and the
28 Irish equivalent is 20,000 and it went through I think 26th of the 10th '94 at
29 14:52, branch 705, machine 01, transaction 55, sundry account 135 and on the
12:17:51 30 right-hand side there was 20,000 sundry part cash withdrawal and the operative

12:17:56 1 is C87.

2 Q. 286 All right. And the signature can you identify that, please?

3 A. I'm not too sure. I think that's the same Michael, the chap who did the other

4 one, Michael Murnane.

12:18:09 5 Q. 287 All right. Is your writing on that document?

6 A. No.

7 Q. 288 All right. And the exchange of the 20,000 Sterling is on the same machine as

8 the lodgement I think, isn't that right?

9 A. Yes.

12:18:23 10 Q. 289 And it's for the same amount?

11 A. Correct.

12 Q. 290 And the lodgement is of the 20, 000 is transaction 54 and the exchange is

13 transaction 55?

14 A. Correct, yes.

12:18:50 15 Q. 291 Can you say if the position is, Mr. Hughes, in relation to these two

16 transactions, if 20,000 pounds Sterling was bought by the branch, 20,000 pounds

17 given to the person who was selling the Sterling and that that amount was the

18 amount that was -- it is the Sterling amount converted that was lodged to the

19 B/T account. Can you say if that's correct or not from the documents?

12:19:12 20 A. From the documents I'd say it's correct.

21 Q. 292 All right. Is there any significance to the fact that the exchange transaction

22 takes place after the lodgement transaction?

23 A. No.

24 Q. 293 No.

12:19:22 25 A. No.

26 Q. 294 That doesn't effect what you just said; that the lodgements say to you?

27 A. As long as it goes through before the end of the day.

28 Q. 295 All right. Mr. Hughes, is it correct to say that it appears from these

29 documents that there were the following Sterling transactions between March and

12:20:25 30 October 1994.

12:20:27 1 The first being a lodgement of -- sorry, an exchange of 6,000 pounds Sterling
2 made up of 4,000 Sterling going in to Mr. Ahern's account and then 1,000
3 Sterling going in to each of his two daughters accounts on the 9th of March
4 1994, is that correct?

12:20:48 5 A. Yes.

6 Q. 296 And secondly, on the 9th of May 1994, the sum of 5,450 pounds Sterling being
7 bought in by the branch and being distributed as between Mr. Ahern's account
8 3,518.99 pounds and then 1,000 to each of the two daughters' accounts?

9 A. Yep.

12:21:13 10 Q. 297 And on the following day a Sterling amount of 50,000 pounds converting into
11 50.63 pounds.

12
13 JUDGE FAHERTY: That's 50 pounds I think, Mr. Murphy. I think you said
14 50,000.

12:21:28 15 A. I'll have it.

16 Q. 298 MR. MURPHY: 50 pounds Sterling?

17 A. Yes.

18 Q. 299 And fourthly on the 28th of October 1994, the sum of 4,000 pounds Sterling?

19 A. Correct.

12:21:38 20 Q. 300 Is that correct?

21 A. Correct.

22 Q. 301 And then finally in relation to the B/T account, 20,000 pounds Sterling on the
23 26th of October 1994?

24 A. Correct.

12:21:47 25 Q. 302 Thank you, Mr. Hughes.

26

27 CHAIRMAN: Mr. ...

28

29 MR. MILLAR: Thank you, Mr. Chairman.

12:22:07 30

THE WITNESS WAS QUESTIONED BY MR. MILLAR AS FOLLOWS:

- 12:22:07 1
- 2
- 3 Q. 303 MR. MILLAR: Good afternoon, Mr. Hughes. I represent Grainne Carruth and
- 4 there are a number of issues I would like to raise with you. I should put it
- 12:22:08 5 into a context for you to say that Ms. Carruth's evidence will be that she did
- 6 not conduct Sterling transactions at your branch. I think I should say that to
- 7 you at the start.
- 8
- 9 Could I just refer to a comment that you made there coming to the close of your
- 12:22:19 10 evidence. Where you say that you have a recollection that you formed the
- 11 impression of Sterling lodgements involving Ms. Carruth, is that correct?
- 12 A. Correct.
- 13 Q. 304 I see. Could I just touch briefly and even though it's not a direct concern to
- 14 me. Could I touch briefly on the issue of the 20,000 pounds and Mr. Collins.
- 12:22:39 15 I think you described elsewhere in your private interview Mr. Collins was an
- 16 eminent or very important client in your office, is that correct?
- 17 A. Correct.
- 18 Q. 305 And I think you also made reference to his relationship with Mr. Ahern. So
- 19 that would have added to his importance I think in your eyes, is that so?
- 12:22:56 20 A. Correct.
- 21 Q. 306 And he was a man who went into your office and I think the evidence in private
- 22 interview was that he didn't queue up, that he would be dealt with right away.
- 23 People would see him and deal with him immediately, isn't that so?
- 24 A. No.
- 12:23:05 25 Q. 307 All right. I think Mr. McDonald might have said that to you in his private
- 26 interview perhaps I might be attributing that you to you incorrectly but would
- 27 it be the case that he would have been considered as sort of a prize client?
- 28 A. He would have been.
- 29 Q. 308 I see. And would you consider Ms. Carruth in the same way?
- 12:23:20 30 A. No.

12:23:20 1 Q. 309 Okay. And back in 1994, 20,000 pounds was a very substantial sum of money,
2 isn't that so?
3 A. Correct.
4 Q. 310 You might have bought a house for that?
12:23:29 5 A. I didn't.
6 Q. 311 Well not you particularly.
7 A. No.
8 Q. 312 But one may have bought a house. A very substantial sum. How many
9 transactions of 20,000 pounds would have gone through your office in an average
12:23:41 10 day?
11 A. I wouldn't say many. One perhaps but not every day, no.
12 Q. 313 One a day?
13 A. No, no. I wouldn't say that. I wouldn't say one a day.
14 Q. 314 One a week?
12:23:53 15 A. Well perhaps not, no.
16 Q. 315 Okay well a month.
17
18 CHAIRMAN: Well are you talking about?
19 A. Possibly.
12:23:58 20
21 CHAIRMAN: Mr. Millar, are you talking about a cash transaction, cheque or any
22 transaction.
23
24 MR. MILLAR: Any transaction of 20,000 pounds in his office.
12:24:05 25 A. We did have some business accounts and we had money coming in and out.
26 Q. 316 Okay, well let's take personal accounts because this is what we're talking
27 about here. We are now up to one a month. Would you have had one in a month?
28 A. I can't recall that.
29 Q. 317 Okay so it's a very rare occasion?
12:24:21 30 A. I would say so.

12:24:23 1 Q. 318 Okay. So if I could turn to page 27235. When the issue, the issue was brought
2 up with you in private conversation private interview about the 20,000 pounds
3 involving Mr. Collins. And I think it's at question 122 it's put to you.
4

12:24:38 5 "You have no personal recollection of Mr. Collins 20,000 pounds cash, either in
6 Irish or in any foreign currency to your recollection, isn't that right?
7 A: No". You have no recollection, isn't that so?
8 A. Correct.

9 Q. 319 Even though this was such an extraordinary occurrence and he was such an
10 important an in your office, you have no recollection of that at all. But yet
11 you do remember Ms. Carruth, is that correct?
12 A. Correct.

13 Q. 320 So your evidence to the Tribunal is that you have a clear recollection of
14 Ms. Carruth transacting Sterling transactions in your office, is that so?
15 A. Correct.

16 Q. 321 Okay. Is there one piece of paper anywhere, whereby Ms. Carruth which you can
17 produce to the Tribunal which establishes that Ms. Carruth handled any Sterling
18 in your office?
19 A. Well her signature is on a lot of the transaction dockets.

12:25:06 20 Q. 322 Would you like to identify more for me which Sterling docket has Ms. Carruth
21 got her signature on it or her name?
22 A. Can we go through the documents again.

23 Q. 323 We can go through them all. Most of them you've been through in evidence this
24 morning. I put it to you that there was one document upon which (inaudible)
12:25:39 25 her name appears. I tell you what we'll do. We'll take one. Let's take the
26 transaction for the conversion of 4,000 pounds Sterling to 4,119.59 on the, I
27 can't read it I think it's the 9th of March '94. I'm sorry I don't have the
28 page number Chairman.
29

12:26:00 30 CHAIRMAN: It's the 9th of March.

12:26:03 1 MR. MILLAR: I don't have the Tribunal reference. Perhaps if we could have
2 that put on the screen?
3
4 CHAIRMAN: 4119.

12:26:14 5
6 MR. MILLAR: 27286, I think.
7
8 JUDGE FAHERTY: 27287 is the lodgement docket.
9

12:26:25 10 MR. MILLAR: No it's the preceding document I think that's the lodgement form.
11 It's the Sterling exchange
12
13 JUDGE FAHERTY: That's it.
14

12:26:32 15 Q. 324 MR. MILLAR: I think this is typical of the forms that you used, isn't that
16 right, Mr. Hughes?
17 A. Yeah.

18 Q. 325 Where on that form does it identify the person who transacted the business?
19 A. It doesn't say who does it.

12:26:49 20 Q. 326 I see. Could I go back just briefly. How long have you been, how long were
21 you I don't know if you are still involved in the Irish Permanent. How long
22 were you working in the Irish Permanent up to 1994?
23 A. 11 years.

24 Q. 327 I see. And had you undergone training in the Irish Permanent?
12:26:55 25 A. Yes.

26 Q. 328 Did that training involved the making of lodgements foreign exchange
27 transactions and so?
28 A. Early on, yes.

29 Q. 329 I take it as manager of the branch, you would have had responsibility in your
12:27:05 30 own branch to ensure that those procedures were followed were they?

- 12:27:09 1 A. Correct.
- 2 Q. 330 And just looking at the form that's on screen there. What did the Irish
3 Permanent lay down by way of procedures for the completion of this type of
4 form?
- 12:27:21 5 A. That the currency and the value, the amount of the currency and the value be
6 put forward. And then that would be put through the machine and recorded in
7 the system.
- 8 Q. 331 And that's it?
- 9 A. Yeah.
- 12:27:39 10 Q. 332 So why did the Irish Permanent produce a form that has date, cheque details,
11 drawer, payee, what's all that about?
- 12 A. Sorry, would you repeat that please?
- 13 Q. 333 Do you see rest of the form on the left-hand side? It has the date, cheque
14 details, the drawer, payee, passport number, identification number, amount,
15 serial numbers?
- 12:28:00 16 A. Right.
- 17 Q. 334 So what's all that about, about, is none of this ever completed?
- 18 A. Obviously not on these.
- 19 Q. 335 But was it parts of your process that it should have been completed?
- 12:28:12 20 A. Not really because ... this one here doesn't even say it was a cheque this
21 could have been cash. It didn't say whether it was cash or cheque.
- 22 Q. 336 Okay so was there a different form for cash and cheques?
- 23 A. No, on the right-hand side you with can see the cheque or notes. Underneath
24 the amount for Sterling.
- 12:28:38 25 Q. 337 So it's the same form one way or the other?
- 26 A. It is.
- 27 Q. 338 I see. So is it possible for you, forgetting about a subsequent lodgement to
28 any account. Is it possible for you to identify from any of these forms who
29 exchanged foreign currency in your branch in 1994?
- 12:28:53 30 A. Not from those forms.

- 12:28:54 1 Q. 339 Is it possible in any I way to identify anyone who exchanged foreign currency
2 in your branch in 1994?
- 3 A. Not from these.
- 4 Q. 340 I didn't ask you about these. I just said is it possible at all?
- 12:29:08 5 A. To identify. Say it again.
- 6 Q. 341 Is it possible at all to identify anybody who changed foreign currency in your
7 branch in 1994?
- 8 A. Well I couldn't answer that question.
- 9 Q. 342 Well the answer is quite -- you were there for 11 years up to 1994. You became
12:29:23 10 manager there from 1997. And are you seriously suggesting that you don't know
11 the answer to that question?
- 12 A. I am saying that I mean I don't know the -- had been you asked me to identify
13 anybody who came in.
- 14 Q. 343 Well explain --
- 12:29:36 15 A. You talking about one person or no general.
- 16 Q. 344 No no I said to you. The question is quite simple. Is there any way in which
17 the Irish Permanent could identify a person who came in and exchanged the
18 Sterling for example in your branch in 1994, is there any piece of paper
19 anywhere that would identify the person conducting such a transaction?
- 12:29:56 20 A. I don't think so.
- 21 Q. 345 The answer is no, isn't that correct?
- 22 A. I think so.
- 23 Q. 346 I see. So how can you sit there and say on the basis of the documentation that
24 you have, that Ms. Carruth transacted Sterling transactions in your branch?
- 12:30:12 25 A. Well based on the evidence.
- 26 Q. 347 No I'm not. I'm just asking you. Have you got any direct he is evidence to
27 establish that Ms. Carruth transacted any of these Sterling transactions?
- 28 A. I formed the impression that when she was in carrying out these transactions
29 that part of these lodgements were in Sterling.
- 12:30:32 30 Q. 348 Okay. Well --

- 12:30:33 1 A. And that was based on my experience of being with her.
- 2 Q. 349 Okay. So you formed an impression. I've asked you have you any evidence
3 whatsoever that Ms. Carruth conducted foreign exchange transactions in your
4 branch?
- 12:30:52 5 A. Not other than the information than the docketts that we have the lodgement
6 docketts.
- 7 Q. 350 Okay. Well kindly identify for me once again any documents which identifies
8 Ms. Carruth as a party who conducted foreign exchange transactions in your
9 branch?
- 12:31:08 10 A. Her name isn't on any of these purchase docketts.
- 11 Q. 351 We are sort of beating around the bush here a little bit. Is it not the case,
12 Mr. Hughes, that you cannot identify from any documentation that you have that
13 Ms. Carruth conducted any foreign transactions in your branch, isn't that the
14 case?
- 12:31:21 15 A. That's the case.
- 16 Q. 352 Okay okay. With respect to the impression that you formed, if I am correct
17 there were three dates the 9th of March, 9th of May, 28th of October 1994, when
18 Ms. Carruth made lodgements which you say originated in Sterling in your
19 branch, is that right?
- 12:31:47 20 A. Yeah.
- 21 Q. 353 So these were three occasions. Now, according to your evidence. You had
22 nothing to do with the transactions on the 9th of March and 9th of May, isn't
23 that correct?
- 24 A. Uh-huh.
- 12:31:49 25 Q. 354 So am I correct in concluding from that, that the only time you had any
26 involvement with her in which there was any element of Sterling also transacted
27 on your branch was the 28th of October 1994, is that so?
- 28 A. No.
- 29 Q. 355 So when were the other occasions?
- 12:32:05 30 A. I said I didn't actually do the transactions.

12:32:06 1 Q. 356 I beg your pardon?
2 A. The fact that I didn't complete the transaction. I met her outside when she
3 was queueing up, I would have spoken to her. So I'd know then she was in.
4 Q. 357 So we can definitively take your from your evidence that you recall the 9th of
12:32:19 5 March 1994?
6 A. I don't recall specific dates, no.
7 Q. 358 I see. So how often do you think you met her?
8 A. I'd say about half a dozen times.
9 Q. 359 I beg your pardon?
12:32:28 10 A. About half a dozen times I think.
11 Q. 360 Over what period of time?
12 A. Well over the year and then including the time that I met her in the office.
13 Q. 361 Over what year?
14 A. In '93 to '94.
12:32:44 15 Q. 362 Okay. So half a dozen times, these times for instance in '93 and three times
16 for instance in '94?
17 A. I can't break it down.
18 Q. 363 Well would you think that's roughly approximate?
19 A. Might be.
12:32:55 20 Q. 364 I think in your --
21 A. I am not going to say one way or the other.
22 Q. 365 In your private interview you refer to meeting her on numerous occasions. Do
23 you recall that?
24 A. Well half a dozen times I would say is numerous occasions. How many is
12:33:09 25 numerous?
26 Q. 366 Well we can refer to the private interview if you wish but that's what you
27 said. Do you retract that now?
28 A. No, how many is numerous?
29 Q. 367 Well that's what I'm asking you. Would you agree you met her on numerous
12:33:21 30 occasions?

- 12:33:23 1 A. I would say so.
- 2 Q. 368 I see. So we can take it that there was more than three times a year?
- 3 A. I would say over the period of time probably around six times.
- 4 Q. 369 I see.
- 12:33:33 5 A. Thereabouts.
- 6 Q. 370 Yes.
- 7 A. And we didn't keep a record of the number of times we met her. Plus the fact
- 8 that we both worked in a very small area around Drumcondra we may have bumped
- 9 into each other outside.
- 12:33:45 10 Q. 371 With respect to the question of conducting Sterling exchanges in your branch.
- 11 Do I take it that you had a Forex machine I think it's called isn't that so?
- 12 A. Yeah.
- 13 Q. 372 And I think in private interview you have confirmed that there was a rate
- 14 established at head office early in the morning and this was inputted into the
- 12:34:02 15 machine in the branch each day, isn't that correct?
- 16 A. Correct.
- 17 Q. 373 So the same rate applied for all transactions large or small according to your
- 18 private interview, isn't that correct?
- 19 A. Yeah.
- 12:34:10 20 Q. 374 At the end of each day there was a balance. Okay. Did the books balance on
- 21 the Sterling transactions and the foreign exchange transactions every day?
- 22 A. Well I can't recall that.
- 23 Q. 375 Well did you have occasions where they didn't balance?
- 24 A. There possibly was. I mean you're talking over a period of three years we
- 12:34:29 25 didn't balance every time.
- 26 Q. 376 If they didn't balance what was the procedure if it didn't balance?
- 27 A. You would spend extra time to find it and if you couldn't just report it to
- 28 head office.
- 29 Q. 377 I see. How often did that occur?
- 12:34:43 30 A. Not very often.

12:34:43 1 Q. 378 Well again can we just estimate. Would it be once a month?
2 A. I wouldn't say so.
3 Q. 379 Much more irregularly than that?
4 A. Irregular.
12:34:52 5 Q. 380 It would be difficult I suppose for the books not to balance given that there
6 was one exchange rate irrespective, isn't that so?
7 A. Yes.
8 Q. 381 I see if we just have a quick look at the Sterling transactions on the 9th of
9 March 1994. What was the exchange rate on that date?
12:35:08 10 A. I don't know.
11 Q. 382 Well exchange rates I am not an expert on figures but exchange rates were
12 furnished to us this morning by the Irish Permanent, are you aware of that?
13 A. Yeah.
14 Q. 383 Have you seen these?
12:35:21 15 A. Yes.
16 Q. 384 I see. Again, I don't know if you have got this. I don't have a reference
17 number, Chairman.
18
19 CHAIRMAN: All right. Well we'll ... is there a page number?
12:35:33 20 A. Thank you.
21
22 Q. 385 MR. MILLAR: Do you have those there?
23 A. Yeah.
24 Q. 386 I see. Now, if I look then to. Sorry. If I get to the page number.
12:35:51 25
26 CHAIRMAN: Can we put this up on the screen? If we look at page 27288,
27 please.
28 Q. 387 MR. MILLAR: If we look at page No. 27288, please. And there is a conversion
29 there of 1,000 pounds Sterling and the result of sum of money in Irish Pounds
12:36:20 30 is 1028.40, is that so?

12:36:24 1 A. Sorry correct yes.

2 Q. 388 Do you see that?

3 A. Yep.

4 Q. 389 Now, correct me if I'm wrong but if I converted 4,000 pounds Sterling I would

12:36:34 5 expect to get four times that figure wouldn't I? You apply the same rate?

6 A. Yeah go on.

7 Q. 390 Is that correct?

8 A. Yep.

9 Q. 391 So four times that figure is 4.113.60. Is that correct?

12:36:50 10 A. Yes.

11 Q. 392 So if you go then to page No. 27287. Sorry I beg your pardon. 27286. And you

12 see the figure there is 4,119.59 which is a different figure. So what rate did

13 you apply to that transaction?

14 A. I don't know you could have got the whatever rate was in the machine at the

12:37:21 15 time.

16 Q. 393 Yeah but your evidence is?

17 A. I don't know.

18 Q. 394 Your evidence has been that the same rate is inputted at the start of the day

19 and it applies all day irrespective of the amount of the exchange, isn't that

12:37:31 20 so?

21 A. Yeah.

22 Q. 395 So the rate should be exactly the same and the exchange should be exactly the

23 same.

24 A. Right.

12:37:38 25 Q. 396 So how do you explain the difference?

26 A. Well I can't -- I don't know what rate that operative gave when he, whether it

27 was a sweet heart deal or not I don't know. But what I know is, I can't

28 comment on that.

29 Q. 397 Okay. So let's just be clear. You did sweet heart deals for particular

12:37:56 30 customers, is that so?

- 12:37:58 1 A. Well maybe that was the wrong word but go on.
- 2 Q. 398 Well that's your word?
- 3 A. Well then I retract it.
- 4 Q. 399 What are you saying to the Tribunal. That you apply different rates for
12:38:09 5 different people, is that it?
- 6 A. No that's not what I'm saying. I was saying that was the rate that that
7 operative put through that machine at that time. What I can't comment on what
8 rate actually used or not. I assume that it was correct.
- 9 Q. 400 Well we've heard your evidence on the time. Let's just take the time page
12:38:24 10 number up on screen 27286 the time is 10 24. Right?
- 11 A. Yep.
- 12 Q. 401 On page No. 27288, page 289 is more legible actually. The time is 10:31. So
13 are you suggesting that there was a rate change in the Irish Permanent even
14 between 10:24 and 10:31?
- 12:38:49 15 A. No.
- 16 Q. 402 So how do you explain the difference?
- 17 A. I can't.
- 18 Q. 403 You don't?
- 19 A. I can't.
- 12:38:53 20 Q. 404 It's is it possible that these were different transactions with different
21 people?
- 22 A. Different operatives.
- 23 Q. 405 No. Different customers as in a sweet heart deal for Mr. X?
- 24 A. No.
- 12:39:07 25 Q. 406 And a different deal for Mr. Y?
- 26 A. No.
- 27 Q. 407 So what are the possible explanations that you could offer to the Tribunal for
28 the different exchange rate?
- 29 A. I'm not in a position to make that explanation to the Tribunal.
- 12:39:19 30 Q. 408 But Mr. Hughes, you are the manager of the branch, you had 11 years experience

12:39:24 1 and you can't offer any explanation as to why different rates applied to what
2 you say was the same series of transactions?

3 A. It would only be supposition on my part.

4 Q. 409 Well make a supposition then?

12:39:35 5 A. I'm not willing to do that.

6 Q. 410 I see. I so I have to put it to you in the absence of an explanation from you,
7 these were not related transactions at all, that they were different customers?

8 A. You are entitled to take that view.

9 Q. 411 Well would you agree with me that that's a possibility?

12:39:50 10 A. I would say it's highly unlikely.

11 Q. 412 Would you agree it's possibility?

12 A. I suppose it is a possibility but highly unlikely.

13 Q. 413 I see. And isn't it possible -- Justs just look at what you say occurred. You
14 say that the same customer stood at the desk and held out three different sums
12:40:06 15 of Sterling, is that what you are suggesting: One hand 4,000 in the next hand
16 1,000 and then 1,000 in another pocket, is that what you're suggesting?

17 A. I'm not, no. Is this not the one there are three, the lodgements split
18 three-ways was it?

19 Q. 414 Well, if you look at the documentation there are three Sterling exchanges first
12:40:27 20 isn't that's correct, on your evidence?

21 A. Yeah but --

22 Q. 415 Three different transactions?

23 A. Right.

24 Q. 416 Isn't that so?

12:40:35 25 A. Right. Excuse me.

26 Q. 417 And you've applied a different exchange rate to one than you did to the other
27 two. So I am putting it to you --
28

29 CHAIRMAN: Could we see the Sterling exchange that led to these three
12:40:47 30 lodgements.

12:40:48 1
2 MR. MILLAR: I could be wrong but I don't think the Sterling exchanges that
3 they have given us have any relationship to these figures at all.
4

12:40:55 5 CHAIRMAN: I am just wondering what the Sterling exchange document that was
6 put up earlier.
7

8 JUDGE FAHERTY: 27286.
9

12:41:02 10
11 MR. HOLLAND: If it's of assistance, Sir, the calculations that we have done on
12 the exchange rates which we hope to make available if required after lunch, do
13 show that the rates apply to the three transactions in question are consistent
14 with each other.

12:41:20 15
16 Now, it depends I suppose how you do the maths. But rather than produce that
17 now, we would like to do it in a more organised format.
18

19 CHAIRMAN: Well it can be done. And if necessary, Mr. Hughes can come back
12:41:40 20 and deal with any issue that Mr. Millar is still concerned about.
21
22

23 MR. HOLLAND: Yes.
24

12:41:41 25 CHAIRMAN: Can I just ask you, Mr. Hughes, in relation to the documentation
26 that we've seen relating specifically to the Sterling change to Punts which has
27 been generated. Was that prepared at the time do you know by the teller or at
28 the end of the day?
29 A. It was prepared at the time. You would get the rate.
12:42:09 30

12:42:09 1 CHAIRMAN: Yes.

2 A. And --

3

4 CHAIRMAN: And does the teller then fill out that form at that time?

12:42:15 5 A. Yes. It may not necessarily be put through the machine to lodge. That could

6 go later but to get the actual rate it's done at that time.

7

8 CHAIRMAN: It's not the case then that at the end of the day the teller has to

9 go back and work out what was exchanged for what?

12:42:33 10 A. No, no.

11

12 CHAIRMAN: So these are being generated as each customer presents himself or

13 herself?

14 A. Correct.

12:42:40 15

16 CHAIRMAN: All right. Sorry, Mr. Millar.

17

18 MR. MILLAR: Thank you, Chairman.

19 Q. 418 Well let's just pursue that point for a moment, Mr. Hughes. If we could turn

12:42:50 20 to the lodgement of the 28th of October at the relevant pages are 27296. We'll

21 have a look at that page first. I would think that the handwriting in there

22 and this point might have slipped by briefly I think the figure of 3,970.19 is

23 your handwriting, isn't that correct?

24 A. Correct.

12:43:13 25 Q. 419 And on the following page 27297, that's your writing also, isn't that correct?

26 A. No.

27 Q. 420 I beg your pardon?

28 A. No, I don't think --

29 Q. 421 Could we put the two up together perhaps side by side. That's not possible.

12:43:39 30 Well I have to put it to you that if you look at the two of them they are quite

12:43:44 1 similar. Could you explain circumstances in which a different member of your
2 staff would fill in one figure and you would fill in the other one?

3 A. Yeah. If I was helping out I might ask her or the other person to work the
4 Forex machine and get me the translation or the transaction and then I would
12:44:06 5 complete the lodgement.

6 Q. 422 So which of these figures is yours then, the one on the lodgement docket?

7 A. The lodgement docket.

8 Q. 423 I see. And can you explain to us in your evidence you said that the foreign
9 exchange transaction took place at 16:43 on the 28th of October. Correct?

12:44:23 10 A. Go on, yeah.

11 Q. 424 And then you say the lodgement was done at 13:49 or 15:49. How do you explain
12 that?

13 A. Sorry would you say that again please the Sterling transaction was what?

14 Q. 425 I understand you to say the Sterling transaction took place at 16:43 on the
12:44:43 15 28th of October?

16 A. I haven't got the statement here.

17

18 CHAIRMAN: Could we just see the -- this is the Sterling transaction,
19 Mr. Millar, is it?

12:44:58 20

21 MR. MILLAR: Correct.

22

23 CHAIRMAN: What, is this the one on screen?

24

12:45:02 25

26 Q. 426 MR. MILLAR: If we go to page 27240, please. And if I could refer you down to
27 the last few lines starting at line 27.

28

29 You said "A lodgement of 3,970.19 was made to this account on the 28th of
12:45:22 30 October 1994. The transaction appears to have been conducted at either 13:49

12:45:23 1 or 15:49. It was completed on teller machine No. 1 and was the 105th
2 transaction on that machine that day."
3
4 Now, if I understand matters correctly, if you go back please to the start of
12:45:42 5 page 27240 at the start of paragraph seven. It says here "there was a purchase
6 of 4,000 pounds Sterling on the 28th of October at 16:43". So we have a
7 purchase of Sterling at 16:43 and we have a lodgement of what you say was the
8 Irish pound equivalent at either 13:59 or 15:49 and you say that you completed
9 one of these dockets and that somebody else completed the other one. How do
12:46:13 10 you explain any of that?
11 A. I can't understand that. Have we got that document for the 3,900? Can you
12 clarify those dates or those times?
13 Q. 427 I beg your pardon sorry.
14 A. Can you clarify the times?
12:46:51 15
16 JUDGE FAHERTY: 27296 I think is the number, Mr. Millar or the lodgement to
17 the account I think.
18
19 JUDGE KEYS: 27297 is the lodgement docket that was purchased.
12:47:17 20
21 Q. 428 MR. MILLAR: I am taking your evidence. This is what you have said.
22 A. Well can I have a look at those documents. The timings of those relevant
23 documents and have a look at the time.
24 Q. 429 Just before you do that. You met -- you met with the Tribunal lawyers on two
12:47:34 25 occasions, isn't that correct?
26 A. Correct.
27 Q. 430 And I take it that you had the benefit of legal advice before you did so?
28 A. Correct.
29 Q. 431 And you had extensive discussions with your own people and you looked at all of
12:47:48 30 this documentation before you met the Tribunal, isn't that so?

12:48:01 1 A. Yeah.

2 Q. 432 So is there a possibility at all that what you've said here at private
3 interview is wrong?

4 A. Well let's see the documents.

12:48:03 5 Q. 433 I'm just asking?

6 A. To comment before I would like to see the document.

7 Q. 434 You see, Mr. Hughes, we have to prepare these cases to ask questions of you and
8 we have done a lot on the particular assumption that what you've said here is
9 accurate. So what I want to know is before you look at the documentation, are
10 you satisfied what you said already in private interview which has been
11 circulated to all of us is accurate or not.

12 A. Based on the information that I had, to my knowledge, it was accurate.

13 Q. 435 But this is critical, Mr. Hughes, this is --

14 A. I would like to see the documents to confirm that.

12:48:36 15

16 CHAIRMAN: Sorry, Mr. Millar, if he is to answer that question, is it possible
17 that he was wrong in the, in the what he said at private interview. He is
18 going to have to see the documentation because presumably that will tell him
19 whether what he said at the time.

12:48:55 20

21 MR. MILLAR: Absolutely, Chairman. I have no problem with that.

22

23 CHAIRMAN: So can we have hard copies of ...

24

12:49:02 25 MR. MILLAR: Sorry, I don't have hard copies.

26

27 CHAIRMAN: No, no. I know you don't. Do the bank have hard copies?

28

29

12:49:15 30 MR. HOLLAND: Sir, we have a copy of the lodgement form, just for the record of

12:49:41 1 the 27th. Sorry on its face it's dated the 27th of October but I think that's
2 the one that's misdated and should be the 28th. And we have the Sterling
3 transaction or foreign purchase form of the same date. These are in the case
4 of the Sterling foreign purchase form I have for my own purposes highlighted a
12:50:06 5 minor aspect of the form. I don't think it bears out any difficulty. Just to
6 say for the record.

7

8 CHAIRMAN: All right.

9

12:50:53 10 Q. 436 MR. MILLAR: You have all of the documents there now?

11 A. Sorry, I can't make out any -- the timing on these.

12 Q. 437 Did you prepare your own statement for the Tribunal?

13 A. 13. Pardon.

14 Q. 438 Did you prepare your own statements for the Tribunal?

12:51:17 15 A. More I did more or less, yes. Except for the, I didn't have the documentation.

16 Q. 439 So put who put in the details of the documentation if you didn't?

17 A. It was done in conjunction with the Irish Permanent.

18 Q. 440 So you didn't prepare that detail yourself at all?

19 A. Not in its entirety, no.

12:51:40 20 Q. 441 So exactly what did you prepare in the statements that you told Mr. Murphy this
21 morning are your statements? What can we take as your evidence or evidence of
22 other people?23 A. Well a lot of the documentation, I was just confirming that the documentation
24 had gone through. The narrative is mine.12:52:04 25 Q. 442 Okay. The narrative is yours. Well if we turn to page 27263, please. This
26 has been read into the record this morning so I won't waste time by reading it
27 again. But what I've put to you is what appears at paragraph No. 7 of your
28 narrative. You might want to take a moment to read that. Do you see the
29 details there?

12:53:15 30 A. I do, yeah.

- 12:53:16 1 Q. 443 So is it your evidence now that you didn't prepare that at all?
- 2 A. No.
- 3 Q. 444 You didn't?
- 4 A. I didn't.
- 12:53:24 5 Q. 445 So who prepared it?
- 6 A. That's the information that I got. I mean I had to get this information from
- 7 the Irish Permanent.
- 8 Q. 446 Okay.
- 9 A. The information was on there.
- 12:53:33 10 Q. 447 You are the man would is up there giving evidence on oath. Is that information
- 11 true or not true?
- 12 A. It is true that the money was Sterling was purchased in, yes.
- 13 Q. 448 Do you know --
- 14 A. 3,000.
- 12:53:48 15 Q. 449 Do you know from your own knowledge if anything in this is accurate or
- 16 inaccurate from your own knowledge? Not from what other people have told you.
- 17 Do you know?
- 18 A. Well I wouldn't know, no.
- 19 Q. 450 So you don't know. So of all of the evidence that you have given here today,
- 12:54:03 20 what bits of it are we supposed to believe or what bits of it should with we
- 21 not believe?
- 22 A. I was confirming that the documentation had gone through the branch at the
- 23 time.
- 24 Q. 451 No, no, no with respect. You say "there was a purchase of 4,000 pounds
- 12:54:17 25 Sterling on the 28th of October at 16:43 in the branch" so what you should have
- 26 said was I've been shown some documents which show that there was, isn't that
- 27 correct?
- 28
- 29
- 12:54:29 30 MR. HOLLAND: Sir, I must intervene.

12:54:32 1
2 CHAIRMAN: Well I think he has made that clear. I think he has made it clear
3 that a lot of this documentation was not generated by himself but that it's
4 bank documentation. Now, of interest I suppose is the, of particular interest
12:54:46 5 is the date or sorry the time. And I am just wondering, Mr. Hughes, when you
6 put your name to this statement there presumably was something to suggest that
7 the transaction had been completed at either 13:49 or 15:49. Can you explain,
8 Mr. Hughes again, just where you have a lodgement. Sorry. Where you have a
9 document showing Sterling transaction which is, which comes after the lodgement
12:55:33 10 to the account. What does that tell us in relation to the sequencing? I mean,
11 presumably, in the ordinary way you would expect if a customer goes into a bank
12 and wants to lodge say, the proceeds of 1,000 pounds Sterling to their account.
13 They will, they will be told and obviously the teller will have to know before
14 the lodgement docket is filled out what the amount to go into the account is.
12:56:04 15 So one would expect to see in terms of the sequencing of transactions one would
16 expect that you would see the lodgement. Sorry, the Sterling transaction
17 occurring first.
18 A. Correct.
19
12:56:25 20 CHAIRMAN: Followed by the lodgement to the account. But in this instance we
21 have that in reverse.
22 A. Normally it would happen. You would get the exchange rate. Now, it would not
23 would not necessarily have to be processed through the account prior to the
24 lodgement. It could be done at a later stage in the afternoon. As long as it
12:56:52 25 went through the account prior to balancing that evening. So and also --
26
27 CHAIRMAN: But where would you would the teller get the Sterling exchange?
28 A. He could do it. He could put it through the machine, get the amount and then.
29
12:57:09 30 CHAIRMAN: Would that show him on a screen?

12:57:11 1 A. He gets a print off.
2
3 CHAIRMAN: A print off. But not this document that we see?
4 A. No.
12:57:17 5
6 CHAIRMAN: No.
7 A. A print off. So he would know how much the rate was.
8
9 CHAIRMAN: All right.
12:57:21 10 A. And then he would put it through. So the account machine.
11
12 CHAIRMAN: And then the actual --
13 A. So in actual. So you could in theory. He could use the Forex machine, get his
14 rate, make out the docket for the lodgement docket, lodge it and then later on
12:57:42 15 to balance out he could then put through the machine for the Forex printout.
16
17 CHAIRMAN: So you could have some hours between on the, in relation to the two
18 documents?
19 A. Oh, yes, it is possible.
12:57:56 20
21 CHAIRMAN: You could have some hours rather than minutes between the two?
22 A. Correct.
23
24 CHAIRMAN: All right.
12:58:04 25
26 Q. 452 MR. MILLAR: Sorry, Mr. Chairman.
27 A. Sorry.
28
29
12:58:13 30 MR. HOLLAND: Sorry. I was going to intervene a minute or two ago but I am

12:58:18 1 concerned that this witness is being examined as if he had made a claim which
2 in fact he has not made.

3
4 I think the Tribunal may have already appreciated the sooner remark made a
12:58:29 5 moment ago. He is being cross-examined as if in some way he is claiming to
6 have had personal knowledge of large numbers of these transactions.

7
8 CHAIRMAN: No. I think he has made it clear that he based his evidence on, to
9 a large extent, documentation which he assumes is accurate.

12:58:49 10
11
12 MR. HOLLAND: That's precisely the case. I am much obliged.

13
14 MR. MILLAR: I think it would also be fair to say, Mr. Chairman, that he has
12:58:58 15 made an assertion that he recalls my client conducting the Sterling
16 transactions in the branch.

17
18 CHAIRMAN: Absolutely. Yes. His evidence was. But he can't recall any
19 specific transaction that Ms. Carruth was involved in. But he does recall her
12:59:12 20 engaging in some Sterling transaction or actions I'm not quite certain whether
21 it's more than one.

22
23 Q. 453 MR. MILLAR: Very good.
24 I am going to be another few minutes, Mr. Chairman, I don't know if you wish to
12:59:26 25 break. It's one o'clock -- or keep going.

26
27 CHAIRMAN: All right. We'll break until two o'clock.

28
29 MR. MILLAR: Very good.

12:59:33 30

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THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:

13:00:10 1
2
3 CHAIRMAN: Now, good afternoon, Mr. Hughes.
4 A. Good after afternoon.
14:05:21 5
6 CHAIRMAN: Now, Mr. Millar.
7
8 MR. MILLAR: Thank you, Mr. Chairman. Good afternoon, Mr. Hughes.
9
14:05:26 10 Mr. Hughes, could I just bring you back please to the whole question of the
11 Irish Permanent procedure back in 1994 for recording foreign exchange
12 transactions followed by lodgements. Were there procedures laid down by the
13 building society as to how that was to be done?
14 A. There were.
14:05:47 15 Q. 454 And what was that?
16 A. We were to check the money, and we would purchase the money and get a rate,
17 purchase in Sterling, get an Irish rate and then lodge that rate, that amount,
18 to the account.
19 Q. 455 I see. And with respect to the recording of these transactions was it standard
14:06:05 20 procedure, was it accepted procedure rather to do these backwards to record
21 them backwards in other words record the lodgement and thereafter to record the
22 exchange?
23 A. It was acceptable once it will had gone through that day. As I explained to
24 Mr. Murphy this morning, there was no significance in the fact that we might
14:06:28 25 have made a lodgement to the account prior to actually making the lodgement to
26 the 135 account.
27 Q. 456 Okay. So the whole idea was to make sure that in the 135 account at the end of
28 the day there was enough Sterling or the correct amount of Sterling for example
29 or other currencies or in this instance it was only Sterling I think in 135,
14:06:43 30 isn't that correct? So that there was enough Sterling to match the

- 14:06:46 1 transaction, isn't that correct?
- 2 A. Yes and also to ensure proper procedures were complied with.
- 3 Q. 457 Okay. So well the procedures then would afford you the flexibility to conduct
- 4 a Sterling transaction at one point in time to make an Irish pound lodgement to
- 14:07:05 5 an account and then to record the Sterling transaction some hours later?
- 6 A. It could be done that way, yes.
- 7 Q. 458 And that's what you did in the case of one of these transactions, isn't that
- 8 correct?
- 9 A. I'm assuming that's what happened.
- 14:07:16 10 Q. 459 I see. And at what time of the day -- or did you do a balance on the 135
- 11 account every day?
- 12 A. Yes.
- 13 Q. 460 And what time would you do that at?
- 14 A. When we close-up in the evening.
- 14:07:26 15 Q. 461 What time is that at?
- 16 A. Normally 5 o'clock.
- 17 Q. 462 So with respect to the transaction that was conducted on the 28th of October,
- 18 there was a, according to the information we had which I think you now accept
- 19 is correct, is that the foreign exchange transaction was recorded at 16:43.
- 14:07:44 20 A. Right.
- 21 Q. 463 Which is what a quarter to five or thereabouts?
- 22 A. Yes.
- 23 Q. 464 So was it the case that this was done when you were totting up what you needed
- 24 to have in the 135 account to balance the books?
- 14:07:55 25 A. Not necessarily. The operative might, if he had a spare moment, would have put
- 26 through at that stage. He'd be tidying up his day, getting ready for
- 27 balancing.
- 28 Q. 465 And you would have a number of these transactions throughout the day, some
- 29 large, some small.
- 14:08:11 30 A. Possibly. It varied.

- 14:08:13 1 Q. 466 If I was a teller sitting at one of the desks and I was taking in Sterling and
2 I was making the lodgements but I wasn't actually recording the transactions
3 where would I keep the Sterling cash?
4 A. I assume it would have to go into the shoot.
- 14:08:29 5 Q. 467 Like a cash register sort of a thing?
6 A. Yes.
7 Q. 468 I see. And it would all be kept together is that so?
8 A. And then you balance the cash at the end of the evening.
- 14:08:39 9 Q. 469 So if I take in Sterling at 1 o'clock and I don't do the transaction and I take
10 in more at 2 o'clock and I don't record the transaction and do the same at 3
11 o'clock. That accumulation of Sterling cash is all kept together in the same
12 place in the same drawer, is that correct?
13 A. Correct.
- 14 Q. 470 And at 5 o'clock or thereabouts, I come to balance the 135 account, I count all
14:08:55 15 of the Sterling I have, correct?
16 A. Go on, yeah.
17 Q. 471 And then you write up the 135 transactions, is that correct?
18 A. No, no, no. There is a docket, forms would be made out for the 135 but not put
19 through. So you would put them through at that stage and then you would do
14:09:14 20 your balancing.
21 Q. 472 Well if I could refer you to page No. 27296, please.
22
23 JUDGE FAHERTY: 97 maybe if you are looking for --
24
- 14:09:31 25 MR. MILLAR: 27297 actually, I beg your pardon.
26
27 JUDGE FAHERTY: Yes.
28
- 29 Q. 473 MR. MILLAR: Now, how do you know what time the figure of 39,70.19 was written
14:09:46 30 in at?

- 14:09:52 1 A. When you got the rate from the Forex machine, filled out that form and then do
2 the lodgement, leave that one side and put it through at a later stage.
- 3 Q. 474 Well is that speculation on your part?
- 4 A. Well as I, 15 years ago.
- 14:10:06 5 Q. 475 Is it possible that that figure was written in at 16:43?
- 6 A. No.
- 7 Q. 476 It's not possible?
- 8 A. I wouldn't say so, no.
- 9 Q. 477 Well how can you say that's not possible?
- 14:10:16 10 A. Because when, she came in, the transaction was carried out earlier on. And
11 before you can lodge it to the account the, client's account, it had to have a
12 figure.
- 13 Q. 478 I see. Well I think your evidence and correct me if I'm wrong. I think your
14 evidence was that the figure that you got from the machine went on to the Irish
15 pound lodgement form which is page 27296. You never said anything about
16 putting the figure on this form.
- 17 A. I didn't say it didn't happen.
- 18 Q. 479 But are you telling us now that the two forms were filled in at the same time,
19 is that what you're saying?
- 14:10:51 20 A. I would imagine so, yes.
- 21 Q. 480 You imagine so?
- 22 A. I would think so.
- 23 Q. 481 So your evidence is that a transaction that's concluded for example at 13:49
24 let's just take that time, that the two forms were completed and that that
14:11:04 25 piece of paper, the one on the screen now, wasn't put through the machine for
26 another couple of hours?
- 27 A. Yeah.
- 28 Q. 482 I see. Was it ever the case that money was bundled together for different
29 small foreign exchange transactions and one of these forms foreign exchange
14:11:19 30 purchase forms was completed?

- 14:11:29 1 A. Each one was an individual transaction.
- 2 Q. 483 Well was it ever the case that it was done differently?
- 3 A. Not that I'm aware of.
- 4 Q. 484 I see. And with respect to balancing the books at the end of the day. Was it
- 14:11:30 5 ever the case that there was a difficulty in balancing the figures?
- 6 A. Not that I can remember.
- 7 Q. 485 Yes.
- 8 A. That's not to say it didn't happen.
- 9 Q. 486 I see. So in your experience, it didn't happen?
- 14:11:43 10 A. I didn't say that, no.
- 11 Q. 487 Well I'm asking you in your experience did it happen?
- 12 A. We have -- I have had experiences where we've had discrepancies, yes. But I
- 13 can't remember offhand on individual cases but over 20 years in the Irish
- 14 Permanent, yes we have had experiences.
- 14:12:00 15 Q. 488 How could that arise in the Irish Permanent in Drumcondra in 1994, when you had
- 16 a set exchange rate all day? What would give rise to that type of discrepancy?
- 17 A. If the person made a mistake in counting the amount of money taken in you would
- 18 get a discrepancy there.
- 19 Q. 489 Did you ever come across an instance where the books were made to balance by
- 14:12:36 20 the completion of one of these forms which was on the screen at 5 o'clock in
- 21 the evening?
- 22 A. No.
- 23 Q. 490 You never came across that?
- 24 A. No.
- 14:12:43 25 Q. 491 I see. Could I turn then to the transactions which were conducted on the 9th
- 26 of May. And if I could refer you to page No. 27239. Now, this transaction is
- 27 substantially different than one on the 9th of March because there is one
- 28 Sterling transaction here, isn't that correct?
- 29 A. Yep.
- 14:13:11 30 Q. 492 So the Sterling transaction is conducted at 11:07 and it's transaction No. 25

14:13:18 1 at teller No. 2, correct?

2 A. Sorry.

3 Q. 493 Yes.

4 A. 10:58, No. 19.

14:13:25 5 Q. 494 I beg your pardon if you look at line number nine "there was a purchase of
6 5,450 Sterling on the 9th of May 1994 at 11:07 are you with me --

7 A. Yeah.

8

9 MR. MURPHY: Chairman, sorry to interrupt Mr. Millar. I wonder would it be
14:13:42 10 more helpful we actually looked, if Mr. Hughes is asked to look at the original
11 documents rather than -- I think this is his statement as read into a private
12 interview. Sorry to interrupt Mr. Millar. Probably it's a matter for him but
13 it might be ...

14

14:13:54 15 CHAIRMAN: Yes well if Mr. Hughes perhaps will have to have a look at it. I'm
16 not sure exactly what the question is first.

17

18 MR. MILLAR: If you bear with me just for a moment. Nothing particularly
19 turns on the point, Mr. Murphy. It's just perfect for the moment.

14:14:08 20 Q. 495 You are satisfied that was the 25th transaction on that date, isn't that
21 correct?

22 A. Well that's what the document says.

23 Q. 496 Okay. And then there were three lodgements you say on foot of that. And they
24 were lodgements of the 21st transaction at the next paragraph it's recorded as
14:14:23 25 being the 20th transaction and in the following paragraph, paragraph C, it
26 records the 19th transaction.

27 A. Right.

28 Q. 497 Okay. So your evidence if I understand you correctly, is that the same person
29 conducted this transaction at the counter at the same time or sequentially, is
14:14:41 30 that correct?

- 14:14:42 1 A. Yeah.
- 2 Q. 498 Have you any idea what transactions 22, 23 and 24 are?
- 3 A. No.
- 4 Q. 499 Did you look to find out?
- 14:14:47 5 A. No.
- 6 Q. 500 So how did you make the leap from No. 21 to 25 and not inquire as to what the
- 7 ones in the middle were?
- 8 A. I saw the documents presented to me, the total amount agreed with the total
- 9 amount that was submitted.
- 14:15:03 10 Q. 501 But you have no idea what happened at the three transactions that are
- 11 unaccounted for?
- 12 A. That's quite true.
- 13 Q. 502 And would you not have thought that you are giving evidence here now today,
- 14 that this transaction in your evidence was conducted by my client. Would you
- 14:15:16 15 not have thought to inquire as to what the intervening transactions were?
- 16 A. No.
- 17 Q. 503 Did it not cross your mind that that might be relevant?
- 18 A. No.
- 19 Q. 504 And again, do I take it that this information that's given to you in a
- 14:15:29 20 statement, correct me now if I got this wrong, and that you you just signed it
- 21 is, is that so?
- 22 A. The documentation was presented to me, as the documents were put out and I
- 23 would say yes that's the way it would have happened.
- 24 Q. 505 And the documentation that you've referred to in your statements, all of which
- 14:15:45 25 I think has been opened here today, is that the totality of the documentation
- 26 that you looked at?
- 27 A. Yes.
- 28 Q. 506 So you have no idea who conducted the transactions No.s 22, 23 and 24?
- 29 A. No.
- 14:15:58 30 Q. 507 And you don't know what they're about, what sums were involved, what accounts

14:16:03 1 are involved, you know nothing about it?

2 A. No.

3 Q. 508 I see.

4

14:16:10 5 CHAIRMAN: I presume they can be checked, Mr. Hughes. These are the ...

6 A. I'd say it would be very difficult because you'd have to have account numbers I

7 would imagine. Because it wouldn't be ...

8

9 JUDGE FAHERTY: Somebody else's account.

14:16:29 10

11 CHAIRMAN: All right.

12 A. I would say it would be quite difficult to find it.

13

14 MR. HOLLAND: If it's of assistance --

14:16:36 15

16 JUDGE FAHERTY: Yes.

17

18 CHAIRMAN: Sorry.

19

14:16:41 20 MR. HOLLAND: Sir, if it's of assistance I am instructed that it would be

21 virtually impossible to find those transactions unless one for some reason

22 happened to know the accounts upon which they have been transacted. That is my

23 instruction.

24

14:16:55 25 CHAIRMAN: In relation to any other Sterling transactions?

26

27 MR. HOLLAND: Foreign currencies on the day (inaudible).

28

29 CHAIRMAN: I see.

14:17:06 30

14:17:07 1 MR. HOLLAND: So if transactions 22, 23 and 24 were FX transactions we'd have
2 them. We therefore assume that they are not. And we have no way of finding
3 them, because we don't know what account they would have been transacted on.
4

14:17:21 5 CHAIRMAN: All right.
6

7 MR. MILLAR: Mr. Chairman, I find it somewhat unsatisfactory that with
8 respect to Mr. Holland, I mean, the evidence that's been put forward here on
9 behalf of the Irish Permanent is the evidence of this witness. He is not in a
10 position to say what these transactions were. Who conducted them. What
11 accounts they are related to. What currency they were in. No evidence what so
12 ever.
13

14 CHAIRMAN: Wait now. He does -- apparently the Irish Permanent are in a
15 position to say they are not foreign exchange.
16

17 MR. MILLAR: With respect, Chairman, this witness doesn't know that.
18 Mr. Holland has asserted that, with respect Mr. Holland is not giving evidence.
19 This man is the witness who is giving evidence on behalf of the Irish Permanent
20 and he knows nothing of these transactions.
21

22 JUDGE KEYS: Between 10:56 and 11:07 according to the documentation, isn't
23 that right?
24

14:18:14 25 MR. MILLAR: Correct.
26

27 JUDGE KEYS: All within ten minutes of each other.
28

29 MR. MILLAR: Yeah, the point being though, Judge Keys, that there were three
30 transactions though in the meantime. That's the point.
14:18:22

14:18:25 1 JUDGE KEYS: I appreciate that.
2
3 MR. MILLAR: I have no further questions. Thank you, Mr. Hughes
4 A. Thank you.
14:18:29 5
6 CHAIRMAN: Do you want to cross-examine?
7
8 MR. Ó HOISIN: Chairman, I have no questions for this witness at this moment.
9 However, I do wish to reserve my position in relation to the matter. We
14:18:43 10 received a lot of this documentation very recently and our client has not been
11 available for us to meet, insofar as he has been out of the country.
12
13 In the circumstances there may be -- it may be a case that there won't be any
14 questions. But there may be questions that we would need to ask at a future
14:19:03 15 stage. So for that reason I would simply want to reserve my position.
16
17 CHAIRMAN: All right. Well ...
18
19 MR. MURPHY: Mr. Chairman, I might just say, this documentation as I
14:19:13 20 understand it has been served on Mr. Ó hOisin's client on the 5th of March.
21 And we have also been asking for a narrative statement.
22
23 CHAIRMAN: Yes. I think we asked Mr. Ahern for a narrative statement and we
24 haven't received it yet.
14:19:28 25
26 MR. Ó HOISIN: That's --
27
28 CHAIRMAN: In relation to these issues.
29
14:19:32 30 MR. Ó HOISIN: That has been dealt with in correspondence, Chairman.

14:19:35 1 Can I just make one point in relation to that. The private interview from this
2 witness was received in the last couple of days. We received a lot of
3 documentation yesterday.
4

14:19:44 5 So whilst Mr. Murphy refers to some other documentation that was received
6 earlier this month, it can't be contested that a fair bit of documentation that
7 we received in within the last couple of days
8

9 CHAIRMAN: All right. We will leave it on this basis that. If some issue
10 arises that concerns your client and that needs to be addressed by Mr. Hughes,
11 then you can make an application.
12

13 MR. Ó HOISIN: Yes.
14

14:20:08 15 CHAIRMAN: In the ordinary way to recall the witness.
16

17 MR. Ó HOISIN: Thank you, Chairman.
18

19 CHAIRMAN: Do you want to ask your client questions?
20

14:20:16 21 MR. HOLLAND: I have one or two brief questions.
22

23 CHAIRMAN: Yes.
24

14:20:19 25 **THE WITNESS WAS QUESTIONED BY MR. HOLLAND AS FOLLOWS:**
26

27 Q. 509 Firstly, Mr. Hughes, with respect to what I'm going to call the logistics of a
28 transaction in which somebody seeks to exchange Sterling and have it lodged to
29 their account. And in physical terms I would like you to walk through it.
30

14:20:35

14:20:36 1 Somebody approaches the counter with Sterling, whether in cash or cheque, we
2 needn't worry for the moment. They indicate that they want both to exchange it
3 to Irish Pounds and to lodge those Irish Pounds to an account. Am I correct in
4 understanding that, firstly, you need two machines to do this work. You need
14:21:01 5 the FX machine and you need the actual teller's machine, isn't that correct?
6 A. Correct.
7 Q. 510 And as I understand it, the FX machine is used purely to ascertain the rate
8 which you would apply to the transaction, isn't that right?
9 A. Yes.
14:21:09 10 Q. 511 So the first thing you do is you consult that machine and you are told just to
11 pick an example, hypothetical example if somebody had 5,000 pounds Sterling it
12 would tell you how much you would pay for that 5,000 pounds Sterling, is that
13 correct?
14 A. Correct.
14:21:23 15 Q. 512 And it would tell you that in terms of the rate and commission, is that
16 correct?
17 A. Yeah.
18 Q. 513 Am I correct in understanding though, that the actual transaction, the exchange
19 of currencies takes place on the teller machine as opposed to on the FX
14:21:42 20 machine?
21 A. Yes.
22 Q. 514 So now you walk back to the teller machine and you are facing your customer.
23 Am I correct in understanding that at this point you do two things physically.
24 You make out the handwritten content of the foreign exchange transaction and
14:22:02 25 you make out the handwritten content of the lodgement to the account, is that
26 correct?
27 A. Correct.
28 Q. 515 And once that has been done, am I correct in understanding that each of those
29 pieces of paper needs to be entered up in some way on the teller machine?
14:22:23 30 A. Correct.

14:22:23 1 Q. 516 Would you tell me, firstly, with respect to the lodgement docket. How
2 physically do you do that? Do you have to punch in the numbers which are on
3 the docket, with a key board or can you simply swipe the document through a
4 reader of some kind?

14:22:38 5 A. You do it on the key board.

6 Q. 517 I see.

7 A. Put in the account number and then the value of the money.

8 Q. 518 Okay. So just to be clear. You repeat on the computer on the teller machine
9 what you have written in to the lodgement docket, is that correct?

14:22:52 10 A. Correct.

11 Q. 519 And can you tell me physically how does the lodgement docket end up having the
12 printout which we've seen in two lines on the bottom of it?

13 A. You just put, get the lodgement docket and you put it on the base of the
14 machine.

14:23:11 15 Q. 520 Right.

16 A. And then you hit print and it just runs across and prints the bottom of the ...

17 Q. 521 Okay. So physically the record which appears as a result of the computer
18 printout is the result of your having entered that information into the
19 computer, is that correct?

14:23:30 20 A. That's correct.

21 Q. 522 And I take it that the same is true in general terms of the Sterling
22 transaction. You entered it into the computer and then you use the printing
23 facility to put that information back onto the docket itself, is that correct?

24 A. That's correct.

14:23:49 25 Q. 523 And am I correct in understanding that the time of day indicated in the
26 computer printout represents the time at which the document has had the
27 computer imprint put upon it?

28 A. That's right.

29 Q. 524 And is that automatically generated that time or do you enter that time
14:24:10 30 physically?

14:24:11 1 A. It's automatically generated.

2 Q. 525 I see. Now, can I just deal with one other matter. Sir, in a sense this is a
3 matter of mathematics rather than evidence. But just for the record, as far as
4 the bank is concerned and I think Mr. Hughes may or may not feel able to
14:24:36 5 comment on this.
6
7 It was put to him that there was an inconsistency between the 4,000 pounds
8 Sterling transaction of the 9th of March of 1994, and the 1,000 pounds Sterling
9 transaction, that was put to him. And it was put to him that if you multiplied
14:24:55 10 the 1,000 pounds transaction it's equivalent in Irish Pounds, you didn't get
11 according figure in the 4,000 pounds transaction. The bank's position is as
12 follows:
13
14 As to the 4,000 pounds Sterling transaction. If you divide that figure of
14:25:15 15 4,000 pounds Sterling by 0.9705 and omitting indeterminable decimal points, you
16 get 4,121.586. You may round that up to 4,121.59. And if you subtract a two
17 Euro commission you end up with 4,119.59 Irish. And that is the figure which
18 is recorded on the relevant docket.
19
14:25:57 20 As to the remaining two transactions on that day, I need only cover them once
21 because it is the same transactions repeated. If you take 1,000 pounds
22 Sterling and again divide it by the same rate of .9705, you get 1,030.39.
23
24 Now, if you were to take the course of rounding that up to 1,030.4 and subtract
14:26:29 25 the same commission of two pounds sorry. I have referred to Euro where I
26 should have referred Irish Pounds. Subtract the same commission of two Irish
27 Pounds, you reach a figure of 1,028 Irish Pounds and 40 pence, which again
28 accords with the relevant dockets and records.
29
14:26:50 30 So the position of the bank would be that there is no discrepancy in that

14:26:55 1 regard.

2

3 If you turn to the transaction of the 28th of October of 1994, the rate on that

4 day was 1.007. And if you take 4,000 pounds Sterling and divide it by that

14:27:14 5 rate of 1.007 you reach a figure of 3,972.19. And again if you subtract two

6 pounds commission from that, you reach a figure of 3,970.19. And again, those

7 figures accord with the documentary records with which you have been furnished.

8

9 Now, I then turn to the transactions of the 9th and 10th of May of 1994.

14:27:48 10 And the rate on the first of those days was .9975. And if you take 5,450

11 pounds Sterling and divide it by .9975, that results in a figure of 5,465.65

12 pounds Irish. And that does not accord with the figures on the document which

13 you have been furnished.

14

14:28:37 15 We will make inquiries as to whether we can shed any further light on that.

16 But that is the position at present.

17

18 Now, if you take the following day's transaction involving the 50 pounds

19 Sterling. The rate on that date was .9980. If you divide 50 pounds Sterling

14:28:57 20 by that rate of .9980 it yields 50.10 Pounds Irish. Again, that does not

21 accord with the documentary record and we will, if we can, try and clarify the

22 position.

23

24 If as an exercise you were to apply the previous day's rate, the figures would

14:29:23 25 be as follows:

26

27 50 pounds Sterling divided by .9975 equals a figure of 50.12 Irish Pounds.

28 Again, that does not accord with the documentary record.

29

14:29:43 30 As to what the significance therefore of the documentary record is, that is as

14:29:47 1 far as the bank is concerned a matter for the Tribunal in light of the evidence
2 which has been furnished.

3
4 We will attempt to shed further light on these figures if we can but that's the
14:29:59 5 position for the present.

6
7 CHAIRMAN: Mr. Hughes, could I just ask you about the commission, the two
8 pounds commission. Can you shed any light? Was there a commission of two
9 pounds?

14:30:14 10 A. It was a handling fee.

11
12 CHAIRMAN: A handling fee.

13 A. Of two pounds.

14
15 CHAIRMAN: Was that discretionary?

16 A. It's built-in there.

17
18 CHAIRMAN: It's built-in there.

19 A. Yeah.

14:30:25 20
21 CHAIRMAN: Was it always, was it automatically applied?

22 A. It was.

23
24 CHAIRMAN: It was. That's not a commission?

14:30:30 25 A. It's a handling fee, Sir.

26
27 CHAIRMAN: It's a handling fee. All right.

28
29 JUDGE FAHERTY: Just one thing. Mr. Hughes, did you yourself do transactions
14:30:39 30 where you converted Sterling or indeed any foreign exchange?

14:30:46 1 A. Occasionally I did. I wasn't very good at it, I didn't do it terribly often.
2 And if I'd done an account I'd have needed help I'd get one of the other staff
3 over. But --
4

14:30:58 5 JUDGE FAHERTY: But in relation to when you did it, what would you do?
6 A. I would carry through the, go into the Forex machine, put in the amount of
7 Sterling and get the result and then do the documentation and put it through
8 the --
9

14:31:11 10 JUDGE FAHERTY: Yes.
11 A. -- the lodgement machine.
12

13 JUDGE FAHERTY: And just in light of questions Mr. Millar was asking you, I'm
14 asking you this. When would you complete the docket?
15

14:31:21 15 A. Once you've got the figure.
16

17 JUDGE FAHERTY: Yes.
18 A. From the machine.
19

14:31:25 20 JUDGE FAHERTY: Yes.
21 A. You then put it onto the 135 lodgement purchase docket. You would do it at
22 that stage.
23

24 JUDGE FAHERTY: Yes. And I think then you've answered Mr. Holland about the
14:31:35 25 procedure which you would engage in perhaps at some point either immediately
26 thereafter, or some point later. You would put it through the teller machine.
27 A. Yes.
28

29 JUDGE FAHERTY: And then, and then what I understand is the two, both the
14:31:47 30 lodgement and the purchase docket, when they are put through the teller machine

14:31:56 1 what is printed is printed on those docketts physically at the very bottom?

2 A. It is.

3

4 JUDGE FAHERTY: Is that what we see then for example where the date and the

14:32:04 5 time and the amount and the teller number?

6 A. It is.

7

8 JUDGE FAHERTY: I see. Thank you.

9 A. Thank you.

14:32:10 10

11 MR. MILLAR: Sorry, Mr. Chairman, arising from what Mr. Holland's view there.

12 I am somewhat curious. I don't quiet understand this.

13 I could I refer, please, to page 27310, at question 51. And you will see

14 there, Mr. Hughes, you are asked:

14:32:34 15

16 "Was there any commission deducted from the amount separate from the exchange

17 rate or did you simply apply the exchange rate to the foreign exchange

18 transaction and come up with a value?" And your answer was "We just came up

19 with the net figure or the gross figure because the commission rates were built

14:32:48 20

into it.

21 Q: So it was quite simple from your point of view?

22 A: Yes. "

23

24 So I don't quite understand where a two pound handling fee emerges for the

14:33:00 25

first time today?

26 A. Well the commission and handling fee -- those were the figures that came

27 through on the machine.

28 Q. 526 Why was this never mentioned before?

29 A. I can't answer that question.

14:33:16 30

Q. 527 Could I ascertain from you, when you get a figure. As I understood matters,

14:33:20 1 you got the figure that appears on these pages. And just to take, for example,
2 my recollection and I'm subject to correction, I don't have a transcript. But
3 my recollection is that you said that the figure that you put on page No. 27296
4 was the figure you got from the Forex machine?

14:33:38 5 A. Uh-huh.

6 Q. 528 Correct.

7 A. Yes.

8 Q. 529 So was that inclusive or exclusive of the commission or the handling fee?

9 A. That would be inclusive.

14:33:48 10 Q. 530 Well that brings me back to the point then. In other words, the figures that
11 appear on the transaction dockets for the 9th of March, it should be straight
12 forward because there is the same handling. It should be straight forward if
13 you multiply the figure exchange for 1,000 pounds Sterling by four you should
14 get the figure for 4,000 pounds Sterling, isn't that's correct? Because the
14:34:10 15 figure comes straight off the machine. You don't subsequently deduct the 2
16 pounds?

17 A. No, I don't.

18 Q. 531 So consequently what Mr. Holland has put forward doesn't make any sense. Isn't
19 that correct?

14:34:23 20 A. Well I am getting confused with these figures being thrown at me and I haven't
21 looked at them so ...

22 Q. 532 To counteract what I put forward this morning, Mr. Holland has suggested that
23 we should deduct two pounds and that would make the figures balance.
24

14:34:38 25 CHAIRMAN: No no. I think Mr. Holland's point was that if you apply the rates
26 of exchange on that day, that in order to get to the figures that we have in
27 evidence you must include two pounds.
28

29 JUDGE FAHERTY: Yes.

14:34:54 30

14:34:54 1 CHAIRMAN: And that that's either, well we'll call it a handling fee or a
2 commission, and it's built into the machine as I understand it.

3
4 Q. 533 MR. MILLAR: Just to pursue that very briefly therefore. If your evidence is
14:35:09 5 to be accepted that it was Ms. Carruth that conducted this transaction on the
6 9th of March. She was charged three separate handling fees, is that correct?

7 A. It would have come out that way, yes.

8 Q. 534 That would seem somewhat unusual for the same transaction, would it?

9 A. Three transactions it would be three different transactions.

14:35:31 10 Q. 535 But I think you are saying that it was actually one transaction, there was a
11 conversion of 6,000 pounds Sterling, is that correct?

12
13 JUDGE FAHERTY: No. Mr. Millar, the witness has not given that evidence as I
14 understand it. The witness' evidence is that in relation to three
15 transactions, see as I. Now, I may be ...

16
17 MR. MILLAR: I think it was put to him that there was a transaction involving
18 a figure of 6,000 pounds Sterling and then Mr. Murphy I think added up the
19 various figures and came up with 15,500 pounds Sterling, isn't that correct?
14:36:01 20 That's my recollection, Judge, I could be wrong but I think.

21
22 JUDGE FAHERTY: I am just looking at my own note where individually Mr. Murphy
23 went through, this is this morning, we are talking about the 9th of March 1994.

24
14:36:14 25 MR. MILLAR: Correct.

26
27 JUDGE FAHERTY: And as I understand it, he dealt first with the lodgement of
28 4,119.59 and the documents backing that.

29
14:36:23 30 CHAIRMAN: Yes.

14:36:23 1 JUDGE FAHERTY: And then went to deal with two subsequent lodgements of 1,000.

2

3 MR. MILLAR: Yeah. I am happy that it's three transactions.

4

14:36:32 5 JUDGE FAHERTY: Yes.

6

7 MR. MILLAR: My understanding it was this witness' evidence. I'm happy that

8 it was three. That would be my case. So thank you very much. I have no

9 further questions.

14:36:42 10

11 MR. MURPHY: Sorry, Mr. Chairman. Could I just.

12 I think one question arising out of something that was said there if I could

13 just be allowed to ask Mr. Hughes.

14

14:36:51 15 **THE WITNESS WAS QUESTIONED BY MR. MURPHY AS FOLLOWS:**

16

17 Q. 536 MR. MURPHY: Mr. Hughes, I think in relation to each of the purchase dockets
18 that we've looked at, there appears on each of those dockets a Sterling amount
19 and then the Irish payment, what that is in Irish Pounds, isn't that right?

14:37:07 20 A. Correct.

21 Q. 537 And in respect of each purchase form, whatever the rate of exchange is and
22 whether a correct one, one of the day is used or not, and whether or not there
23 is a charge and whether it's built-in or it's not built-in, the society knows
24 and the Tribunal now knows what the Sterling amount was and what it converted
14:37:28 25 to in Irish Pounds, isn't that right?

26 A. That's right.

27 Q. 538 Thank you.

28

29 CHAIRMAN: All right. Just before Mr. Hughes goes. Mr. Ó hOisín, my

14:37:36 30 understanding, I think I'm correct, is that Mr. Ahern's information or evidence

14:37:42 1 to the Tribunal to date is to the effect that these lodgements that we've been
2 looking at into the Irish Permanent account were his salary payments or salary
3 cheques.

14:37:58 5 MR. Ó HOISIN: Chairman, I am just wondering whether it's appropriate at this
6 stage to be enquiring of me what the position is.

7
8 CHAIRMAN: No but --

14:38:08 10 MR. Ó HOISIN: There is a witness here.

11
12 CHAIRMAN: No but he has given this evidence and you haven't challenged this
13 evidence as to, as to the Sterling as aspect of it. I mean, is it presumably,
14 can we take it that it's still Mr. Ahern's position that these were salary
15 cheques or parts of salary cheques and that they weren't cash sums coming into
16 the branch nor were they sterling?

17
18 MR. Ó HOISIN: Chairman, with respect, the Tribunal has been in correspondence
19 with my client in relation to the matter and my client's solicitors and that's
14:38:45 20 where the matter stands. I have indicated that I wanted to reserve my position
21 in relation to cross-examination here because we received a lot of this
22 documentation at a very late stage. We received a considerable amount of
23 documentation yesterday, we received other documentation on Friday.

14:39:00 25 CHAIRMAN: But --

26
27 MR. Ó HOISIN: Chairman, please let me finish. I have indicated and we have
28 indicated in correspondence to the Tribunal that we required some further time
29 because our client had various commitments outside of the country and obviously
14:39:17 30 we wanted an opportunity to consult with him on it and to deal with the

14:39:21 1 documents that are there.

2

3 And the Tribunal will be furnished with that information. But with all due

4 respect, Chairman, I would say that it's not the norm to simply inquire of

14:39:36 5 counsel when correspondence is already in existence and the position has been

6 explained to inquire of counsel in the circumstances immediately after another

7 witness has given evidence. That information will be given to the Tribunal.

8 And I am not in a position to assist you any further in relation to the matter

9 at this stage.

14:39:56 10

11 CHAIRMAN: Well if you are not in a position to assist that's fine. I

12 disagree completely that it was, that it was an inappropriate question of mine

13 to ask. Because here we have the witness dealing with the specifics relating

14 to these various lodgements, as seen by him and as seen by the bank or as

14:40:14 15 perceived by him and as perceived by the bank. And that information to a very

16 large extent, has been with you for the last couple of weeks. I know that you

17 would have received some additional information in the last couple of days.

18

19 So it's not an inappropriate question to ask, is it still Mr. Ahern's position

14:40:33 20 that these were salary payments, which means clearly they couldn't be a

21 Sterling nor would they have been cash except as a result of cashing salary

22 cheques.

23

24 Now, if you are not in a position to deal with that today, that's fine. But

14:40:48 25 it's not an inappropriate question.

26

27 MR. Ó HOISIN: Well all I'm saying, Chairman, is that we had indicated to the

28 Tribunal by letter, I think it was last Friday that we were having, that we

29 needed some further time in relation to the matter. And we also indicated the

14:41:07 30 difficulty that we are having because we are getting documentation so soon

14:41:10 1 after it was generated and suggested that this type of matter would normally be
2 expected to be dealt with by way of private inquiry first. Now, admittedly
3 there was private inquiry on Thursday last. They were following into public
4 inquiry very very soon after that, Chairman.

14:41:29 5
6 So all I can do in any event, is I can't assist you any further in relation to
7 the matter at present. And we will be in correspondence with the Tribunal now
8 shortly in relation to that.

14:41:42 10 MR. O'NEILL: The position from the point of view of the Tribunal and
11 correspondence regarding the provision of information by Mr. Ahern in relation
12 to these particular lodgements, these specific three lodgements which may well
13 be the subject of more detailed examination with Mr. Ahern on his return. Is
14 that as of June 2006, Mr. Ahern provided details in respect of each one of
15 these lodgements in which he gave the same response.

16
17 Mr. Ahern believes this lodgement was an accumulation of salary cheques. That
18 is the response that has been given to each one of these queries. It was
19 contained in a letter of the 7th of June 2006. Once the Tribunal obtained the
14:42:11 20 information which is now the subject of the examination of this witness, it
21 immediately contacted Mr. Ahern for an explanation as to the apparent conflict
22 which exists between the response given in 2006 and the information coming from
23 the Irish Permanent Building Society.

24
14:42:32 25 Independent of the Tribunal receiving this information or sorry, independent
26 end of the Tribunal receiving the information from the Irish Permanent Building
27 Society, it in turn, that is the society, had provided the same details to
28 Mr. Ahern on the same date.

29
14:43:10 30 So that all of this information has been with Mr. Ahern since the 5th of March

14:43:16 1 of this year and the Tribunal has been in correspondence with his solicitors
2 seeking an explanation for the apparent conflict between the explanation given
3 by Mr. Ahern in correspondence and subsequently confirmed in his testimony
4 before the Tribunal here, that the majority of the sums which were unexplained
14:43:40 5 in his response of the 7th of June, was that because he did not keep accounts
6 himself at that time and he was cashing his salary cheques through members of
7 his staff.

8

9 So that is the factual position.

14:43:55 10

11 CHAIRMAN: All right. Well we'll have to await further information. Thank
12 you very much Mr. Hughes.

13 A. Thank you.

14

14:44:02 15

THE WITNESS THEN WITHDREW.

16

17 MR. MILLAR: Chairman, just before you proceed.

18 Nothing to do with Mr. Hughes. Grainne Carruth is here to give evidence, Mr.

19 Chairman and unfortunately she has sever difficulties attending tomorrow if you

14:44:12 20

21 run over. I just thought that I would identify that issue to you now I'm

22 afraid.

23 MR. O'NEILL: There is another witness listed immediately ahead of her who has

24 come from Sligo to give evidence. I think his evidence will be relatively

14:44:25 25

26 short. I don't expect it to be longer than ten minutes or so.

27 CHAIRMAN: Okay. We'll do our best.

28

29 MR. BURKE: Mr. Chairman, David Burke is my name. I'm a member of the law

14:44:32 30

library. I'm instructed by Kent Carthy solicitors. I would like to apply for

14:44:36 1 a grant of limited representation on behalf of Mr. Kenneth McDonald who is
2 about to give evidence.

3

4

CHAIRMAN: Certainly. Granted.

14:44:44 5

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MR. BURKE: Thank you very much, Mr. Chairman.

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MS. FOLEY: Mr. Kenneth McDonald, please.

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14:45:01 1 **MR. KEN McDONALD, HAVING BEEN SWORN, WAS QUESTIONED BY**

2 **MS. FOLEY AS FOLLOWS:**

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4 CHAIRMAN: Good afternoon, Mr. McDonald.

14:45:13 5

6 Q. 539 MS. FOLEY: Good afternoon, Mr. McDonald.

7 A. Hello. How are you.

8 Q. 540 Mr. McDonald, when did you start working with the Irish Permanent Building

9 Society as it was then known?

14:45:22 10 A. I would have started in about 1981, 1982.

11 Q. 541 And at what point did you move to the Drumcondra branch?

12 A. Mid 80s, '85, '86.

13 Q. 542 And at what point did you leave the Drumcondra branch?

14 A. I left the Drumcondra branch around 1990.

14:45:46 15 Q. 543 1990. And you have now left the organisation, is that correct?

16 A. I left the organisation, yes, in '92.

17 Q. 544 Could I have page 26126, please. On screen there, Mr. McDonald, that's a
18 statement of the account the B/T account. I think you will see in the top left
19 hand corner an account number?

14:46:06 20 A. Yes.

21 Q. 545 An indication that it was a share account and then B/T?

22 A. Yes.

23 Q. 546 This account was managed by Mr. Tim Collins the Tribunal has been told. And do
24 you know Mr. Tim Collins?

14:46:20 25 A. I remember Mr. Collins from the branch, yeah.

26 Q. 547 Would you know him as a customer of the branch?

27 A. As a customer, yes.

28 Q. 548 And did you know him as a businessman or as a politician or in what way did you
29 know him?

14:46:32 30 A. Just as a respected man who came into the branch I would have been from a

14:46:38 1 business context.

2 Q. 549 A business context as opposed to a political context?

3 A. Yes.

4 Q. 550 I think the first three transactions on that account there, there on the 6th

14:46:47 5 and 7th of June, they are three transactions that involve your LID number at

6 the time which I understand was No. 287. So if we could have 26125, please.

7 This is the application form to open the B/T account, Mr. McDonald.

8 A. Yes.

9 Q. 551 And I think you have seen this before?

14:47:11 10 A. Yes, I have.

11 Q. 552 And do you have any recollection of this account being opened?

12 A. No, I have no recollection at all.

13 Q. 553 Does your handwriting appear anywhere on this document?

14 A. Yes, it does.

14:47:24 15 Q. 554 Yes.

16 A. The account number.

17 Q. 555 Uh-huh.

18 A. The amount, the address and the date at the end.

19 Q. 556 And the title of the account there BT, is that your writing do you think?

14:47:44 20 A. Yes.

21 Q. 557 And do you know if that reads B dot T or B - T or B ...?

22 A. I can't, I can't remember. It says B dot T but --

23 Q. 558 And would you have given the account that title Mr. McDonald or would it be the

24 client?

14:48:05 25 A. No, I would have been told.

26 Q. 559 You would have been told. And do you recall having any discussion about the

27 title of this account?

28 A. No.

29 Q. 560 Does it strike you as an unusual name for an account?

14:48:11 30 A. No.

- 14:48:13 1 Q. 561 There were a number of accounts that would just have two letters on the title,
2 is that correct?
- 3 A. It would have been as a matter of courtesy to the customer at the time that the
4 branch to fill out the application for them, so it would have been a question
14:48:24 5 answer situation.
- 6 Q. 562 So you would have filled out just what they asked you to put down?
- 7 A. Yeah.
- 8 Q. 563 And the address there I think reads care of IPBS, I think that's 130 Drumcondra
9 Road, Dublin 9, is that correct?
- 14:48:39 10 A. That would have been the address of the branch, yeah.
- 11 Q. 564 And who would have filled in that address?
- 12 A. That's my writing there.
- 13 Q. 565 And would that have been at your own instigation or at the request of the
14 customer?
- 14:48:49 15 A. It would have been at the request.
- 16 Q. 566 And what would that mean if the postal address is that of the branch of the
17 Irish Permanent?
- 18 A. Normally it would mean that all correspondence in relation to the account would
19 be sent to the branch, so it wouldn't have been sent to a home address or --
- 14:49:05 20 Q. 567 So if there was bank statements or interest certificates they would be retained
21 at the branch, is that correct?
- 22 A. Yeah.
- 23 Q. 568 And I think you will see it's a little difficult to read just above the
24 signature of Mr. Collins:
- 14:49:15 25 "I/we hereby declare that this investment is my/our own property and that it is
26 not made by a nominee any other individual or company."
- 27 A. Yeah.
- 28 Q. 569 Did you understand at the time that Mr. Collins was the owner of the funds in
29 this account that?
- 14:49:33 30 A. Would be my understanding, yeah.

- 14:49:34 1 Q. 570 And if you had believed that it was being held as a nominee or in trust for
2 another entity would there have been a different procedure?
- 3 A. As far as I can remember there was in, yes, there was. What that procedure is
4 I have no recollection of. If it had have been opened in as far as a club
14:49:54 5 account or something, I, my instinct would have been to go by the manager at
6 the time, if I wasn't sure of what to do myself. But I do know a personal
7 share application form wasn't the correct administration.
- 8 Q. 571 And if I could have document 26343, please. This document is also dated the
9 6th of June 1989?
- 14:50:25 10 A. Yeah.
- 11 Q. 572 And if you could indicate on it where your handwriting appears, please,
12 Mr. McDonald?
- 13 A. The whole lodgement docket, the date, the name, the address the amount.
- 14 Q. 573 All of the handwriting on that docket is in your writing?
- 14:50:44 15 A. Yeah.
- 16 Q. 574 And the bottom, I think if we look at the printout the time there it's a little
17 bit to read -- I think it reads 12:41?
- 18 A. Yeah, it looks like that, yeah.
- 19 Q. 575 And then 705 which is the Drumcondra branch I understand.
- 14:50:59 20 A. Okay.
- 21 Q. 576 03, what does that refer to?
- 22 A. Um, I think it would be the drawer.
- 23 Q. 577 The drawer?
- 24 A. Or the cash point.
- 14:51:08 25 Q. 578 And 0007?
- 26 A. The transaction number.
- 27 Q. 579 And then we have the account number and then CSH 5,000?
- 28 A. Cash 5,000.
- 29 Q. 580 So that would indicate that it was a cash lodgement of 5,000 pounds, is that
14:51:21 30 correct?

- 14:51:22 1 A. That's my understanding, yeah.
- 2 Q. 581 And if I could have page 26344, please. I think this document if we go
3 directly to the printout at the bottom is 6th of the 6th '89, I think that's
4 12:42?
- 14:51:44 5 A. Yeah.
- 6 Q. 582 Which is one minute after the previous one?
- 7 A. Uh-huh. Yes.
- 8 Q. 583 And then 705 which is the Drumcondra branch again and then 01 what would had a
9 that represent?
- 14:51:56 10 A. The cash point or the drawer.
- 11 Q. 584 So it would be a different one to the previous document, is that correct?
- 12 A. Yes.
- 13 Q. 585 And then transaction No. 13?
- 14 A. No. 13.
- 14:52:05 15 Q. 586 And again the account number and an indication CSH 2285721?
- 16 A. Yes.
- 17 Q. 587 So what would that indicate?
- 18 A. I beg your pardon.
- 19 Q. 588 The CSH 228571?
- 14:52:17 20 A. Yes cash for that amount as lodged.
- 21 Q. 589 Can you think of why it might be that the two cash lodgements one of 5,000 and
22 one of 2,285.71 which appear to have occurred within a minute of each other at
23 the time of the opening of the account, why they would have been done on two
24 separate lodgements dockets?
- 14:52:39 25 A. Well I have no recollection of the actual specific lodgement itself, no, I ...
26 no would be the answer.
- 27 Q. 590 You can't think of any reason why that would be done?
- 28 A. Well maybe for the amount it could be that there was local businessmen in the
29 area so it could have been shop keeper thing.
- 14:53:03 30 Q. 591 But isn't it the case that these two lodgements, Mr. McDonald, are both

- 14:53:07 1 lodgements to the B/T account?
- 2 A. To the same account, yes.
- 3 Q. 592 Occurring at the same time?
- 4 A. Yeah.
- 14:53:19 5 Q. 593 And both in cash?
- 6 A. Yeah.
- 7 Q. 594 And the total is 7,2857.21?
- 8 A. Yeah.
- 9 Q. 595 So I am just wondering why they would require two separate dockets to do 5,000
- 14:53:21 10 and the other to do 2,285.71?
- 11 A. I have no specific recollection of it. I could speculate but ...
- 12 Q. 596 Could you, if you wouldn't mind speculating?
- 13 A. Well the amount would justify that it was, it might be foreign exchange
- 14 transaction.
- 14:53:38 15 Q. 597 Which docket are you saying might be the foreign?
- 16 A. The 2285.
- 17 Q. 598 The 2,285.71.
- 18 A. That's as much as I can remember.
- 19 Q. 599 But it would be speculation?
- 14:53:50 20 A. Uh-huh.
- 21 Q. 600 And then the 5,000 you guess?
- 22 A. Well again I would just imagine it was a straight forward lodgement.
- 23 Q. 601 Could it be possible, is it possible that it could have been a draft, maybe the
- 24 2,2857.71, how would that be described in the printout at the bottom of the
- 14:54:07 25 docket?
- 26 A. As far as I can remember a draft if it was a bank draft or indeed an Irish
- 27 Permanent cheque itself, it would have been put through as cash, it would have
- 28 been put through as cleared funds rather than uncleared funds. So that's the
- 29 only way I think it was distinguished.
- 14:54:25 30 Q. 602 So that would be another possible explanation, would it, Mr. McDonald?

- 14:54:29 1 A. Yeah, yeah.
- 2 Q. 603 Because I think the Irish Permanent have no records of furnishing statements,
3 specific transactions taking place on that day?
- 4 A. Okay.
- 14:54:37 5 Q. 604 Could I have 26345, please. And this is a lodgement to the same account on the
6 following day of 1,000 pounds?
- 7 A. Yeah.
- 8 Q. 605 And can you identify the handwriting on that document?
- 9 A. No, it's not my writing.
- 14:54:56 10 Q. 606 How about the account number?
- 11 A. The account number would be my writing, it looks like my writing.
- 12 Q. 607 But the rest of it is not your writing?
- 13 A. The rest is not my writing, no.
- 14 Q. 608 And the account name there can you read out what it says there?
- 14:55:10 15 A. BT.
- 16 Q. 609 BT. And in between, can you, are you able to identify that as an X or a plus
17 or a hyphen or ...?
- 18 A. It looks like an X.
- 19 Q. 610 Slightly different title to the previous lodgement?
- 14:55:25 20 A. Yes.
- 21 Q. 611 B/T but that was not you that wrote that?
- 22 A. No.
- 23 Q. 612 Do you think it would have been a colleague or would it have been the customer?
- 24 A. I couldn't say. I have no recollection.
- 14:55:37 25 Q. 613 And do you recall any lodgements being made to this account being handled by
26 yourself?
- 27 A. A specific lodgement.
- 28 Q. 614 Uh-huh.
- 29 A. No.
- 14:55:45 30 Q. 615 And as a rule of an account so entitled who would have been making the

14:55:51 1 lodgements would you expect?

2 A. I would have assumed it was the person who owned the account.

3 Q. 616 That would have been Mr. Collins was your understanding?

4 A. By the application form, yeah.

14:56:01 5 Q. 617 And would you accept lodgements into an account from a person other than the

6 person who managed the account?

7 A. Yes.

8 Q. 618 And if it was a cheque made out to a third party would you check to see if that

9 cheque was endorsed or would you lodge it without that? Say if the cheque was

14:56:18 10 made out to somebody other than Mr. Tim Collins or BT. Would you lodge it

11 straight into the account or would you check to see if it was endorsed?

12 A. I, to be honest with you, I can't remember the procedure in relation to a third

13 party cheque.

14 Q. 619 Okay.

14:56:32 15 A. If a third party cheque did come in to be lodged, it would have had to have

16 been endorsed on the back. But whether or not that was the procedure at the

17 time or not, I can't remember.

18 Q. 620 Have you any association in relation to this account with the term Building

19 Trust?

14:56:56 20 A. No.

21 Q. 621 It has been explained to the Tribunal that the BT represents Building Trust,

22 no?

23 A. I wouldn't know.

24 Q. 622 No. Or would you have any any association with it being in connection with the

14:57:06 25 Fianna Fail Party or Dublin Central?

26 A. No, no.

27 Q. 623 Thank you very much, Mr. McDonald.

28

29 CHAIRMAN: All right. Are there any parties who want to ? No.

14:57:17 30

14:57:17 1 CHAIRMAN: All right. Thank you very much Mr. McDonald. Thank you.

2

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THE WITNESS THEN WITHDREW.

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14:57:25 5 MR. O'NEILL: Ms. Grainne Carruth, please.

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MR. GRAINNE CARRUTH, HAVING BEEN SWORN, WAS QUESTIONED BY

MR. O'NEILL AS FOLLOWS:

CHAIRMAN: Good afternoon, Ms. Carruth.

Q. 624 MR. O'NEILL: Ms. Carruth, I think you worked with Mr. Bertie Ahern from 1987 until 1999, is that correct?

A. Yes.

Q. 625 And you have already given evidence before the Tribunal in relation to the operations which were taking place in St. Lukes in Drumcondra which is where you were based, is that correct?

A. Yes.

Q. 626 Recently the Tribunal wrote to your solicitors on the 6th of March 2008, on the subject matter which has been the subject of the examination of the last witnesses who were heard today by the Tribunal. And I will read that letter, it's at page 27275 on screen, please.

"Dear Mr. Millar. The Tribunal has been informed by Mr. Bertie Ahern that lodgements to his account and to the accounts of his daughters at Irish Permanent Building Society, Lower Drumcondra Road in 1994, were processed at his request by Ms. Grainne Carruth.

The Tribunal has received information from Irish Life & Permanent plc the successors to IPBS, that lodgements in their, documents in their possession confirm that certain lodgements to these accounts were processed by Ms. Carruth.

From the information provided to the Tribunal by Irish Life & Permanent plc, it would appear that a number of the transactions conducted by Ms. Carruth may have involved foreign exchange transactions conducted within the Drumcondra

14:59:33 1 branch of the IPBS, details of which are set out hereunder.
2
3 Irish pound lodgements of the 9th of March 1994.
4 1. A lodgement of 4,119.59 pounds was made to the account of Mr. Bertie Ahern.
14:59:51 5 The Tribunal awaits confirmation of the identity of the person who made this
6 lodgement.
7
8 2. A lodgement of 1,028.40 pounds was made to the account of Ms. Cecelia
9 Ahern, accompanied by a lodgement docket signed by Ms. Grainne Carruth.
15:00:10 10
11 3. A lodgement of 1,028.40 pounds to the account of Ms. Georgina Ahern was
12 made accompanied by a lodgement docket signed by Ms. Grainne Carruth.
13
14 Foreign exchange transactions of 9th of March 1994.
15:00:28 15
16 1. A purchase of 4,000 pounds Sterling by IPBS resulted in the seller
17 receiving 4,119.59 pounds. A sum of 4,119.59 pounds was lodged to the account
18 of Mr. Bertie Ahern on the 9th of March 1994. The computer record at IPBS
19 shows that the Sterling purchase transaction was the 12th transaction conducted
15:00:58 20 through teller machine No. 2 on that date and is recorded as having been
21 processed at 10:24.
22
23 The lodgement to the account of Mr. Ahern was the 13th transaction pro
24 processed through teller machine No. 2 and took place at 10:28. Please
15:01:16 25 ascertain from Ms. Carruth whether she is the person who processed the Sterling
26 transaction result in the 4,119.59 pounds being received for the 4,000 pounds
27 Sterling and if the lodgement of the 4,119.59 pounds represents the lodgement
28 to the account of Mr. Ahern of the proceeds of this FX transaction.
29
15:01:41 30 2. 1,000 pounds Sterling was purchased by IPBS for 1,028.40 pounds and the

15:01:50 1 transaction was processed through teller machine No. 2 as the 14th transaction
2 conducted on the machine that day. A lodgement of 1,028.40 pounds to the
3 account of Ms. Cecelia Ahern is recorded as the 15th transaction conducted on
4 teller machine No. 2 at 10:31 on the 9th of March 1994. Please ascertain from
15:02:17 5 Ms. Carruth whether the foreign exchange transaction involving the exchange of
6 1,000 pounds of Sterling for 1,028.40 pounds was conducted by Ms. Carruth and
7 whether the lodgement of 1,028.40 pounds represents the proceeds of this
8 foreign exchange transaction.
9

15:02:39 10 3. A further sum of 1,000 pounds Sterling was exchanged for 1,028.40 pounds as
11 the 16th transaction conducted through teller machine No. 2 on the 9th of March
12 1994 at 10:31. The lodgement of 1,028.40 pounds to the account of Ms. Georgina
13 Ahern was the 17th transaction conducted through teller machine No. 2 that day
14 at 10:33.

15:03:08 15
16 Please ascertain whether Ms. Carruth carried out the foreign exchange
17 transaction of 1,000 pounds Sterling for 1,028.40 pounds and whether the
18 lodgement of 1,028.40 pounds represents the proceeds of this FX transaction.
19

15:03:27 20 Irish pound lodgements of the 9th of May 1994.
21 1. A lodgement in the sum of 3,518.99 pounds was made to the account of
22 Mr. Bertie Ahern accompanied by a lodgement docket signed by Ms. Grainne
23 Carruth.
24

15:03:44 25 2. A lodgement in the sum of 1,000 pounds was made to the account of
26 Ms. Cecelia Ahern accompanied by a lodgement docket signed by Ms. Grainne
27 Carruth.
28

29 3. A lodgement of 1,000 pounds was made to the account Ms. Georgina Ahern,
15:04:02 30 accompanied by a lodgement docket signed by Ms. Grainne Carruth.

15:04:04 1 Foreign exchange transaction of the 9th of May 1994.
2 5,450 pounds Sterling was purchased for the sum of 5,518.99 pounds. Please
3 ascertain from Ms. Carruth whether she is the person who conducted the FX
4 transaction and whether the 5,518.99 pounds represents the 5,518.99 pounds
15:04:35 5 lodged by Ms. Carruth to the accounts of Mr. Ahern and Ms. Cecelia and
6 Ms. Georgina Ahern as 3,518.99, 1,000 pounds and 1,000 pounds.
7
8 Irish pound lodgement of the 28th of October 1994.
9 A lodgement in the sum of 3,970.19 pounds was made to the account of Mr. Bertie
15:05:04 10 Ahern accompanied by a lodgement docket signed by Ms. Grainne Carruth.
11
12 Foreign exchange transaction of the 28th of October 1994.
13 4,000 pounds Sterling was exchanged at the branch for the sum of 3,970.19
14 pounds on the 28th of October 1994. Please ascertain whether Ms. Carruth
15:05:29 15 conducted this transaction and whether the sum of 3,970.19 pounds lodged to the
16 account of Mr. Ahern by Ms. Carruth was funded from the 3,970.19 pounds
17 proceeds of the exchange of 4,000 pounds Sterling.
18
19 The Tribunal requests a narrative statement from Ms. Carruth in respect of
15:05:53 20 these transactions in which she should set out the circumstances in which these
21 monies came in to her possession, detailing any explanation given to her for
22 the fact that the monies furnished to her were furnish in the Sterling and
23 information she has in relation to the source of these monies. Ms. Carruth
24 should set out any other Sterling transactions with which she was involved on
15:06:15 25 behalf of Mr. Ahern and should detail the manner in which she has accounted for
26 all such transactions as were carried out by her on behalf of Mr. Ahern,
27 whether involving foreign currencies or otherwise and whether conducted at IPBS
28 Drumcondra or elsewhere.
29
15:06:31 30 I enclose for your attention the documentation provided to the Tribunal by

15:06:34 1 Irish Life & Permanent plc in relation to the above transactions. The Tribunal
2 would approach appreciation receiving your client's earliest points to the
3 matters raised here."

15:06:48 5 Ms. Carruth, I take it that this letter was brought to your attention
6 relatively after its receipt by your solicitor, Mr. Millar, is that correct?

7 A. I did see it, yes.

8 Q. 627 And is there anything in this document that is unclear to you as regards the
9 requests for information which were being made of you in this letter?

15:07:13 10 A. No.

11 Q. 628 No. You were subsequently invited to attend at interview and to provide a
12 narrative statement to the Tribunal in respect of the matters you have dealt
13 with herein. To date you have done neither, isn't that so?

14 A. That's correct.

15:07:31 15 Q. 629 So can we deal now perhaps in the most general way with the queries which you
16 are raised here. And can you tell me whether or not it is the case that on the
17 9th of March 1994, that you conducted three Sterling transactions at the Irish
18 Permanent Building Society in Drumcondra. The first of them involving the
19 exchange of 4,000 pounds Sterling so as to result in 4,119.59 pounds. Did you
20 conduct such a transaction?

21 A. I have no recollection of any foreign, or any dealings with Sterling
22 whatsoever.

23 Q. 630 Is that to be taken as a no, that you didn't conduct a transaction or are you
24 saying that it may have happened but you simply can't recollect it?

15:08:28 25 A. I have no recollections on any Sterling transactions whatsoever.

26 Q. 631 Yes. I have already heard that response, Ms. Carruth. I am asking you whether
27 or not the Tribunal is to accept from that response which you have given twice
28 that it may be that such a transaction took place and you simply cannot
29 recollect it or is it the case that no such transaction took place?

15:08:53 30 A. The transaction took place but I had no dealings with Sterling. I have no

15:09:00 1 recollections of dealings with Sterling.

2

3 CHAIRMAN: Sorry. Ms. Carruth, there is an important difference between

4 saying I definitely had no dealings with Sterling involving Mr. Ahern and on

15:09:13 5 the one hand and on the other hand, saying I have no recollection. Because

6 that's -- that can be taken as meaning that you may have had but you now can't

7 remember. Because you told us before --

8 A. You are asking. Sorry, Judge Mahon, you are asking me yes or no did I deal

9 with sterling.

15:09:31 10

11 CHAIRMAN: Yes.

12 A. No.

13

14 CHAIRMAN: No you didn't deal with Sterling.

15:09:35 15 A. No.

16

17 CHAIRMAN: So it's not a matter that you have forgotten?

18 A. Well I ...

19

15:09:40 20 CHAIRMAN: Because you told us before that you had had no dealings with

21 Sterling.

22 A. Judge Keys asked me the last time I was here did I deal with foreign money

23 currencies. And I said no. I stand by that from December and I stand by that

24 today.

15:09:54 25

26 CHAIRMAN: All right.

27

28 Q. 632 MR. O'NEILL: So the answer then to the first question that you were asked in

29 correspondence is that you did not involve yourself in a sale of 4,000 pounds

15:10:07 30 Sterling to the Irish Permanent Building Society on the 9th of March 1994, is

15:10:12 1 that right?

2 A. Yes.

3 Q. 633 Did you have any involvement in the sale of 1,000 pounds Sterling to IPBS on

4 the 9th of March 1994, which resulted in the sum of 1,028.40 pounds being given

15:10:33 5 to the seller?

6 A. No.

7 Q. 634 No. Does the same apply then to the second foreign, third foreign exchange

8 transaction that day involving the sale of 1,000 pounds Sterling for 1,028.40

9 pounds?

15:10:51 10 A. No.

11 Q. 635 You weren't involved in that either?

12 A. No.

13 Q. 636 Were you in the branch of the Irish Permanent Building Society on the 9th of

14 March 1994?

15:11:05 15 A. I don't know, that's 14 years ago.

16 Q. 637 I see. You have looked at the documentation which was sent to you,

17 Ms. Carruth, which bears your name on it and gives the details of the

18 transactions. Do you have to rely on recollection of what happened 14 years

19 ago in order to answer that question?

15:11:25 20 A. I have looked at the documentation.

21 Q. 638 Yes.

22 A. And my name is on the documentation.

23 Q. 639 I see. But does that carry with it any implication for you if your name is on

24 the documentation?

15:11:41 25 A. No, I don't think so.

26

27 CHAIRMAN: Could we see that documentation?

28

29 MR. O'NEILL: If we look at page 27289. If we enlarge that and turn it.

15:11:59 30

15:11:59 1 CHAIRMAN: Do we have one without the address on it.
2
3 MR. O'NEILL: Yes, the documents we used this morning.
4
15:12:10 5 CHAIRMAN: Is there an address on them?
6
7 Q. 640 MR. O'NEILL: You see that document on screen there, Ms. Carruth?
8 A. Yes.
9 Q. 641 You were sent a copy of this document albeit with the complete address on it
15:12:28 10 which has been deleted for privacy reasons this morning. You are Grainne
11 Carruth, isn't that so?
12 A. Yes.
13 Q. 642 The address which is beneath that you know to be the address that you were
14 living in, in 1994, isn't that so?
15:12:43 15 A. Yes.
16 Q. 643 Right. Did you write Grainne Carruth and put this address here?
17 A. Yes.
18 Q. 644 You did. Does it follow then that you made the lodgement of 1,028.40 pounds to
19 the account of Ms. Celia Larkin (sic)?
15:13:07 20 A. Cecelia Ahern.
21 Q. 645 Ms. Cecelia Ahern on the 9th of March 1994. Sorry I beg your pardon.
22 A. No.
23 Q. 646 It doesn't?
24 A. No.
15:13:14 25 Q. 647 Well will you explain that, please?
26 A. The date is not mine.
27 Q. 648 Yes.
28 A. The account number is not my handwriting and the total is not my handwriting.
29 Q. 649 What do you mean by the total, the 1,028.40?
15:13:30 30 A. Yes.

- 15:13:31 1 Q. 650 I see. But it is your writing on the lodgement docket?
- 2 A. Yes.
- 3 Q. 651 And that lodgement docket resulted in this amount of money being lodged to the
- 4 account of Ms. Cecelia Ahern.
- 15:13:45 5
- 6 CHAIRMAN: On that date.
- 7
- 8 Q. 652 MR. O'NEILL: On that date.
- 9 A. Yes.
- 15:13:48 10 Q. 653 What role did you have in this, Ms. Carruth?
- 11 A. On this particular lodgement?
- 12 Q. 654 Uh-huh.
- 13 A. I filled out the lodgement slip. I filled out Grainne Carruth and Cecelia
- 14 Ahern.
- 15:14:07 15 Q. 655 Did you have 1,028.40 pounds in your hand at the time?
- 16 A. No.
- 17 Q. 656 Sorry? No?
- 18 A. No.
- 19 Q. 657 Well what were you doing then signing a lodgement docket if you weren't going
- 15:14:18 20 to lodge this money to it?
- 21 A. I could have signed it with the belief of going over there or maybe go at some
- 22 stage but I did not lodge 1,228.40.
- 23
- 24 CHAIRMAN: Ms. Carruth, you have told us before that you did make lodgements
- 15:14:38 25 to the girls accounts.
- 26 A. Judge Mahon, I made lodgements to the girls accounts, yes. I did that.
- 27
- 28 CHAIRMAN: So this is, I'm just wondering how you can so certain that this
- 29 wasn't one of them. What makes you think from the information there that this
- 15:14:53 30 wasn't one of the ones that you lodged to the girls' accounts

15:14:57 1 A. Because I have no recollection. I have no belief that I ever saw or handled or
2 dealt in Sterling.

3

4 CHAIRMAN: No but this is.

15:15:18 5 A. That's a Sterling transaction I assume.

6

7 CHAIRMAN: No. This is --

8 A. Irish.

9

15:15:18 10 CHAIRMAN: This is the Irish equivalent of the Sterling.

11 A. Yes.

12

13 CHAIRMAN: So this is the actual lodgement to the account.

14 A. Yes.

15:15:21 15

16 CHAIRMAN: The Sterling, the Sterling transaction took place within a very
17 short period of time of this.

18 A. Right, yes.

19

15:15:32 20 CHAIRMAN: The bank believe that they are connected.

21 A. Yes.

22

23 CHAIRMAN: But well can you Explain circumstances which might occur where you
24 would fill out the docket that somebody else would have ...

15:15:48 25 A. That is possible. I could have filled out the lodgements slip. It could have
26 been in the office but nothing else relates to my handwriting on that only my
27 signature and Cecelia E Ahern.

28 Q. 658 MR. O'NEILL: You have already, I think given evidence to the Tribunal, Ms.

29 Carruth, you were the only person who made the lodgements to the girls account,

15:16:15 30 isn't that your evidence?

- 15:16:16 1 A. Yes.
- 2 Q. 659 If that is true, then this lodgement to the girls account is a lodgement made
3 by you, isn't that so?
- 4 A. No, I don't believe that.
- 15:16:27 5 Q. 660 Well then it would mean that somebody else other than you made lodgements to
6 the girls accounts, whereas it was your evidence that you were the only person
7 who made the lodgements to the girls accounts?
- 8 A. I made lodgements to the girls accounts from his salary cheques.
- 9 Q. 661 You were the only one who did so?
- 15:16:47 10 A. That was my belief, yes.
- 11 Q. 662 Have you changed your belief now because you see this document and you are
12 disclaiming this document as being a document which resulted in you making a
13 lodgement?
- 14 A. I don't know and I don't remember doing any of this.
- 15:17:09 15 Q. 663 Is the reason that you are disclaiming this document because you know it to be
16 a lodgement of an amount which was generated from an exchange of 1,000 pounds
17 Sterling?
- 18 A. I never dealt in Sterling.
- 19 Q. 664 Yes. Why do you say that you didn't make this lodgement, Ms. Carruth?
- 15:17:32 20 A. Because it equates from Sterling and I have no knowledge of Sterling.
- 21 Q. 665 But there's nothing on the face of this to suggest to you that it is in fact
22 Sterling?
- 23 A. But you are saying earlier that it came from a process which was --
- 24 Q. 666 That is the belief from?
- 15:17:50 25 A. -- sterling.
- 26 Q. 667 That is the belief of the bank from the series of events that have been
27 examined in detail over the course of the morning and the records of the bank
28 which would show that this particular transaction No. 15 in series was preceded
29 by transaction No. 14 which we'll see at page 27288 was the exchange. 27288,
15:18:16 30 the exchange of 1,000 pounds Sterling for the sum of 1,028.40 pounds. You see

- 15:18:28 1 that that is transaction No. 14 on that day?
- 2 A. Yes.
- 3 Q. 668 Indicating on its face indicating on its face that this is part of a series of
- 4 transactions. So whilst it is evident that it is a transaction which took
- 15:18:48 5 place in the branch on the same day and in an amount which is exactly the same
- 6 as regards the six digits that you see representing the amount as the six
- 7 digits which were lodged to Ms. Cecelia Ahern's account. There is nothing in
- 8 fact on the face of the document 27289 which says that it's Sterling, isn't
- 9 that so?
- 15:19:15 10 A. Yes.
- 11 Q. 669 So if you can't remember the transaction, what particular reason prompts you to
- 12 disclaim having an involvement in it, if you can't remember it and if appears
- 13 to have your name and address on the face of it?
- 14 A. I don't know, my name and my address is on it, that's all I can account for.
- 15:19:40 15 Q. 670 So your name and address on a lodgement slip of this amount to this account
- 16 would in all probability mean that you are the person making the lodgement,
- 17 isn't that so?
- 18 A. Yes.
- 19 Q. 671 Yes. Yet you are saying that you did not make this lodgement?
- 15:20:00 20 A. Yes.
- 21 Q. 672 And is the only reason you are saying that because you believe that this sum is
- 22 connected with the exchange of 1,000 pounds Sterling and you are already on
- 23 record as denying having involvement with Sterling?
- 24 A. Yes.
- 15:20:15 25 Q. 673 Is that why you are denying this particular transaction as being your own?
- 26 A. Yes.
- 27
- 28 CHAIRMAN: Well, Ms. Carruth, that could place you in a somewhat serious
- 29 position because in effect if your answer is taken in its ordinary meaning it
- 15:20:41 30 would suggest that the only reason you are now denying any knowledge of these,

15:20:46 1 of this particular lodgement, is because you don't want to be seen to be taking
2 a different stance than you took on a previous occasion, do you understand?
3 Which isn't a very good reason for taking that position. And it could, and it
4 has very serious consequences for you, given that you are giving evidence under
15:21:11 5 oath. Do you understand?
6

7 What you have effectively said in reply to Mr. O'Neill a few moments ago was,
8 or is, that because you took a particular stance on the last occasion, maybe
9 genuinely so, I mean, I'm not suggesting that it automatically follows that you
15:21:38 10 were lying on a previous occasion. But because you took a position the last
11 time, that you are now -- that you are going to stand over that position even
12 given the evidence that we see.

13 A. The evidence that I see, Judge Mahon, remains on it.
14

15:21:49 15 CHAIRMAN: Well your name, your address.

16 A. Yes.
17

18 CHAIRMAN: The name of the account holder.

19 A. Yes.
20

15:21:54 21 CHAIRMAN: Yes.

22 A. I have no recollections of Sterling.
23

24 JUDGE FAHERTY: And coupled, just to add to the Chairman, with your previous
15:22:02 25 testimony that you were the only person who made lodgements to the accounts of
26 Cecelia and Georgina Ahern?

27 A. Yes.
28

29 JUDGE FAHERTY: Isn't that correct?

15:22:09 30 A. Yes.

15:22:12 1 JUDGE FAHERTY: Fine.

2

3 MR. MILLAR: Mr. Chairman, sorry to interrupt Mr. O'Neill he was just about to
4 start there.

15:22:20 5

6 To be fair to the witness, I think what's happened here is that working on the
7 assumption that the 1,028.40 was the proceeds of 1,000 Sterling. By
8 implication it's linking my client into a Sterling transaction. And I think
9 that's what's causing the confusion here.

15:22:33 10

11 I think if it was simply that this had no relationship to a Sterling
12 transaction I think that would be a different issue. But my client has no
13 recollection and has said that she did not deal with Sterling at all. So it is
14 the fact that these two are linked in the eyes of the Tribunal this morning
15 that's what's giving rise to the problem.

15:22:49 16

17 CHAIRMAN: Well let her answer properly would be, I assume it is a lodgement
18 that I was involved with but I have no recollection or I don't believe that I
19 had any involvement with a linked or a possibly linked Sterling transaction.

15:23:04 20

21 But it's important that Ms. Carruth would, would tell the Tribunal what her
22 honest belief and recollection is.

23 MR. MILLAR: Well I think she is giving you that, Chairman. I think the
24 situation is the linking of two transactions is what is causing the issue here.

15:23:24 25

26 Ms. Carruth obviously feels if she says that she made this lodgement, she is
27 saying that she made a sterling transaction, which she says never did. And
28 that's giving rise to the problem.

28

29 JUDGE FAHERTY: Mr. Millar.

15:23:34 30

15:23:34 1 JUDGE KEYS: There is four minutes between the timing on the documentation
2 between the Sterling transaction and then the further lodgement to the, to both
3 children's accounts. So they happened within minutes of each other.
4

15:23:52 5 JUDGE FAHERTY: Ms. Carruth, if I could put it this way. And if you look at
6 the sequence of events that would appear from the documentation we have. That
7 occurred on the 9th of March. And this might assist your recollection.
8 Perhaps it won't but I put it forward.
9

15:24:06 10 As we understand it, somebody presented to the Irish Permanent on the 9th of
11 March at 10:24 with Sterling of 4,000 and a transaction was conducted where a
12 sum of 4,119.59 was received.

13 A. Yes.
14

15:24:27 15 JUDGE FAHERTY: At 10:28 somebody, obviously be it yourself or somebody else,
16 stepped in at that juncture to teller No. 2 and lodged, I am not saying it was
17 you, because I don't know whether it was, perhaps you will tell us, 4,119.59 to
18 the account of Mr. Ahern. Are you with me so far?

19 A. Yes.
20

15:24:46 21 JUDGE FAHERTY: You then appear, if you don't, if you weren't involved as you
22 say in Sterling from the documentation you would appear at that juncture then
23 to have stepped out from teller No. 2 and allowed some other at 10:28 to
24 present himself or herself with 1,000 Sterling for conversion. They then step
15:25:12 25 out, it would appear from the documentation, and you step in again with one
26 whatever, 1,028.40 to lodge to Cecelia Ahern and ditto with Georgina Ahern.
27 That is the sequence of events of the documents that we see, and I am only
28 going on the documents, Ms. Carruth, you understand?

29 A. Yes.
30

15:25:36

15:25:36 1 JUDGE FAHERTY: So if you weren't involved in Sterling transactions it would
2 appear that physically on the day on the 9th of March, somebody, in respect of
3 the two 1,000s. You were there at the teller lodging money, if you say you
4 were, if it's accepted that you lodged the money to Cecelia Ahern's account and
15:25:53 5 you would step out again and allow somebody else to conduct a transaction and
6 you go back again. Do you see what I'm saying?

7 A. Yes, Judge.

8
9 JUDGE FAHERTY: It seems completely illogical that that sequence of events
10 would have happened on that day, Ms. Carruth.

11 A. I accept that, thank you, Judge.

12 Q. 674 MR. O'NEILL: Having accepted it, Ms. Carruth, do you have any explanation that
13 you can offer to the Tribunal as to why it is that there are this sequence of
14 documents proceeding with item transaction No. 12, the exchange of 4,000 pounds
15 Sterling for 4,119.59 pounds a unique series of figures? That the very next
16 transaction No. 13 that goes through the system, has exactly the same sequence
17 of numbers 4,119.59. I suggest to you that it is absolutely proof positive
18 that those two transactions are interlinked because they have exactly the same
19 six digits in the same sequence as each other, isn't that right?

15:27:03 20 A. Yes.

21 Q. 675 Yes. Did you ever lodge money to Mr. Ahern's account and in particular did you
22 lodge this 4,119.59 pounds to his account?

23 A. It was only brought to my attention last week that Mr. Ahern even had an
24 account over there.

15:27:29 25 Q. 676 Well that is hardly an answer to the question I am asking you. Did you ever
26 lodge cash to Mr. Ahern's accounts and in particular did you lodge this
27 4,119.59 pounds to his accounts?

28 A. I have no memory of that.

29 Q. 677 Well why have you no memory of the fact that you may have lodged cash to
15:27:54 30 Mr. Ahern's accounts?

15:27:57 1 A. I have no memory of Bertie having an account over there.
2
3 CHAIRMAN: Ms. Carruth, were you ever in this bank?
4 A. Yes.
15:28:05 5
6 CHAIRMAN: During your time with Mr. Ahern?
7 A. Yes.
8
9 CHAIRMAN: For what purpose?
15:28:09 10 A. To lodge to his daughter's accounts.
11
12 CHAIRMAN: Okay. So you are saying that while you lodged to their accounts
13 you never lodged to Mr. Ahern's accounts?
14 A. No, I am saying that I have no memory of him. I have no recollection of him
15:28:27 15 having an account there at that time.
16
17 CHAIRMAN: And is it likely that you would have lodged 1,028.40 pounds?
18 A. It seems a strange amount, Judge.
19
15:28:37 20 CHAIRMAN: Yes, in cash?
21 A. Yes.
22
23 CHAIRMAN: Unless it was a cheque, which it wasn't?
24 A. Yes.
15:28:44 25
26 CHAIRMAN: Or unless it was, it had been exchanged for Sterling or whatever?
27 A. Yes.
28
29 CHAIRMAN: You would agree with that?
15:28:53 30 A. Yes.

15:28:53 1 CHAIRMAN: It's not a sum -- you are unlikely to go over with 1,028.40 pounds?

2 A. That doesn't make sense.

3

4 CHAIRMAN: Twice.

15:29:03 5 A. Yes.

6

7 CHAIRMAN: In effect twice.

8 A. Yes. You would, to me I would wound it up to 1,000 pounds or that.

9

15:29:13 10 CHAIRMAN: So given that we see your name here?

11 A. Yes.

12

13 CHAIRMAN: Is it still your position that you don't believe you were involved

14 with this particular transaction or is it the case that you accept that you

15:29:27 15 probably were but you have no recollection of it?

16 A. I accept, Judge, I probably was but I have no recollection of it.

17

18 CHAIRMAN: All right.

19

15:29:37 20 Q. 678 MR. O'NEILL: So if you probably were involved in such a transaction or series

21 of transactions on this one day, Ms. Carruth, it would follow that somebody had

22 given you 6,000 pounds in Sterling with an instruction that you would lodge

23 4,000 of it to Mr. Ahern's account when translated into Irish money. That you

24 would lodge 1,000 of it when translated into Irish money to the account of each

15:30:05 25 of his daughters, isn't that the so? That's the only logical sequence that can

26 happen, isn't that right?

27 A. I have no recollection of Sterling ever being in my hands.

28

29 MR. MILLAR: Sorry, Mr. Chairman, sorry to interrupt. I think my client was

15:30:25 30 agreeing with the Chairman's assertion there that she was involved in the

15:30:29 1 lodgement to the girls accounts. Maybe that's what she meant I think.

2

3 MR. O'NEILL: Well --

4

15:30:37 5 CHAIRMAN: I want to be quite clear about this. Ms. Carruth also accepts that
6 it was unlikely that she'd have gone over with 1,028.40 pounds into the bank,
7 that odd sum and lodged unless it was either a cheque, which we know it wasn't,
8 or linked to a Sterling amount. Because if would, clearly and she accepts
9 this, it wouldn't have been logical for somebody to use pence in those
10 circumstances on an odd figure when lodging to two separate accounts. That's
11 her position, as I understand it.

12

13 Q. 679 MR. O'NEILL: You see, you were asked, Ms. Carruth, in the course of an
14 interview back in July of 2006, which followed upon Mr. Ahern having informed
15 the Tribunal that lodgements were made by you and by Ms. Sandra Cullagh to --
16 Sorry, not lodgements but cheques of his were exchanged in financial
17 institutions for cash by you and by Ms. Cullagh. And this was during a period
18 when he did not operate any bank accounts, isn't that so?

19 A. Yes.

15:31:59 20 Q. 680 You are aware of that? He indicated to the Tribunal that he would give his pay
21 cheque to you or to Ms. Cullagh and that it would be cashed and the cash would
22 be brought back to him in his office?

23 A. Yes.

24 Q. 681 Isn't that so? And you were asked at interview what your role was in his
15:32:19 25 banking affairs and you gave evidence or you gave an answer to questions put to
26 you in relation to it, isn't that so?

27 A. Yes.

28 Q. 682 Now, I will just recap on that if we may by looking at page 17932, a series of
29 questions and answers starting at question six. That's page 17932. Question
15:32:51 30 six, please.

15:32:52 1 "Q: And in relation to Mr. Ahern's affairs in, addition to dealing with his
2 political affairs, would you have had any dealings with his personal affairs?
3 A: No, only in dealing with doing the lodgements of his pay cheques.
4 Q: In that context, can you tell us what your best recollection when was that
15:33:13 5 first request to conduct any banking transactions?
6 A: Probably from the start. He would have just asked me to go over to the
7 bank".
8 The start there, Ms. Carruth, is 1987, isn't that correct?
9 A. Yes.
15:33:27 10 "Q: What was the nature of the transaction?
11 A: It would have been to cash his minister's cheque or TD's cheque and bring
12 it back to him in the office. I would have cashed the cheque in Drumcondra.
13 Q: And was it always in Drumcondra?
14 A: Yes. I always went to AIB in Drumcondra and then I would come back to him
15:33:46 15 in the office and give him the cash back or leave the money for him in his
16 room".
17
18 That was your first response to what your banking transactions were for
19 Mr. Ahern, isn't that right?
15:33:58 20 A. Yes.
21 Q. 683 And I think that when it came to giving the detail of that on day 802 at page
22 163 you were asked about the cheques that you would cash for Mr. Ahern. At
23 question 102. That's day 802 page 163; question 102 .
24
15:34:38 25 "Q: And was it the case that Mr. Ahern would, it was always just one cheque or
26 would you be given, could it be the case that on occasion he would have
27 assembled a number of cheques?
28 A: No, I was given the cheques each month.
29 Q. Every month?
15:34:52 30 A: Yeah. Every month. He would have been paid on a monthly basis, he would

- 15:34:57 1 have given them to me then.
- 2 Q: I think he was actually paid every two weeks but I'm subject to correction
- 3 on that, but your recollection is that it was a monthly payment?
- 4 A: Monthly.
- 15:35:06 5 Q: Okay. But if it was every two weeks what you are clear about is that you
- 6 only did it once a month so he may well have cheque given you two cheques once
- 7 a month?
- 8 A: I don't recall. I just remember it being every month."
- 9
- 15:35:23 10 Judge Keys asked you on the same day at page 169, 802 "Just one question. Do I
- 11 take it from your evidence that the only banking input you had with Mr. Ahern
- 12 was related purely to his cheques arising from his salary, is that correct?
- 13 A: Yes, Judge.
- 14 Q: Nothing else?
- 15:35:46 15 A: Nothing else, Judge".
- 16
- 17 Do we take it from that, Ms. Carruth, that until that point, day 802, you were
- 18 making no reference to the fact that you were in fact making lodgements to
- 19 Mr. Ahern's own accounts, isn't that so?
- 15:36:03 20 A. Yes.
- 21 Q. 684 And why is it that you did not indicate to the Tribunal at that time that not
- 22 only were you engaged in cashing his cheques and bringing the money back to
- 23 him, you were also engaged in making lodgements to his bank account?
- 24 A. I don't remember. I didn't remember at the time that he had a bank account --
- 15:36:28 25 an Irish Permanent account.
- 26 Q. 685 Well had you not discuss this had with Mr. Ahern before the responses were
- 27 given by him to the Tribunal as to what accounts he had and what lodgements
- 28 were made to them, did he not discuss that with you?
- 29 A. No.
- 15:36:46 30 Q. 686 We'll see from page 27293, the next lodgement in sequence to the IPBS account

15:36:54 1 of Mr. Ahern's was the sum of 3,518.99 pounds. You see that? It will come on
2 screen now in a moment; 27292, please. That's an incorrect page reference
3 number. 27293, please.
4

15:37:26 5 I think this stems from the addresses may have been blanked but -- is that it
6 there? Yes. That document 9th of May 1994, Ms. Carruth, you see that?
7 A. Yes.
8 Q. 687 It's a lodgement to Mr. Ahern's account?
9 A. Yes.
15:37:42 10 Q. 688 It's sign the Grainne Carruth?
11 A. Yes.
12 Q. 689 Does it follow that you were in the bank on this day, the 9th of May 1994, and
13 that you made a lodgement of 3,018.99 pounds to Mr. Ahern's account? Sorry.
14 3,518.99 pounds.
15:38:03 15 A. Yes.
16 Q. 690 You did?
17 A. I -- when I look at this, it's my date, that's how I date stuff.
18 Q. 691 Yes.
19 A. So I possibly, yes, could have done this.
15:38:30 20 Q. 692 And you will see that that is a cash lodgement.
21 A. Yes.
22 Q. 693 What can you tell the Tribunal about making cash lodgements on behalf of
23 Mr. Ahern? You have so far indicated that until now you did not tell the
24 Tribunal that you made any lodgements to Mr. Ahern's account. Are you is a now
15:38:43 25 saying that you made cash lodgements to his account?
26 A. I have no memory, well, it's just being put in front of me that obviously
27 Bertie did have an account there. But I don't have a memory of his account
28 being there.
29 Q. 694 Can I suggest to you that it hasn't just been put in front of you, Ms. Carruth.
15:39:06 30 You've had this documentation for over two weeks now. You've been asked to

15:39:11 1 deliberate on it and to come in to give evidence in relation to your evidence
2 on this particular transaction?

3 A. Yes.

4 Q. 695 You have had a whole series. In fact, you've had every document that was
15:39:23 5 considered this morning in evidence before you. And there are obvious
6 conclusions which anybody could draw from the sequencing of the transactions
7 and from your signature to various documents, isn't that right?

8 A. Yes.

9 Q. 696 Is it going to be the case that your response to every question on detail is
15:39:44 10 that you cannot recollect and you cannot remember?

11 A. I can't remember, sorry. It's 14 years ago. I can't remember back that long.

12

13 JUDGE FAHERTY: Mrs. Carruth, on a previous occasion you had recollection of
14 bringing cash back to Mr. Ahern.

15:40:03 15 A. Yes.

16

17 JUDGE FAHERTY: And leaving it either in a drawer on or handing it to him on
18 occasions in respect of you cashing his cheques, isn't that correct and you had
19 memory of that?

15:40:13 20 A. Yes.

21

22 JUDGE FAHERTY: And really what Mr. O'Neill is asking you. Is how is it that
23 you don't have recollection or memory of doing the opposite, going with cash at
24 the behest of Mr. Ahern and lodging it?

15:40:27 25 A. My memory at that time was just dealing on his cheque and then going to Irish
26 Permanent.

27 Q. 697 MR. O'NEILL: You were asked in the course of interview with the Tribunal in
28 June of 2006, I beg your pardon. 6th of July 2006 at page 17935, question 33.

29

15:41:03 30 "In relation to other transactions were you ever requested by Mr. Ahern to

15:41:07 1 lodge cash to any account from the safe?

2 A: No." Do you accept now that that is incorrect?

3 A. Yes.

4 Q. 698 In giving your evidence on day 802, Ms. Carruth, at page 169 you were

15:41:48 5 questioned by Judge Keys about the extent of your banking transactions for

6 Mr. Ahern as follows.

7

8 "I take it then from your evidence that the only banking input with Mr. Ahern

9 was related purely to his cheques arising from his salary, is that correct?

15:42:09 10 A: Yes, Judge.

11 Q: Nothing else?

12 A: Nothing else, Judge.

13 Q: Never asked to lodge monies, change currency or anything like that?

14 A: No. "

15:42:20 15

16 That is now untrue, isn't that right, Ms. Carruth?

17 A. It appears that way.

18 Q. 699 Well what's the explanation for that, Ms. Carruth? Is it the case that until

19 such time as uncontrovertible evidence is laid before you, that you are

15:42:50 20 prepared to deny that you were involved in the matter. And when the evidence

21 is put before you, your response is to indicate that you simply cannot

22 recollect.

23

24 MR. MILLAR: Sorry, Mr. Chairman, I object to the manner in which way that

15:43:03 25 question was posed. I mean the witness has said that it was 14 years ago and

26 she does not recollect this at all.

27

28 MR. O'NEILL: I would like to continue my examination without interruption.

29

15:43:12 30 CHAIRMAN: Perfectly -- Ms. Carruth has had this information now for a couple

15:43:18 1 of weeks. And I presume if it's her position now, as it appears to be, that
2 information previously given to the Tribunal under oath was incorrect, that
3 that should have been corrected before now.

15:43:35 5 MR. MILLAR: Well I think with respect, she has offered an explanation for
6 that. She did not recollect this at all. It has been put to her that she did
7 recollect and this is as an implication of the Tribunal's questions, she did
8 recollect it but she is only admitting it now. That is not what she said.

15:43:49 10 CHAIRMAN: Ms. Carruth accepts now that these transactions were conducted by
11 her.

13 MR. MILLAR: Yeah on the face of documentation that's been put in front of
14 her, yes.

15:43:58 15 CHAIRMAN: Well it's been put in front of her over the last week or two weeks.

18 MR. MILLAR: Oh, absolutely. But it wasn't put in front of her when she was
19 here in December when the questions were posed by Judge Keys.

15:44:09 20 CHAIRMAN: I'm just saying the position. If these helped her recollect or
21 accept that the position is different to that already given, I am just
22 suggesting to you that the appropriate thing to have done was to have
23 corrected, to have sought to correct the record in the last week or two weeks.

15:44:31 25 MR. MILLAR: Well, Mr. Chairman, I have been in communication with the
26 Tribunal about this. We were asked to attend a meeting at less than 12 hours
27 notice when I wasn't at work. When the Tribunal were advised that I wasn't
28 there at all. We were then asked. That was on a Friday. We were then asked
29 to attend at 12 o'clock on Monday. I didn't see the letter until Monday. So
15:44:44 30

15:44:49 1 we were given no opportunity.

2 CHAIRMAN: But you were also invited to make a, to submit a narrative

3 statement which could have been done.

4

15:44:58 5 MR. MILLAR: I have addressed that with the Tribunal's solicitors. That I

6 didn't have an opportunity to do that.

7

8 CHAIRMAN: All right.

9

15:45:03 10 MR. MILLAR: So I think it's unfair to categorise it in that way that

11 Ms. Carruth refused or didn't bother. That is not the case.

12

13 JUDGE KEYS: Can you recollect what you said in your letter to the Tribunal.

14

15:45:15 15 MR. MILLAR: Do you recollect?

16

17 MR. MILLAR: Absolutely I do, yes.

18

19 JUDGE KEYS: Standing by the answers which you gave to my questions.

15:45:23 20

21 MR. MILLAR: Yes.

22

23 JUDGE KEYS: She already having all of the documentation which has been put

24 before her now.

15:45:28 25

26 MR. MILLAR: I absolutely recollect it. The reality of the situation is after

27 14 years --

28

29 JUDGE KEYS: What's unfair it about it?

15:45:37 30

15:45:37 1 MR. MILLAR: What's unfair about it, Judge, is that categorising it in such a
2 way that this witness is simply saying now that she recollects issue but that
3 she is only being put to the pin of her collar to do so and that she was
4 conceding the truth. That's what is unfair about it.

15:45:46 5
6 JUDGE KEYS: Why do you have to be put to the pin of your collar before you
7 concede anything?

8
9 MR. MILLAR: But that's exactly the point, Judge Keys. You are making the
10 point that I am complaining about.

11
12 JUDGE KEYS: All I can say is that when she got the documentation. All your
13 client had to do was to look at the documentation. She could have made a
14 greater effort to try and recollect what exactly went on in this period of time
15 and in light of what she said now, could have gone to you and said listen, I
16 think I'm wrong in the manner in which I answered the questions raised by me.
17 And I have written in in advance and said in a normal narrative statement or at
18 least put the Tribunal on notice that your client is not standing by exactly
19 her answers which she has given to so far to the Tribunal.

15:46:31 20
21 MR. MILLAR: Judge, these issues came up for the first occasion. The last of
22 this documentation arrived in my office last Friday. We have dealt with this
23 matter expeditiously. And I object to the implied criticism that Ms. Carruth
24 should have come running in here two weeks ago saying I got it wrong. We are
15:46:49 25 here within a very short period of time of getting this documentation at all.

26
27 JUDGE KEYS: All we want is the truth. That's what we're looking for.

28
29 MR. MILLAR: I object to the implication that my client is not telling the
15:46:59 30 truth or has not told the truth.

15:47:02 1
2 CHAIRMAN: Okay.
3
4 Q. 700 MR. O'NEILL: I repeat the question to you, Ms. Carruth. And it's this. Is it
15:47:07 5 the case that until such time as you are, have evidence produced to you which
6 uncontrovertibly establishes that you were involved in these transactions, that
7 you would not disclose them and once that evidence is available to you, that
8 your response is that you simply do not recollect?
9 A. I am trying to be good help and assistance to this Tribunal.
10 Q. 701 Okay. If that is so, Ms. Carruth, I think you accept that on the 9th of March
11 of 1994, you are involved in these three transactions involving Mr. Ahern and
12 his two daughters and lodgements to their accounts, isn't that so?
13 A. Yes.
14 Q. 702 The sum total of those lodgements is 6,176.39 pounds in cash. How could you
15:48:09 15 forget involving yourself in such a transaction?
16 A. I have no recollection of dealing in large amounts of money.
17 Q. 703 But you accept that you did. If you are the person involved in these
18 transactions you had in your hand during the course of that day 6,176.39 pounds
19 which is the exact equivalent of 6,000 pounds Sterling. I am suggesting to
15:48:42 20 you, you couldn't forget that.
21 A. I have no recollection of that. I have no recollection of dealing in large
22 amounts of monies.
23 Q. 704 The very next transaction we see then on page 27293. Is the lodgement of
24 3,518.99 pounds to the account of Mr. Ahern on the 9th of May. Again, I'm
15:49:17 25 afraid it's one of these ones with the obliterated address, which causes us
26 some delay here. You will see that that is also a cash lodgement, Ms. Carruth?
27 A. Yes.
28 Q. 705 And in the sequence of those lodgements the next is that of 1,000 pounds to
29 Ms. Cecelia Ahern's account which is at page 27295. Sorry -- 27295.
15:50:01 30

15:50:02 1 MR. MILLAR: Chairman, that's the document with the address on it, please.

2 MR. O'NEILL: Right. I think we have it there now, Ms. Carruth. It's 1,000

3 pounds to the account of Cecelia Ahern.

4 A. Yes.

15:50:26 5 Q. 706 Cash. It's the next transaction in sequence. It's No. 20 and No. 21 will be

6 the lodgement to Georgina's account which is No. 19 in the same amount. Now,

7 those three amounts total 5,018.99 pounds when you add the three together,

8 isn't that right?

9 A. Yes.

15:50:53 10 Q. 707 Yes. And that as we know is the same sum as the product of the exchange of 5,

11 450 pounds Sterling on the same day through the same branch with the same

12 teller at page 27292. Would you accept the evidence of Mr. Hughes that his

13 belief was given this series of events, this sequence of documents that is

14 before you, his belief was that this exchange of 5,450 pounds Sterling produced

15:51:50 15 the 5,518.99 pounds which is represented in the next three lodgements, would

16 you accept that as being probable if not certain?

17 A. I would accept it.

18 Q. 708 You would accept it. And you accept that in each one of the three lodgement

19 dockets, you are the person who signed the lodgement docket, isn't that so?

15:52:12 20 A. Yes.

21 Q. 709 So you would accept that you longed 5,518.99 pounds to those accounts?

22 A. I have no recollection of that figure, of that money.

23 Q. 710 It's a huge amount of money, just as the last --

24 A. I agree --

15:52:33 25 Q. 711 -- just as the last lodgement was, isn't that right?

26 A. I agree.

27 Q. 712 And the second in this particular series I suggest to this one account. And

28 all the more memorable I suggest for that?

29 A. It should be memorable to me.

15:52:49 30 Q. 713 It should be. And why isn't it?

- 15:52:51 1 A. It's 14 years ago.
- 2 Q. 714 What has that got to do with it?
- 3 A. I --
- 4 Q. 715 You have seen the documents in front of you?
- 15:53:01 5 A. I have seen the documents. I have seen the documents. But I can't imagine
6 that I would be comfortable in dealing with cash like that. It's not in my
7 nature.
- 8 Q. 716 Ms. Carruth, I am sure that if you were working in a bank, if you were a bank
9 official and if you were dealing with these sort of figures every day it would
10 be, it would mean nothing to you to see a document 14 years later showing a
11 lodgement of 5,518 pounds?
- 12 A. I agree.
- 13 Q. 717 You were working as an office working for Mr. Ahern?
- 14 A. Yes.
- 15:53:34 15 Q. 718 Isn't that right?
- 16 A. Yes.
- 17 Q. 719 You were making about 66 pounds a week, isn't that right?
- 18 A. Yes.
- 19 Q. 720 You were being paid by Willdoover, a company connected with Mr. Richardson in
15:53:42 20 relation to that. You were handling, I suggest, these monies as evidenced by
21 the fact that your signature appears on each one of the lodgement dockets,
22 isn't that so?
- 23 A. Yes.
- 24 Q. 721 How could you forget that you are dealing with these huge sums of money?
- 15:54:00 25 A. I have no idea. I have searched and tried and tried since this has come into
26 my home and I can't recall anything that significant that I dealt with it.
- 27 Q. 722 But you accept as a probability that you did so handle it, you were in the bank
28 on this day and you did handle this amount of money?
- 29 A. Yes, I accept ...
- 15:54:44 30 Q. 723 What was your reaction, Ms. Carruth, on getting this document which you accept

- 15:54:49 1 establishes that you were involved in these large cash transactions were you
2 surprised to receive this documentation?
- 3 A. Yes, I shook for two hours.
- 4 Q. 724 Right.
- 15:55:03 5 A. I was very surprised.
- 6 Q. 725 And what did you do about it? Did you go to your employer, Mr. Richardson or
7 Mr. Ahern, whichever it was, and inquire what they knew of these transactions
8 which apparently were conducted by you but which you apparently cannot
9 remember?
- 15:55:21 10 A. No, I didn't go to anybody.
- 11 Q. 726 You went to nobody?
- 12 A. No.
- 13 Q. 727 Did you go to your fellow worker Ms. Sandra Cullagh to inquire whether she had
14 any recollection as to how it was that you came to be making these large
15 lodgements to the accounts?
- 16 A. No.
- 17 Q. 728 Of Mr. Ahern. No?
- 18 A. No, I didn't go to Sandra.
- 19 Q. 729 Why not?
- 15:55:45 20 A. Because I believed it was a private matter and I was trying to deal with it as
21 quickly as I could to try and come back to the Tribunal on it.
- 22 Q. 730 You haven't come back to the Tribunal until now, Ms. Carruth. And in coming
23 back to the Tribunal your input has been to say that you cannot recollect?
- 24 A. Yes.
- 15:56:08 25 Q. 731 Yes.
- 26 A. Yes.
- 27 Q. 732 Is that your evidence on this issue, Ms. Carruth; that you cannot recollect any
28 of these transactions?
- 29 A. I can't recollect them.
- 15:56:34 30 Q. 733 The next in sequence of the sizeable transactions is the lodgement of 3,970.19

- 15:56:44 1 pounds to the account of Mr. Ahern in October of 1994 at page 27296 or its
2 blanked equivalent as regards address. If we could have that on screen,
3 please. Again, this is a lodgement made by you to this account, isn't that
4 right?
- 15:57:10 5 A. The lodgement, yes.
- 6 Q. 734 Made by you?
- 7 A. It's a lodgement with my name on it, yes.
- 8 Q. 735 Let's not beat about the bush, Ms. Carruth, is there any doubt in your mind but
9 that you made this lodgement to Ms. Ahern's account?
- 15:57:30 10 A. I have no recollection of this.
- 11 Q. 736 Have you any doubt but that this was a lodgement made by you to Mr. Ahern's
12 account?
- 13 A. The date isn't mine, it's not the way I do the date. On that account number.
14 It's not the way I write the account number and the total is not my
15 handwriting.
- 15:57:51 15
- 16 Q. 737 You will see that that transaction, as with all of the others that we've looked
17 at earlier, was made on the same day, same branch with the same teller as a
18 foreign exchange transaction equating to the same six digits, page 27297;
19 3,970.19 pounds. Was the product of a 4,000 pounds Sterling exchange conducted
20 in that branch on that day, do you see that?
- 15:58:30 20
- 21 A. Yes.
- 22 Q. 738 Do you accept that the monies that you lodged to Mr. Ahern's account were the
23 product of that foreign exchange transaction of 4,000 pounds?
- 24 A. No recollection of Sterling.
- 15:58:51 25
- 26 CHAIRMAN: Ms. Carruth, if you were completing these docketts with your name
27 and address, who -- and if you weren't making these lodgements or conducting
28 these transactions, who do you think would have been doing it in your place?
- 29 A. I have no idea, Judge.
- 15:59:09 30

- 15:59:10 1 CHAIRMAN: Is it almost certain that you would have had, having taken the
2 trouble to fill up this documentation which you -- not what's on screen but
3 what we saw a few moments ago with your name on it and address on it, you would
4 as a matter of virtual certainty, that it would have been you who would have
15:59:32 5 conducted the transaction or transactions in the bank?
- 6 A. Yes, Judge.
7
- 8 Q. 739 MR. O'NEILL: You have also given evidence, Ms. Carruth, to the effect that or
9 directly that the instructions that you received in every instance in relation
15:59:52 10 to these banking matters were given to you by Mr. Ahern, isn't that right?
- 11 A. Yes.
- 12 Q. 740 There is no intermediary through whom you dealt with in connection with these
13 banking affairs, isn't that so?
- 14 A. No.
- 16:00:07 15 Q. 741 So if it is the case that you got 6,000 pounds Sterling on the 9th of March or
16 5,450 pounds Sterling on the 9th of May or 4,000 pounds Sterling on the 28th of
17 October, these were all sums which came to you directly from Mr. Ahern?
- 18 A. It must be.
- 19 Q. 742 It must be. There's no other explanation as to where these monies would have
16:00:45 20 come from, is that right?
- 21 A. I don't know where the monies came from but anything that I was asked to do
22 was, in banking terms, was from Bertie.
- 23 Q. 743 Yes. And when you first gave your evidence to the Tribunal, that was limited,
24 as you say, to receiving a pay cheque every month which you would cash and you
16:01:07 25 would bring the proceeds of that back to him, alternatively, on some occasions
26 you would take some of the cash from your encashment of the cheque at the AIB
27 and you would go down to the Irish Permanent, which was very close to it, and
28 lodge amounts to the accounts of his daughters, isn't that right?
- 29 A. Yes.
- 16:01:28 30 Q. 744 That was your evidence initially?

- 16:01:32 1 A. Yes.
- 2 Q. 745 Yes. Your recollection obviously of events has been improved somewhat by the
3 documents which have now been produced to you, isn't that so?
- 4 A. Yes.
- 16:01:45 5 Q. 746 Because that establishes that you were incorrect in believing that you never
6 lodged money to an account of Mr. Ahern's, isn't that so?
- 7 A. Yes.
- 8 Q. 747 You are incorrect in your belief that you never lodged cash to Mr. Ahern's
9 accounts, isn't that so?
- 16:02:02 10 A. Yes.
- 11 Q. 748 Could I suggest that you are also incorrect in your belief that you were not
12 dealing with large sums of Sterling?
- 13 A. I have no recollections in Sterling whatsoever.
- 14 Q. 749 But you have no recollection of anything, Ms. Carruth, have you?
- 16:02:20 15 A. I know.
- 16 Q. 750 Well what possible explanation can there be for you having no recollection of
17 transactions involving over 15,500 pounds in Sterling I suggest, conducted
18 through you in this one branch in an eight month period in a year 1994? How
19 could you possibly have no recollection of those events?
- 16:02:52 20 A. I just have no memories whatsoever of this, none. I remember lodging to his
21 daughter's accounts, I've always said that but I have no memories of this.
- 22 Q. 751 Well if you remember lodging to his daughters accounts that was the very same
23 day that you lodged to his account, and that was the first of those lodgements
24 in sequence which we saw where you lodged the product of 1,000 pounds Sterling
16:03:16 25 to each of the girls accounts and you lodged 4,000 pounds Sterling Irish
26 equivalent to Mr. Ahern's account?
- 27 A. It appears that way.
- 28 Q. 752 It's four o'clock, Mr. Chairman.
- 29
- 16:03:37 30 CHAIRMAN: How long more do you think you will be?

16:03:40 1
2 MR. O'NEILL: I won't be too long more, Mr. Chairman. But there are matters I
3 would just like to check on the basis of the evidence which has been given now
4 by Ms. Carruth. It may be necessary for me to put specific matters to her.

16:03:55 5
6 CHAIRMAN: All right. I know you have domestic pressures. If we sit at half
7 past ten tomorrow.
8 A. I have three children, Judge. I don't have baby minders.
9

16:04:10 10 CHAIRMAN: Well we have to deal with it tomorrow at some stage. Would eleven
11 o'clock suit you better than half ten? And you can be fairly certain that you
12 would be finished by lunchtime.
13

14 MR. MILLAR: There is a possibility, Chairman, of taking a few minutes and
16:04:32 15 then resuming maybe at a quarter past four and finishing today? Is that a
16 possibility?
17

18 CHAIRMAN: Well we have no difficulty. It's just that if there are matters
19 ...

16:04:43 20
21 MR. MILLAR: I know Mr. O'Neill.
22

23 MR. O'NEILL: It is a matter upon which Mr. Millar may in the light of the
24 evidence discuss with his client.

16:04:54 25
26 CHAIRMAN: I think in the circumstances it might be better if we continued
27 Ms. Carruth's evidence tomorrow. And I think in the meantime, Ms. Carruth
28 should look again at the documentation, talk to your solicitor so that you will
29 be quite clear yourself as to what your position is in relation to the evidence
16:05:14 30 you are giving and the evidence you have given in the past.

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16:06:50 5
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So we will sit at half ten tomorrow.

**THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,
THURSDAY, 20TH MARCH 2008, AT 10:30 A.M:**

Cecelia