

08:57:01 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON**

2 **THURSDAY 11TH OCTOBER 2007 AT 10 AM:**

3
4 CHAIRMAN: Good morning, Ms. Dillon.

10:06:41 5
6 MS. DILLON: Morning, Sir. Mr. Dunlop please.

7
8 **MR. DUNLOP RETURNS TO THE WITNESS BOX AND CONTINUES TO BE.**

9 **QUESTIONED AS FOLLOWS BY MS. DILLON:**

10:06:51 10
11 CHAIRMAN: Morning, Mr. Dunlop.

12 A. Morning everybody.

13 Q. 1 MR O'hOISIN: Morning, Mr. Dunlop. Yesterday at lunch time, Mr. Dunlop, we had
14 concluded the day's session by discussing a document that had been provided to
15 you by the late Mr. Liam Lawlor in which, and in respect of which you had
16 previously given evidence that you had gone down through this list with
17 Mr. Lawlor and he had identified for you on that list, the persons who would be
18 amenable to inducements in connection with the rezoning of Quarryvale, isn't
19 that right?

10:07:20 20 A. He expressed his opinion as to who on that list would be amenable, yes.

21 Q. 2 That is amenable to inducements?

22 A. Yes.

23 Q. 3 In respect of the -- specifically in respect of the Quarryvale rezoning?

24 A. Correct.

10:07:32 25 Q. 4 Right. Now, I had asked you yesterday to indicate the councillors so
26 identified and then we'd had a discussion about Peter Brady and in fact it
27 transpired you were not suggesting that Mr. Brady was in fact one of those
28 councillors, isn't that correct?

29 A. No, I never did.

10:07:46 30 Q. 5 And we had concluded the proceedings yesterday by my requesting to you identify

10:07:51 1 on the list overnight, those councillors that were so identified by Mr. Lawlor
2 and I think probably the safest thing to do, Mr. Dunlop, if you have done that,
3 is to hand that list to the registrar and if necessary, I will come back to it
4 after the break?

10:08:03 5 A. I didn't actually make a list.

6 Q. 6 Yes.

7 A. I think I do recollect you saying you had an aversion to lists in a previous
8 module.

9 Q. 7 Yes.

10:08:11 10 A. But what I am prepared to do is, if you put the list on the screen I will go
11 down through them and I will identify them.

12 Q. 8 The difficulty with that, Mr. Dunlop, would be a difficulty might arise similar
13 to the Peter Brady difficulty that arose yesterday.

14 A. Oh right.

10:08:31 15
16 CHAIRMAN: Well it's important that we don't name people that perhaps aren't
17 aware, but what you can do is during the break, Mr. Dunlop, you can, if that's
18 suitable to Ms. Dillon.

19
10:08:40 20 MS. DILLON: That's fine. If you do it at the break on the list, Mr. Dunlop.

21
22 CHAIRMAN: Just do a list, we can give you a copy of the list that Ms. Dillon
23 referred to.

24 Q. 9 MS. DILLON: And Mr. Dunlop can simply highlight those names and I can come
10:08:54 25 back to it after the break if necessary.

26 A. I apologise. My understanding as I left yesterday is that we would identify
27 them and that's how I regarded your remark.

28 Q. 10 Yes, but it's probably safer, Mr. Dunlop, in view of the difficulty that ensued
29 in connection with Mr. Brady yesterday, if we take the alternative course in
10:09:12 30 this instance.

10:09:13 1
2 So I can move on then, can I just draw to your attention an article that was
3 written in fact in the Sunday Business Post in January of 1992 at page 6547,
4 and there is contained therein a description in the second last column of the
10:09:32 5 local elections of 1991, and I just want to put this to you and perhaps one or
6 two more matters from this article for comment from you.
7
8 The matter I want to draw to your attention is in the second main paragraph
9 and, on the second column it says "Green managing director, John Corcoran
10:09:53 10 transformed the June local elections in west Dublin Council wards into a
11 referendum on the zoning question." And would you agree with that statement,
12 the second last column, the second of the -- it is the centre of the three
13 short columns?
14 A. Yes. I see it now, yes it's up now.
10:10:11 15 Q. 11 Yes.
16 A. Yes, I would agree with that.
17 Q. 12 Now, were you in anyway instrumental or involved in the preparation of this
18 article by Mr. Harding on Mr. Owen O'Callaghan?
19 A. Not that I can now recollect but as I gave evidence previously, in relation to
10:10:33 20 Mr. Harding, I spoke to Mr. Harding many times in relation to Quarryvale and
21 other matters.
22 Q. 13 Yes. And do you know whether Mr. Harding and Mr. O'Callaghan were acquainted?
23 A. Yes I do know that Mr. Harding and Mr. O'Callaghan did speak together on a
24 number of occasions.
10:10:51 25 Q. 14 Yes. On the Wednesday before this article was published 6519 please, there is
26 a telephone message to your office at 10.10 from "Ted Harding about the Owen
27 O'Callaghan programme".
28 A. Yes.
29 Q. 15 And this article appears the following Sunday.
10:11:06 30 A. Mm-hmm.

- 10:11:07 1 Q. 16 So is it likely that this article is connected with the telephone call to your
2 office?
- 3 A. Yes it is quite likely.
- 4 Q. 17 Yes. Is it likely that either you might have been the source of some of the
10:11:17 5 information contained in this article?
- 6 A. It is likely that Mr. Harding asked me questions about what had happened during
7 the course of the 1991 local elections, yes.
- 8 Q. 18 Yes. And if you were not the source of some of the information in the article,
9 is it likely that the source was Mr. O'Callaghan himself?
- 10:11:34 10 A. Or, Mr. O'Callaghan and/or many others involved at the time.
- 11 Q. 19 Yes. There are a number of matters that I want to draw to your attention. In
12 one of these there is a description given of, in this article a description
13 given of Mr. O'Callaghan bringing a number of potential investors to a Cork
14 site over and they go to look at the, they go to look at the site that he wants
10:12:02 15 to develop on the 8th December, which is the typically or traditionally the
16 country day for shopping in towns, isn't that right?
- 17 A. Yes, I'm lost. This is referred to in the article, is it?
- 18 Q. 20 Yes, I want to show you you something in the article, it is in the first of the
19 three short paragraphs at 6457.
- 10:12:28 20
- 21 JUDGE FAHERTY: 6547.
- 22
- 23 Q. 21 MS. DILLON: 6547 and within this article it's in the first of the short
24 columns, I will put the entire of the section to you:
- 10:12:43 25
- 26 It reads "An elaborate tour of the city." What's being discussed here is Cork
27 "An elaborate tour of the city was planned to highlight it's attractions as a
28 commercial centre. Representatives of household names such as Tie Rack, Laura
29 Ashley, Ratners Jewellers and Sock Shop were flown into the southern capital.
- 10:13:00 30 However, O'Callaghan had chosen December 8 as the day for the visit. The

10:13:04 1 unwitting visitors took one of the busiest shopping days in the year to be
2 typical of the state of the retail market. Suitably impressed by the vibrant
3 commercial scene, the retailers returned to the UK and soon many became prize
4 tenants. "People like that don't make decisions on a whim but how was I know
10:13:22 5 to there was no Catholics among them" O'Callaghan commented."

6
7 Now, does that suggest to you Mr. O'Callaghan is there being directly quoted
8 and therefore must have spoken to Mr. Harding in connection with this article,
9 is that right?

10:13:33 10 A. Yes I think that would appear, in the circumstances of that quote yes, I would
11 say yes it is probably logical to conclude that Mr. O'Callaghan did speak to
12 Mr. Harding, yes.

13 Q. 22 If I can take you back then to the second column towards the end of the second
14 column and here what is being discussed are Mr. O'Callaghan's political
10:13:56 15 proclivities I can call it that, and it starts "O'Callaghan's reputation has
16 made his advice widely sought, although a prominent supporter of Fianna Fail he
17 has been scathingly critical of the Taoiseach's failure to appoint a Cork TD to
18 the cabinet. Despite this, the Taoiseach is believed to have sought his
19 opinion on matters of interest in Cork. In 1990, Haughey appointed O'Callaghan
10:14:18 20 as a director of Bord Gas, which he is said to make solid contributions to
21 board meeting. O'Callaghan is known to be a close friend of former finance
22 Minister, Albert Reynolds and is believed to want to see Reynolds become
23 Taoiseach on Haughey's retirement. Michael Martin TD, one of the rising stars
24 in Cork Fianna Fail is another political associate."

10:14:41 25
26 Now, were you the source of that information in Mr. Harding's article as to
27 Mr. O'Callaghan's political affiliations?

28 A. No.

29 Q. 23 Right. Were you aware that Mr. O'Callaghan had been appointed to the board of
10:14:51 30 An Bord Gas by Mr. Charles Haughey?

10:14:53 1 A. Yes I was aware of it subsequently, as I became, as I began to get to know
2 Mr. O'Callaghan, this was one of the issues that I began to realise, because he
3 told me in, that he was a member of the board of An Bord Gas. If you had asked
4 me before you put that on screen I couldn't have told you who appointed him to
10:15:17 5 An Bord Gas, and I probably would have said Mr. Reynolds.

6 Q. 24 Did you know from any of your discussions with Mr. O'Callaghan that he was
7 reputed to be a close friends of Albert Reynolds.

8 A. I took it from remarks that Mr. O'Callaghan made to me from time to time, yes
9 that he had met Mr. Reynolds and that he knew him, yes.

10:15:37 10 Q. 25 And insofar as Michael Martin is concerned, did you know that he is, as is
11 recorded in this article, regarded as being one of the rising stars in Cork in
12 1992, when this article was written?

13 A. Yes, I think that is fair, a fair comment, and I think that would be a fair
14 representation of Mr. O'Callaghan's view at that time.

10:15:56 15 Q. 26 Was it Mr. O'Callaghan's view that Mr. Michael Martin was a rising star in
16 Cork?

17 A. Oh yes, I think that would have been his view at the time, yes.

18 Q. 27 And was Mr. Michael Martin at that stage a political associate, as far as you
19 knew of Mr. O'Callaghan?

10:16:12 20 A. I couldn't say that exactly. I did know that Mr. O'Callaghan had Fianna Fail
21 associations and I did know that he regarded Mr. Martin as quoted in that
22 article and as you have reprised it, a rising star.

23 Q. 28 There is one other reference that I would like to draw to your attention, and
24 ask you whether it's likely you are the person who might have told this to
10:16:37 25 Mr. Ted Harding, in the second last of the short columns please, in the second
26 paragraph commencing "In May 1991, the Fianna Fail dominated Dublin County
27 Council recommended that a 180 acre site owned by O'Callaghan and his then
28 partner Tom Gilmartin, be rezoned for commercial use".

29
10:16:58 30 Now, what I just want to you focus on there, Mr. Dunlop, are the words "His

- 10:17:03 1 then partner" which suggests that Mr. Gilmartin is no longer a partner of
2 Mr. O'Callaghan's, isn't that right?
- 3 A. It would so suggest, yes.
- 4 Q. 29 But that in fact would not in January of 1992, have been correct, isn't that
10:17:15 5 right?
- 6 A. As I understand the, I think you outlined yesterday, on another day, I think
7 not.
- 8 Q. 30 Yes. In fact I think the arrangement between Mr. O'Callaghan and Mr. Gilmartin
9 did not conclude until 1996, isn't that right?
- 10:17:30 10 A. Correct.
- 11 Q. 31 Right. So are you likely to have been the person who informed Mr. Harding of
12 this particular matter, that you would have told Mr. Harding that there was no
13 longer an association between Mr. Gilmartin and Mr. O'Callaghan?
- 14 A. No, I don't think so.
- 10:17:44 15 Q. 32 Right. Although you have told the Tribunal of your concern and of
16 Mr. O'Callaghan's, to publicly disassociate yourselves from Mr. Gilmartin's
17 stated objective of 1.5 million square feet?
- 18 A. That is correct, yes.
- 19 Q. 33 So having looked at the article, Mr. Dunlop, do you think now that it's likely,
10:18:08 20 in view of the fact that Mr. Harding is in contact with you on the Wednesday
21 before it, that you would certainly have had some input into the article?
- 22 A. Certainly I would say now, I don't have any recollection of talking to Ted
23 Haring about this matter, but given the tone and the nature of the article, it
24 is likely I did speak to him. That I may well have provided some information
10:18:32 25 for him and it is also likely Mr. O'Callaghan, who as I look at the screen
26 again now is quoted extensively in the article.
- 27 Q. 34 Yes.
- 28 A. That Mr. O'Callaghan did speak to him.
- 29 Q. 35 Yes. And certainly in the normal course where somebody is quoted, it's clear
10:18:49 30 from an article where a person is being quoted, is that right?

- 10:18:51 1 A. Unless the direct quotes are not attributed I would imagine Mr. O'Callaghan
2 would have done something about it.
- 3 Q. 36 Now if I, and therefore to go back to my first point in relation to that
4 article, you don't have any great disagreement with the description of the 1991
10:19:07 5 elections in west Dublin being a controversy over the rezoning?
6 A. Oh no, I think that's a fair comment.
- 7 Q. 37 And would it be fair to say in a even after the elections and moving into July,
8 August and September of 1991, the controversy continued to rage, albeit with a
9 new council?
- 10:19:23 10 A. That is correct.
- 11 Q. 38 And Green Property continued to actively promote their cause through both
12 Mr. Corcoran and through their PR agents which were then I think Grayling,
13 isn't that right?
- 14 A. That's right, Pat Keating, yes.
- 10:19:37 15 Q. 39 Yes. Also you were dealing on behalf of the Quarryvale development?
16 A. Correct.
- 17 Q. 40 And I think that circular letters would have been sent to councillors by both
18 sides promoting their particular causes, is that right?
- 19 A. That is correct.
- 10:19:50 20 Q. 41 So at 5525 for example, there is a letter to Colm McGrath from O'Callaghan
21 Properties congratulating him on his recent election and then setting out and
22 making the case for Quarryvale, including in the fourth paragraph that the
23 project will not now exceed 500,000 square feet of retail space, isn't that
24 right?
- 10:20:12 25 A. Yes.
- 26 Q. 42 So obviously from the beginning after the election one of the points that you
27 wished to hammer home was that the retail square feet element of it would be
28 half a million square feet?
- 29 A. Correct.
- 10:20:22 30 Q. 43 Right. Now, were you aware at that time that Mr. McGrath was directly involved

10:20:27 1 in correspondence with the Minister for the Environment and the Minister for
2 Finance, seeking tax designation for Blanchardstown and for areas in west
3 Dublin?

4 A. No.

10:20:37 5 Q. 44 Right.

6 A. You mean Councillor Colm McGrath?

7 Q. 45 Councillor Colm McGrath?

8 A. No I was not so aware.

9 Q. 46 Right. Did you have any discussion with Mr. McGrath about tax designation for
10:20:48 10 any of the western towns?

11 A. None. I was aware that Mr. Corcoran was seeking tax designation for
12 Blanchardstown, I think I can say with absolute certainty that I never
13 discussed tax designation for Quarryvale with Mr. O'Callaghan or anybody else,
14 because the matter didn't arise.

10:21:13 15 Q. 47 And I think when the council convened in July of 1991, at 943 and I think
16 Ms. Burton has given evidence about this, that one of the first matters was a
17 Section 4 motion seeking to set aside the May 16th decision in connection with
18 Quarryvale, is that right?

19 A. Yes.

10:21:35 20 Q. 48 But that was ruled out by the manager as being ultra vires?

21 A. Correct.

22 Q. 49 Now, if I could ask you, Mr. Dunlop, to look at a withdrawal from your 042
23 account at 5579 please, and I just want to you look at the last withdrawal
24 there of 3275?

10:22:03 25 A. Yes.

26 Q. 50 And again this appears to have been a debit on the account that was carried out
27 by you in O'Connell Street, I beg your pardon, in College Street.

28 A. Yes.

29 Q. 51 And therefore would have been withdrawn in cash by you, is that correct?

10:22:16 30 A. Yes.

- 10:22:16 1 Q. 52 And according to the bank they have no records. Do you know why you withdrew
2 that money, Mr. Dunlop?
- 3 A. Could you screen up, could you roll up the screen?
- 4 Q. 53 5579.
- 10:22:28 5 A. That is the conclusion, that is --
- 6 Q. 54 There is in fact one further debit on that account of 10,000 which I will come
7 to but it's in September?
- 8 A. Correct yes, that was the closing debit.
- 9 Q. 55 Yes.
- 10:22:39 10 A. No, no I cannot tell you, I think we have made attempts to trace the reason for
11 this withdrawal but I mean, given the nature of the withdrawal through College
12 Street and in cash, I'm presuming I withdrew the money for a specific purpose
13 to have it in cash.
- 14 Q. 56 And at this time, Mr. Dunlop, the maps went on display, isn't that right, they
10:23:05 15 went on the first public display, took place in August, sorry the 2nd
16 September?
- 17 A. 2nd September, I think.
- 18 Q. 57 '91.
- 19 A. That's correct, yes.
- 10:23:15 20 Q. 58 And notices were published in the newspapers at 5778 and the lands in question
21 went on display, 944 please, and these are the Quarryvale lands, Mr. Dunlop,
22 and you can see there that the major portion which are coloured blue have a D
23 zoning, which is the town centre zoning and the two other portions which are
24 purple have an E zoning, isn't that right?
- 10:23:49 25 A. Yes.
- 26 Q. 59 Which was also the zoning that was on the Neilstown lands the former town
27 centre lands.
- 28 A. That is correct.
- 29 Q. 60 And you can see those to the southern portion of the map, isn't that right?
- 10:23:58 30 A. Yes.

10:23:58 1 Q. 61 So what was happening here was this was giving effect to the decision that had
2 been made on it's 16th May, these lands will go on public display the map would
3 say go for three months and people could make submissions on the maps, isn't
4 that right?

10:24:12 5 A. That's correct.

6 Q. 62 Right. It's part of the public consultation process.

7 A. Three month process.

8 Q. 63 Yes. But you knew, as did everybody on the Quarryvale team that the matter
9 would come back in before the council, isn't that right?

10:24:23 10 A. Oh, yes.

11 Q. 64 To be considered. I think again in the written statement that was put on
12 public display at 961, paragraph 5.4.9 gave effect to the amending motion that
13 had been passed on the 16 May 1991, by limiting the area of commercial
14 development on the Quarryvale D zoned lands to that which would have been
15 appropriate on the Lucan/Clondalkin town centre.

16 A. Yes.

17 Q. 65 And this in fact was the introduction of the cap, isn't that right? Now I
18 think, throughout August and September of that year, Mr. Dunlop, the
19 controversy continued to rage, isn't that right?

10:25:04 20 A. Yes, it did.

21 Q. 66 There were publications and press statements issued at page 5819, Green
22 Property issued a press statement on the 2nd September 1991, restating it's
23 position on Blanchardstown and effectively stating that if Quarryvale was
24 permitted they weren't going ahead, isn't that right?

10:25:27 25 A. Yes.

26 Q. 67 And there were counter promotions by other people, isn't that right, attempting
27 to, if Green Property made a public pronouncement then there were public
28 pronouncements on behalf of Quarryvale, isn't that right?

29 A. Correct, yes.

10:25:41 30 Q. 68 And the matter continued to rage, and you became involved I think at that stage

10:25:45 1 in the start of a public consultation process, is that right?

2 A. Correct.

3 Q. 69 Now, can you outline to the Tribunal what that involved?

4 A. What it involved was getting, well two things. One, speaking to residents

10:26:02 5 associations and community groupings and making a presentation, either at our

6 selection, by that I mean that we would recommend to various people that they

7 organise such meetings, or these meetings were organised by individuals or

8 residents associations or community groupings and we were invited. There were

9 quite a number of them.

10:26:27 10

11 And secondly, there was the issue of, that we touched upon yesterday, was

12 getting signatures in relation to the proposal, people who were in favour of

13 the proposal. This entailed the production of documentation, brochures, one in

14 particular called "Your centre" and it involved attending at these meetings,

10:26:56 15 most of which were attended by Mr. O'Callaghan, Mr. Ambrose Kelly, architect

16 and myself.

17

18 Some of these meetings were, might I say semi private, in other words they were

19 in the context of residents associations, some of them were attended by the

10:27:14 20 media and in one particular instance one was attended, if I recollect

21 correctly, in Palmerstown it was attended by a representative of the Irish

22 Times who became involved in the discussion with Mr. O'Callaghan and Mr. Kelly.

23 Q. 70 Right. These then could be characterised into meetings that were open to the

24 public and then smaller private meetings, is that right?

10:27:34 25 A. Yes, when I say smaller private meetings, individual organisations, either at

26 the behest of local politicians or at their own behest asked us to go and meet

27 them in various centres in their localities to outline what we had in mind.

28 Q. 71 And in general would Mr. O'Callaghan address these meetings?

29 A. Mr. O'Callaghan, Mr. Kelly had a presentational, an audio screen presentational

10:28:02 30 thing outlining various elements of the project. Mr. O'Callaghan would answer

- 10:28:07 1 questions.
- 2 Q. 72 And was there a scale model or anything like that that was also used?
- 3 A. I don't recollect a scale model. I do recollect a very large outline of the
- 4 site and what it would contain when concluded.
- 10:28:24 5 Q. 73 Yes. Can you remember in that period of time which is August, September,
- 6 October of 1991, in the course of these public consultation process, was any
- 7 reference made to Mr. Gilmartin and his plans for Quarryvale at any of the
- 8 public meetings?
- 9 A. Yes, I think it would be true to say that there were, either on arising from
- 10:28:47 10 questions to Mr. Kelly or to Mr. O'Callaghan, or by Mr. O'Callaghan taking the
- 11 initiative to disabuse people that the proposal that Mr. Gilmartin had for one
- 12 and a half million square feet was no longer on offer, wasn't an issue.
- 13 Q. 74 That the capping proposal that was contained in the Draft Development Plan that
- 14 went on public display on the 2nd September 1991, dealt in a large part with
- 10:29:16 15 whatever the aspirations might have been prior to that, but this was now
- 16 proposing a cap that would have been suitable for Neilstown/Balgaddy, isn't
- 17 that right?
- 18 A. That's correct.
- 19 Q. 75 Right. The general consensus appeared to be that was of the order of half a
- 10:29:32 20 million square feet, is that right?
- 21 A. Yes, correct.
- 22 Q. 76 Right. So is it fair to say then the promoters of this project Mr. Kelly and
- 23 Mr. O'Callaghan were promoting half a million square feet?
- 24 A. Yes.
- 10:29:41 25 Q. 77 Right. And they were seeking to reassure people that whatever might have been
- 26 sought or appeared to have been sought in the past that was no longer the case?
- 27 A. Yes their intent was to disabuse people of the notion that one and a half
- 28 million square feet was on offer on the Quarryvale site, whereas in fact they
- 29 had, they said that they were agreeable to 500,000 square feet.
- 10:30:03 30 Q. 78 And they could refer back to what in fact was contained in the Draft

- 10:30:07 1 Development Plan in support of that, isn't that right?
- 2 A. After it had been published, yes.
- 3 Q. 79 Did any question arise, can I ask you first of all did Mr. Gilmartin attend any
- 4 of these promotional meetings?
- 10:30:17 5 A. No.
- 6 Q. 80 Right. Was any question asked at that stage about where was Mr. Gilmartin?
- 7 A. At that stage I don't think so, I think the only people who I recollect ever
- 8 asking me and I can only answer for myself, about where Mr. Gilmartin was, were
- 9 local politicians, were local public representatives. I don't recollect
- 10 anybody else being interested in his whereabouts.
- 11 Q. 81 And would you yourself, Mr. Dunlop, have addressed any of these meetings?
- 12 A. I think on one occasion I intervened in, where there was a dispute arose
- 13 between a journalist and O'Callaghan.
- 14 Q. 82 Who was the journalist?
- 10:31:01 15 A. Frank McDonald of the Irish Times.
- 16 Q. 83 What was the nature of the dispute between Mr. McDonald and Mr. O'Callaghan?
- 17 A. Mr. McDonald accused Mr. O'Callaghan of disregarding all of the planning
- 18 guidelines and that he was going to build something that would cause havoc,
- 19 mayhem, would be topsy turvy is the phrase I recollect him using, in relation
- 10:31:27 20 to access, traffic, and things that of nature. It got quite heated.
- 21 Q. 84 Right. You intervened in that occasion.
- 22 A. I did, yes.
- 23 Q. 85 But with the exception that have intervention, Mr. Dunlop, in general, did you
- 24 deal with queries in a public forum if I can put it like that?
- 10:31:43 25 A. No, I don't believe I did, no.
- 26 Q. 86 Can I ask you then in September of 1991, Mr. Dunlop, the closing withdrawal on
- 27 the 042 account, I think or the almost closing withdrawal at 20583 please, and
- 28 this is the debit of 10,000 pounds on the 9th September 1991. First of all can
- 29 you confirm that that was withdrawn by you in cash through Mr. John Ahern at
- 10:32:20 30 AIB in College Street?

- 10:32:22 1 A. Yes.
- 2 Q. 87 And if you look at 5019 you will see just below halfway on that page, the debit
- 3 of 10,000 pounds and the bank describe it as a debit on account from AIB
- 4 College Street, isn't that right?
- 10:32:44 5 A. Yes.
- 6 Q. 88 And in accordance with the normal practice that you have described to the
- 7 Tribunal would you have withdrawn that in cash?
- 8 A. Yes.
- 9 Q. 89 Right. Do you know what you did with that money, Mr. Dunlop?
- 10:32:56 10 A. I have no idea.
- 11 Q. 90 Well you have provided an explanation to the Tribunal at 14018 please, and when
- 12 you were asked to explain to the Tribunal in the documentation that I referred
- 13 to on the first day, at item 15 on this document.
- 14 A. Yes.
- 10:33:17 15 Q. 91 It records that "the records confirm lodgement to Dunlop & Associates AIB
- 16 College Street, 067 and they refer to a bank statement showing a lodgement of
- 17 9,953.40 pounds, isn't that right?
- 18 A. Yes.
- 19 Q. 92 And in fact if one looks at lodgement to the 067 account at 15414, on the 13th
- 10:33:41 20 September '91, you will see there the third credit on the first.
- 21 A. Yes.
- 22 Q. 93 You will see that there is a lodgement of 9,953.40 to the 067 account, isn't
- 23 that right?
- 24 A. Correct.
- 10:33:57 25 Q. 94 And the debit of 10,000 pounds is made on the 9th September '91.
- 26 A. That is correct.
- 27 Q. 95 And we saw that earlier?
- 28 A. Yes.
- 29 Q. 96 Right. So what you are telling the Tribunal when you are asked to explain the
- 10:34:07 30 source of what you did with the 10,000 pounds is that 9,953.40 pounds went into

- 10:34:14 1 your 067 account, isn't that right?
- 2 A. Yes.
- 3 Q. 97 Right. But in fact, Mr. Dunlop, you have separately told the Tribunal at 20584
- 4 and if we just turn that, and this is an analysis carried out by your
- 10:34:36 5 accountants in relation to your cash receipts book and I just want to draw to
- 6 your attention there, not, on the first series of transactions, if that can be
- 7 highlighted please, and if it can be increased, and ignoring the last one, Mr.
- 8 Dunlop, you will see there that there are three invoices, UCI, Department of
- 9 Marine and Department of Marine, do you see that?
- 10:35:15 10 A. Yes.
- 11 Q. 98 And there is a sum of 4,444.31, a sum of 1,650 and another sum of 1,650 and
- 12 they are described as being made as part of the lodgement of 9,953.40, isn't
- 13 that right?
- 14 A. Yes.
- 10:35:31 15 Q. 99 What you have done, Mr. Dunlop, is you have provided two sources for the
- 16 lodgement of 9,953.40, isn't that right? What you have done, Mr. Dunlop, is
- 17 you have originally told the Tribunal that the lodgement to your Frank Dunlop &
- 18 Associates account of 9,953.40 pounds comes from the 10,000 pounds?
- 19 A. Yes.
- 10:35:58 20 Q. 100 Withdrawn from the Rathfarnham account on the 9th September '91, isn't that
- 21 right?
- 22 A. Yes.
- 23 Q. 101 You have simultaneously told the Tribunal that the source of the lodgement of
- 24 9,953.40 to your Frank Dunlop & Associates account on the 13th September 1991,
- 10:36:15 25 is made up of three separate payments, isn't that right?
- 26 A. Yes.
- 27 Q. 102 Now, they both cannot be correct, isn't that right?
- 28 A. No.
- 29 Q. 103 Right. So I am going to suggest to you, Mr. Dunlop, that it's likely that the
- 10:36:29 30 genuine income that was earned by Frank Dunlop & Associates and which is

10:36:32 1 presently on screen is much more likely to be the source of the lodgement of
2 9,953.40 pounds?
3 A. I would agree with that.
4 Q. 104 Yes. And that therefore the sum of 10,000 pounds which you withdrew in cash
10:36:45 5 from the Rathfarnham account on the 9th September 1991, is unaccounted for
6 insofar as the Tribunal is concerned as cash in your hands, isn't that right?
7 A. Yes because the withdrawal was on the 9th and the lodgement that we are
8 concerned about was on the 5th.
9 Q. 105 The lodgement?
10:37:02 10 A. Sorry I beg your pardon it's on the 13th, sorry I beg your pardon, yes.
11 Q. 106 Yes. But do you accept the point that I am making, Mr. Dunlop?
12 A. I do, yes.
13 Q. 107 That the two explanations you have given cannot be correct?
14 A. I would concur with the latter.
10:37:16 15 Q. 108 And that therefore if the lodgement is made up out of the three genuine
16 invoices, payment for which you have received and which are lodged to your 067
17 account, then the 10,000 pounds that you withdraw from your Rathfarnham account
18 the 042 account, cannot be the source of those lodgements, isn't that right?
19 A. Yes.
10:37:36 20 Q. 109 So now what did you do with the 10,000 pounds that you withdrew on the 9th
21 September 1991, from the Rathfarnham account?
22 A. Well that, as I sit here I cannot tell you, but it was withdrawn in cash and it
23 was obviously available to me for purposes that I had in mind at that time.
24 Q. 110 Can I ask you now, Mr. Dunlop, in the light of that information, how it was
10:37:56 25 that you came to provide the information to the Tribunal at 14018, item 15?
26 How was it that you came to tell the Tribunal on the 27th May 2004, that the
27 lodgement of 9,953.40 was attributable to the 10,000 pounds withdrawal?
28 A. Well this is, this was an attempt by me to explain the withdrawal of the
29 lodgement and a lodgement, withdrawal of the money and a lodgement to my
10:38:35 30 account.

- 10:38:35 1 Q. 111 But you had, I don't see, with respect, Mr. Dunlop, how that can be.
- 2 A. Yes.
- 3 Q. 112 Because you had previously, in September 2003, provided to the Tribunal the
- 4 other explanation.
- 10:38:45 5 A. Yes I am, as I explain it to you here now I realise that I had already provided
- 6 to the Tribunal the explanation that these three invoices amounting to the
- 7 amount of 9,953.40 --
- 8 Q. 113 Well they don't amount precisely to that amount?
- 9 A. There is a 30 something or 3 Euro difference or 3 pounds difference, that that
- 10:39:09 10 was sourced by legitimate invoicing by Frank Dunlop & Associates, so I cannot
- 11 tell you why at number 15 there, I am saying that the withdrawal from AIB
- 12 College Street accounts for the lodgement to Frank Dunlop and Associates, which
- 13 in effect would be an odd transaction anyway, withdrawing money from AIB 5
- 14 College Street from the Rathfarnham account and lodging to Frank Dunlop &
- 10:39:35 15 Associates, which I don't think I ever did.
- 16 Q. 114 Why would you describe that as an odd transaction if you had done it?
- 17 A. Because the withdrawal of cash from the Rathfarnham account via the 5 College
- 18 Street bank was for purposes of cash and I wouldn't be likely to be lodging
- 19 cash from one bank account into Frank Dunlop & Associates.
- 10:39:57 20 Q. 115 If you had in fact taken out the 10,000 pounds from the Rathfarnham account the
- 21 042 account, and lodged it to the Frank Dunlop & Associates account, the 067
- 22 account, your auditors would have picked up on the lodgement when they came to
- 23 review?
- 24 A. Yes.
- 10:40:14 25 Q. 116 Your books, isn't that right?
- 26 A. Correct.
- 27 Q. 117 Yes. And therefore that had the potential and I put it no higher than that, if
- 28 it had happened to disclose to your auditors the existence of another source of
- 29 funds, isn't that right?
- 10:40:26 30 A. It would have done so, yes.

- 10:40:27 1 Q. 118 Because your auditors would have asked you when they saw the lodgement to your
2 bank accounts of 9,953.40 where did you get this money, is that right?
- 3 A. Yes.
- 4 Q. 119 Yes. Unless you were able to show as indeed could you show by the cash
10:40:43 5 receipts book at 20585, where exactly which records the receipt of the money,
6 of the three invoices, you would, if you didn't have information like this
7 available, it's approximately halfway down the page, Mr. Dunlop, do you see
8 marine, marine and UCI?
- 9 A. Yes.
- 10:41:04 10 Q. 120 If you hadn't been in a position to produce to your auditors information such
11 as the cash receipts book they would have been left with an unexplained item of
12 9,953.40, isn't that right?
- 13 A. Correct.
- 14 Q. 121 And they had 'have had to go to you for an explanation when they couldn't
10:41:20 15 reconcile it in your books, isn't that right?
- 16 A. That's right.
- 17 Q. 122 So I suggest it's much more likely and indeed I think you have agreed in fact
18 whatever did you with the 10,000 pounds, you did not lodge any portion of it to
19 the Frank Dunlop & Associates account, isn't that right?
- 10:41:33 20 A. No.
- 21 Q. 123 Right. Because of the purpose of the 042 account, the Rathfarnham account was
22 concealment, isn't that right?
- 23 A. Correct.
- 24 Q. 124 Yes. Now, does any of that assist you in recollecting what you actually did
10:41:46 25 with the 10,000 pounds you withdrew on the 9th September 1991?
- 26 A. No, other than what I have said to you already, that I withdrew it as a closing
27 withdrawal in the first instance and secondly so that I would have cash
28 available to me.
- 29 Q. 125 Now I think, in September also at 5851, Mr. Dunlop, in your diary you have a
10:42:12 30 lunchtime meeting with Ms. Marian McGennis at Polo One, isn't that right?

- 10:42:19 1 A. Yes.
- 2 Q. 126 On September 10th, and on the same day, Green Properties received its planning
3 permission from An Bord Pleanála in relation to the development at
4 Blanchardstown. Do you know or can you remember why you were meeting
10:42:37 5 Ms. McGennis at that time?
- 6 A. I certainly can say to you that I don't think it had anything to do with the
7 granting of the planning of the permission on that day to Green Property. I
8 think the meeting I had with Marian McGennis at that time was to try and
9 re-focus her attention in relation to Quarryvale.
- 10:43:05 10 Q. 127 At this stage did she remain a committed member or committed member of the
11 Quarryvale team?
- 12 A. She kept telling us that she was, she would do everything in her power to help
13 us.
- 14 Q. 128 Right. And I think at this time, Mr. Dunlop, and I don't know whether you were
10:43:17 15 aware of it or not, but Allied Irish Bank and Mr. O'Callaghan were involved in
16 discussions with Mr. Gilmartin in connection with the share subscription
17 agreement in Barkhill, did you know anything about any discussions in September
18 '91 between Mr. O'Callaghan, AIB, Riga or Barkhill?
- 19 A. No, substantive discussions in relation to that matter, no. I was aware from
10:43:44 20 Mr. O'Callaghan that he was attending meetings in AIB and included in those
21 meetings was Mr. Gilmartin.
- 22 Q. 129 Yes. And I think that on the 13th September 1991, there was a resolution to
23 that dispute when the parties entered into a share subscription agreement by
24 signing documentation at Allied Irish Bank in Dublin. You may take it from me
10:44:12 25 that that happened and Mr. Gilmartin has already given evidence about it and
26 Mr. O'Callaghan in time will give evidence about it. But documentation were
27 signed by all of the parties at that time and Mr. Gilmartin has given his
28 evidence on it, but insofar as you are concerned, Mr. Dunlop, Mr. Gilmartin has
29 told the Tribunal that on the following day, which would have been the 14th
10:44:34 30 September 1993, that?

- 10:44:37 1 A. 1991.
- 2 Q. 130 1991 I beg your pardon, on the 14th September 1991, that he attended again at
- 3 Allied Irish Bank and that a number of the parties went for a drink or a
- 4 celebration in the Horse Show House and he says you were one of that party.
- 10:44:56 5 Now, were you involved in any way or near Allied Irish Bank, if you can
- 6 remember on the 14th September 1993?
- 7 A. '91.
- 8 Q. 131 1991, I beg your pardon.
- 9 A. Well if you, first of all let me say before I ask you to do this, let me say no
- 10:45:10 10 I was not present at any discussions with any of the parties in AIB, Allied
- 11 Irish Bank, bank centre, neither did I to the Horse Show House, I have only
- 12 been in the Horse Show House once in my life, that was with the late Mr. Jack
- 13 Lynch after a Fianna Fail Ard Fheis.
- 14 Q. 132 I think your diary shows that on the 14th September, 1991 please, and the day
- 10:45:37 15 after the signing of the share subscription agreement, on the 14th September
- 16 1991, was a Saturday, and there is an entry for a wedding in your diary.
- 17 A. Yes.
- 18 Q. 133 Right. Were you at that wedding?
- 19 A. No, I was not.
- 10:45:50 20 Q. 134 Right. Can you remember any circumstances in which you attended at Allied
- 21 Irish Bank at which Mr. Gilmartin was present?
- 22 A. I have never been in Allied Irish Bank in the company of Mr. Gilmartin.
- 23 Q. 135 Have you ever been to Allied Irish Banks in Ballsbridge?
- 24 A. Yes, I have.
- 10:46:06 25 Q. 136 Have you ever met Mr. Eddie Kay there for example?
- 26 A. Yes, I did.
- 27 Q. 137 And you have been involved separate financial transactions with Mr. Eddie Kay,
- 28 is that right?
- 29 A. Yes, I was.
- 10:46:15 30 Q. 138 We will come to deal with those, Mr. Dunlop briefly, but was there ever an

- 10:46:20 1 occasion for example when you went to meet Mr. Kay at Allied Irish Bank where
2 you ran into Mr. Gilmartin accidentally or otherwise?
- 3 A. No.
- 4 Q. 139 Is it possible that Mr. Gilmartin could have seen you in Allied Irish Banks and
10:46:32 5 you never saw him?
- 6 A. That is obviously a possibility for which I couldn't account for, but I can
7 absolutely I assure that you I never met Mr. Gilmartin or attended with
8 Mr. Gilmartin at either Allied Irish Banks or the Horse Show House.
- 9 Q. 140 Do you have remember being at Allied Irish Bank with Mr. Liam Lawlor?
- 10:46:50 10 A. Yes, I do.
- 11 Q. 141 Can you just outline to the Tribunal the circumstances in which you would have
12 attended at Allied Irish Bank in the presence of Mr. Lawlor?
- 13 A. Well I was at Allied Irish Banks on a number of occasions with Mr. Liam Lawlor.
14 One which is not related at all to the matters before this Tribunal, it was a
10:47:06 15 separate issue and it related to a public offering. I went with Mr. Lawlor to
16 Allied Irish Bank to meet either Mr. Eddie Kay or an associate of Mr. Kay's in
17 relation to a proposal to assist Mr. Lawlor in his financial difficulties.
- 18 Q. 142 What, approximately when did that occur you can you remember, Mr. Dunlop?
- 19 A. That I cannot accurately tell you, but I certainly was with Mr. Lawlor in AIB
10:47:41 20 Bank Centre at least twice, on that issue.
- 21 Q. 143 When did Mr. Lawlor have these financial difficulties that you were trying to
22 assist him with?
- 23 A. During the period 1990/94.
- 24 Q. 144 So sometime between the period 1990 and 1994 you would have attended at AIB
10:47:59 25 bank centre in Ballsbridge.
- 26 A. Yes.
- 27 Q. 145 In the company of Mr. Liam Lawlor and you would have gone to see Mr. Eddie Kay,
28 is that right?
- 29 A. Yes. Correct.
- 10:48:10 30 Q. 146 Did Mr. Kay know Mr. Lawlor?

- 10:48:10 1 A. Yes I think he did.
- 2 Q. 147 And what assistance could you have given in any such meeting between the bank
3 and Mr. Lawlor?
- 4 A. What was being discussed which didn't have a great deal of realistic, great
10:48:26 5 realistic basis, but nonetheless as a friend of Mr. Lawlor I tagged along, as
6 it were, that Mr. Lawlor was trying to get me to use some of my shareholding in
7 another issue, another facility as some sort of collateral that would allow
8 Mr. Eddie Kay to give money to Liam Lawlor.
- 9 Q. 148 Are you talking about City West?
- 10:48:55 10 A. Yes.
- 11 Q. 149 So what Mr. Lawlor was seeking to do was to persuade you to put up your
12 shareholding in City West as collateral for a loan given to him by Allied Irish
13 Banks?
- 14 A. Yes and that together, together we would do some unnamed or unspecified things
10:49:15 15 that would make a lot of money.
- 16 Q. 150 Were you prepared to do that?
- 17 A. Yes Liam was a friend of mine. He asked me to go with him and I went with him.
- 18 Q. 151 But were you, it's one thing going to a meeting with the bank, Mr. Dunlop, but
19 were you in fact actually prepared to put up your shareholding in City West as
10:49:32 20 collateral for monies to be advanced to Mr. Lawlor by Allied Irish Bank?
- 21 A. Yes at the time, it never came to anything so all I can say is, if the crunch
22 decision came I can't tell you what I would have decided but I was prepared to
23 facilitate Liam as much as I possibly could.
- 24 Q. 152 And was, would it be fair to say your shareholding in City West was a major
10:49:53 25 asset to you?
- 26 A. Oh, yes.
- 27 Q. 153 And what experience or knowledge had you of the financial affairs of the late
28 Mr. Liam Lawlor at that time?
- 29 A. Other than what he told me.
- 10:50:02 30 Q. 154 But you would have been relying entirely upon what Mr. Lawlor told you about

10:50:07 1 his own financial affairs?

2 A. Correct.

3 Q. 155 Right. And at this stage had you yourself paid substantial sums of money

4 Mr. Lawlor?

10:50:13 5 A. Yes, I had.

6 Q. 156 And you had paid that money to Mr. Lawlor in circumstances where in effect he

7 had insisted on you paying him the money, isn't that right?

8 A. That is correct.

9 Q. 157 And did you understand Mr. Lawlor to be very flush financially or in difficulty

10 financially?

11 A. Well the presentation, there are two aspects to this. The public presentation

12 or perception may well have been, I can't account for it but I certainly had a

13 perception of it at one stage until I began to realise the truth, was that Liam

14 was very well endowed financially. He lived in a period home, and he drove

10:51:02 15 fairly large cars and he had all of the outward trappings of somebody that had

16 money. The reality was, as I realised on a gradual basis, that that was not

17 the case at all and that he was in serious debt and this is something that he

18 told me. It's not something that I realised by deductive process. He told me.

19 Q. 158 And were the bank prepared to accept your offer as it were, of putting up your

10:51:36 20 shareholding in City West as collateral for monies to be advanced to

21 Mr. Lawlor?

22 A. No.

23 Q. 159 And who was the person in Allied Irish Bank that you had this discussion with?

24 A. I certainly had it, there was one discussion with Mr. Eddie Kay, and I

10:51:50 25 recollect an unnamed other person whose name I can't remember, that was

26 participant on one occasion.

27 Q. 160 And --

28 A. I should also add, I hasten to add for completeness, when I said that I

29 attended at Allied Irish Bank, bank centre, I also attended at Allied Irish

10:52:08 30 Bank centre Ballsbridge with Mr. John Ahern from 5 College Street on another

- 10:52:12 1 matter.
- 2 Q. 161 And your attendance on the occasion which you attended with Mr. John Ahern was
- 3 that going to see Mr. Kay again?
- 4 A. Yes, in relation to finance for myself.
- 10:52:23 5 Q. 162 And was that in relation to another development or another matter?
- 6 A. It was in relation to another matter.
- 7 Q. 163 And on any of the occasions at which you attended at Allied Irish Bank, Bank
- 8 Centre to see Mr. Kay, did you ever do so in the company of Mr. O'Callaghan or
- 9 Mr. John Dean?
- 10:52:40 10 A. I have never been to Allied Irish Bank Ballsbridge, Bank Centre Ballsbridge
- 11 with either Mr. O'Callaghan or Mr. John Dean either together or separately.
- 12 Q. 164 But you have been in Allied Irish Bank, Bank Centre with Liam Lawlor to see
- 13 Mr. Eddie Kay?
- 14 A. Yes I have.
- 10:52:59 15 Q. 165 And those attendances at the bank occurred between 1990 and 1994.
- 16 A. I cannot give you an exact date certainly, but it was certainly at a time in
- 17 the circumstances I have outlined, where Liam Lawlor had some cockamamie idea
- 18 about getting money and was asking my assistance and secondly with Mr. John
- 19 Ahern in relation to money for myself for another matter.
- 10:53:27 20 Q. 166 And insofar as Mr. Lawlor was concerned, Mr. Lawlor approached you, is that
- 21 right to see would you provide security in respect of a loan he wanted to
- 22 obtain from Allied Irish Bank?
- 23 A. Yes.
- 24 Q. 167 If we go back then to what Mr. Gilmartin has told the Tribunal, and
- 10:53:45 25 Mr. Gilmartin has said that the attendance at Allied Irish Bank, Bank Centre
- 26 took place he believes, on the day after the signing of the share subscription
- 27 agreement, that was signed on the 13th September. It follows therefore that
- 28 the meeting which Mr. Gilmartin describes must have been on the 14th September
- 29 or possibly some other time, but the 14th September 1991, was in fact a
- 10:54:13 30 Saturday, isn't that right?

10:54:13 1 A. Yes.

2 Q. 168 And just for completeness, on the following Monday, Mr. Dunlop, at 5970, just
3 to look at your diary for the following Monday, which would have been the 16th
4 September, you have a meeting with Gabian Group 11.30 am and in fact I
10:54:34 5 believe in the Ballycullen/Beechill module you describe that as being a meeting
6 with the Jones Group?

7 A. That's correct.

8 Q. 169 And I think fact at 20587, there is there a record of the note of the 16th
9 September 1991, taken at 11.30 am and Mr. Jones was present, Mr. Oliver Brooks
10:54:51 10 and I think the architect involved in the project, isn't that right?

11 A. Sean O'Leary and John van Dyke.

12 Q. 170 Yes, isn't that right? And that meeting took place according to your diary and
13 your document created afterwards at 11.30 am.

14 A. Yes.

10:55:06 15 Q. 171 And thereafter in the afternoon according to your diary again, you went to see
16 the Oldbridge site at the Boyne Valley, is that right?

17 A. Correct.

18 Q. 172 There is a note there beneath the entry at 2 o'clock, I beg your pardon, 5970,
19 in the afternoon there, 2 o'clock beneath the entry for Oldbridge, you have
10:55:26 20 look at site. And then review meeting, isn't that right?

21 A. Yes.

22 Q. 173 Does that suggest to you that you went down to the Oldbridge site, where is the
23 Oldbridge site, Mr. Dunlop?

24 A. It is just outside Drogheda.

10:55:38 25 Q. 174 Right and that you would have driven there or you went there in the afternoon
26 of the 16th September?

27 A. Yes, subject to correction I was at the Oldbridge site and I think various
28 officials from Meath County Council were present to look at the site in
29 relation to a proposal that was being made at the time for the site, golf
10:56:03 30 course I think it was, for the site.

- 10:56:05 1 Q. 175 Who was your client in connection with the Oldbridge transaction?
- 2 A. Mr. Brian Britton.
- 3 Q. 176 Right. What company did he work for?
- 4 A. He was a consultant to a group of investors who were interested in purchasing
- 10:56:20 5 the site and developing it.
- 6 Q. 177 And is this the Boyne Valley is that the battle of the Boyne site?
- 7 A. Not quite, it is the Coddington Estate, again if subject to my, subject to
- 8 correction if my memory, it's the Coddington Estate which at some, the battle
- 9 of the Boyne site is either adjacent to it or was at one time part of it, I'm
- 10:56:49 10 not absolutely certainty remove now, but certainly the interest in the context
- 11 of the investors was the Coddington Estate to use it for the purpose of an
- 12 hotel and associated developments, including a golf course.
- 13 Q. 178 And I think again, just for completeness, on the 16th September 1991, which is
- 14 the Monday following the signing of the share subscription agreement on the
- 10:57:13 15 Friday, at 20588. You appear to be the author of a letter that's sent to Lucan
- 16 Community Council requesting a meeting, isn't that right?
- 17 A. Yes, signed Frank, yes.
- 18 Q. 179 It would appear again that Mr. O'Callaghan writes to you at 20589 on the 16th
- 19 September, and he encloses his script for the brochure for Thursday night's
- 10:57:42 20 meeting and that's a meeting I think at the Palmerstown community council?
- 21 A. Right.
- 22 Q. 180 And he gives with that, he sends you a document at 20590, and he sets out there
- 23 the history of the work carried out by O'Callaghan Property since it's
- 24 inception, isn't that right?
- 10:57:59 25 A. Yes.
- 26 Q. 181 That would suggest, Mr. Dunlop, that you certainly weren't at any meeting in
- 27 Allied Irish Banks on the Monday 16th, isn't that right?
- 28 A. Correct.
- 29 Q. 182 Now, subsequently I think that on the 20th September 1991, Mr. Gilmartin was
- 10:58:20 30 again in Dublin on the 20th September, at 5980 and this is a letter from

10:58:30 1 Mr. O'Callaghan to Mr. Gilmartin recording that Eddie Kay had just told him on
2 that day the 17th September, that Mr. Gilmartin was coming to Dublin on the
3 Friday, which was the 20th September. And according to the bank records at
4 5990 Mr. Gilmartin was in Dublin at the Bank Centre on the 20th September 1991.

10:59:02 5
6 Do you think that there is a possibility that you might have been meeting
7 Mr. Kay with Mr. Lawlor in or around the 20th September 1991?

8 A. I may well have done. The only thing I can say to you is, if it's not in my
9 diary and it's not in Mr. Kay's diary or if there is in Mr. Kay's diary I would
10:59:19 10 accept that I might have been there. But certainly I was never present with
11 Mr. Gilmartin at a meeting in relation to the Quarryvale project in AIB Bank
12 Centre.

13 Q. 183 Well for any purpose were you ever at a meeting with Mr. O'Callaghan at AIB
14 Bank Centre?

10:59:36 15 A. No.

16 Q. 184 At 5987 is your diary for 20th September, Mr. Dunlop, and that does not record
17 you being at Allied Irish Banks with Mr. Lawlor or indeed with anybody else,
18 isn't that right?

19 A. Yes, I'm out of town in fact.

10:59:49 20 Q. 185 Yes. And the previous day the 19th, you will see there "Palmerstown at 8
21 o'clock".

22 A. Yes.

23 Q. 186 Yes. And you are meeting Mr. O'Callaghan at 3.30 that day and I suggest to you
24 that that was a meeting of the Palmerstown residents association, isn't that
11:00:04 25 right?

26 A. Yes I think that is the meeting I alluded to earlier that there was some
27 difficulty with.

28 Q. 187 Well there is a record of that meeting at 5990 as recorded by Allied Irish
29 Banks under the heading in the first item, "Palmerstown residents meeting 19th
11:00:22 30 of the 9th '91", do you see that?

- 11:00:23 1 A. Yes. I can't read it, can we increase that please?
- 2 Q. 188 Can we increase that please. Yes and it records there, it doesn't record
3 anything about a dispute between any journalist and Mr. O'Callaghan, isn't that
4 right?
- 11:00:36 5 A. That's correct.
- 6 Q. 189 Neither does it record that you were present, isn't that right?
- 7 A. Correct.
- 8 Q. 190 It does however indicate the name of the councillors who were present?
- 9 A. Yes.
- 11:00:45 10 Q. 191 Being Councillors O'Halloran, O'Connell, was that Gus O'Connell?
- 11 A. Yes.
- 12 Q. 192 Both Mr. O'Halloran and Mr. O'Connell were elected for the first time in June
13 of 1991?
- 14 A. Correct.
- 11:00:54 15 Q. 193 And Mr. Finbar Hanrahan, Ms. McGuinness, is that correct?
- 16 A. It's spelled wrong but I presume it means Marian McGennis, yes.
- 17 Q. 194 And Mr. Joe Higgins and Mr. Colm McGrath.
- 18 A. Yes.
- 19 Q. 195 And it records there that "only Higgins who represents Blanchardstown was
11:01:11 20 against Quarryvale". And if that is accurate it means all the others were in
21 favour of Quarryvale.
- 22 A. Correct.
- 23 Q. 196 Right. Now you yourself are not recorded as being present at that meeting, is
24 that right?
- 11:01:20 25 A. Correct.
- 26 Q. 197 But I think you did write to the councillors on behalf of Mr. O'Callaghan
27 following the meeting thanking them for attending, isn't that right, was that
28 part of your duties or job description in the Quarryvale development?
- 29 A. It was self imposed courtesy duty in relation to, if people were asked to
11:01:37 30 attend a meeting and did attend normally I'd write and thank them.

- 11:01:41 1 Q. 198 Right. Now on the, I should say to you, Mr. Dunlop, that previously you had
2 said and I had concurred with it that the withdrawal of 10,000 pounds was the
3 closing of the 042 account, that's not in fact correct, could I just show you
4 15410 please?
- 11:01:59 5 A. Yes there is a small amount.
- 6 Q. 199 Following the 10,000 pounds transaction there was 10,000 pounds left in the
7 account?
- 8 A. Yes.
- 9 Q. 200 And then in March '92, there is a debit of 3 and a half thousand pounds but
11:02:12 10 between that debit of 10,000 pounds in September '91 and March '92, there is no
11 movement on that account, isn't that right?
- 12 A. That is correct.
- 13 Q. 201 Now I think that in September 1991, Mr. Dunlop, you would, on the 27th
14 September 1991 at 6032 please, you withdrew 5,000 pounds on the 27th September
11:02:42 15 1991, do you see that, from your 910 account at the Irish Nationwide?
- 16 A. Yes.
- 17 Q. 202 What did you do with that, Mr. Dunlop?
- 18 A. Again I cannot tell you. It is either a withdrawal in cash or by cheque, I
19 cannot tell you.
- 11:03:05 20 Q. 203 You, a withdrawal from the Irish Nationwide Building Society, Mr. Dunlop, or by
21 cheque, 6034 and this cheque is dated the 27th September 1991, and it carries a
22 stamp Allied Irish Banks PLC.
- 23 A. Yes.
- 24 Q. 204 I think the reverse of the cheque at 6035 show it was negotiated at 5 College
11:03:27 25 Street?
- 26 A. Yes.
- 27 Q. 205 Right. Would that suggest to you that having withdrawn the money by cheque
28 from the Irish Nationwide you went around to Mr. John Ahern at Allied Irish
29 Bank and cashed it?
- 11:03:37 30 A. Yes, in that specific instance I can't say that is exactly what was done, but I

11:03:42 1 did that on a number of occasions, with Mr. John Ahern.

2 Q. 206 Yes. On the same day, Mr. Dunlop, at 5995 Mr. Owen O'Callaghan, who had

3 received a cheque for 10,000 pounds from Riga, which he had lodged to his

4 personal account, drew a cheque which is debited on the 27th September 1991, in

11:04:24 5 the sum of 10,000 pounds?

6 A. Yes.

7 Q. 207 Right. That debit I should tell you according to Mr. O'Callaghan, at 5997 is

8 where Mr. O'Callaghan is unable to tell the Tribunal who was the payee of that

9 cheque and has been unable to tell the Tribunal to whom those funds were paid,

11:04:42 10 but those funds, that was an expense incurred by Mr. O'Callaghan, if I can put

11 it at it's simplest on behalf of Barkhill, on behalf of the company, do you

12 understand?

13 A. I see, yes.

14 Q. 208 Yes. Now, what I want to draw to your attention, Mr. Dunlop, is that on the

11:04:57 15 same day that you withdraw 5,000 pounds from your Irish Nationwide Building

16 Society account, Mr. O'Callaghan withdraws or writes, has a cheque for 10,000

17 pounds attributable to Barkhill, debited to his personal account. Can you

18 assist at all as to why you needed 5,000 pounds at that particular occasion?

19 A. Well obviously I beg your pardon, obviously I had a purpose in mind, otherwise

11:05:25 20 would I not have withdrawn the money, but certainly that is as far as I can go,

21 other than to tell you, as I have told you before, that it was for the purposes

22 of having ready cash, having negotiated an Irish Nationwide Building Society

23 cheque in Allied Irish Banks, 5 College Street was for the purposes of having

24 cash.

11:05:42 25 Q. 209 Yes.

26 A. But I cannot, I fail to -- I'm at a loss as to the connection.

27 Q. 210 The connection is a simple connection, Mr. Dunlop, that I thought would be

28 obvious to you. Mr. O'Callaghan has a debit of 10,000 pounds on his account on

29 the 27th September 1991, you have a debit for 5,000 pounds on the 27th

11:06:04 30 September 1991, and neither of you can explain what you did with the money. So

- 11:06:09 1 what I wanted to ask you, taking those simple facts into account, is did you
2 ever have any discussion with Mr. O'Callaghan or a joint matter you might both
3 have been involved in, in September of 1991?
- 4 A. Not that I can recollect, no.
- 11:06:21 5 Q. 211 Right. And does any of that assist you in coming to a recollection as to what
6 you might have done with the 5,000 pound that you withdrew on the 27th
7 September 1991?
- 8 A. No, other than to say to you again that I withdrew money in the context of
9 having cash available to me for purposes that is matter of investigation here
11:06:41 10 by the Tribunal and I may well have used that money in specific instances, with
11 specific people.
- 12 Q. 212 You have previously told the Tribunal that the late Mr. Liam Lawlor
13 occasionally sought money from you on, at the weekends, isn't that right?
- 14 A. Yes either Thursday or Friday.
- 11:07:02 15 Q. 213 Yes. And the 27th was in fact a Friday.
- 16 A. Yes.
- 17 Q. 214 Right. And I just want to draw to your attention that at 6036 there is a
18 lodgement of 8,000 pounds to the account of Hazel Lawlor on the 27th September
19 1991, do you see that lodgement there?
- 11:07:25 20 A. I do, yes.
- 21 Q. 215 I just want to tell that you questions were asked about that lodgement of the
22 late Mr. Liam Lawlor which have not been answered, right. Does any of that
23 assist you as to what you might have done with the proceeds of the 5,000
24 pounds?
- 11:07:39 25 A. Well as I have, I gave evidence in another module and I have said in my
26 narrative statement and you have just reprised it there that Mr. Lawlor did
27 request monies either on a Thursday or a Friday, I did facilitate him, on quite
28 a number of occasions and the monies involved ranged from amounts like 2,000
29 pounds to 5,000 pounds.
- 11:08:03 30 Q. 216 Yes. But certainly if the 8,000 pounds was lodged, if five of that was

- 11:08:10 1 attributable to you, Mr. Dunlop, which is only a possibility I am putting no
2 higher than that, isn't that right?
- 3 A. That's correct.
- 4 Q. 217 You are not responsible for the other three?
- 11:08:18 5 A. No.
- 6 Q. 218 Right. Moving on to October 1991, Mr. Dunlop, and before I move on to deal
7 with that I want to go back to deal with the Sinn Fein matter that we were
8 dealing with yesterday, because it's in October '91, that you first record in
9 your telephone attendances Mr, the presence of Mr. John McCann, and you
11:08:42 10 remember I had asked you yesterday a number of question abouts Mr. McCann and
11 you had indicated to the Tribunal a number of matters?
- 12 A. Yes.
- 13 Q. 219 One was that Mr. McCann had collected signatures in connection with Quarryvale,
14 isn't that right?
- 11:08:53 15 A. That is correct.
- 16 Q. 220 And I just want to show you a document at 6390.
- 17 A. Mr. McCann and others I hasten add, Mr. McCann wasn't the only person involved.
- 18 Q. 221 This is a letter to Dublin County Council from Mr. McCann of the 3rd December
19 '91, in which he is seeking to withdraw the bundle which I am not concerned
11:09:20 20 with, but in the second paragraph he says "The 10,000 signatures were delivered
21 yesterday evening by special courier to Mr. Al Smith with a covering letter"
22 are they the signatures to which you were referring yesterday.
- 23 A. Yes, I'm virtually certain they are because as I said to you yesterday
24 Mr. McCann was involved with others in obtaining these signatures.
- 11:09:35 25 Q. 222 So Mr. McCann is the author of this document under the heading of Quarryvale
26 residents association?
- 27 A. Yes.
- 28 Q. 223 And would that mean then that he, with others as you say, was involved
29 collecting the 10,000 signatures?
- 11:09:48 30 A. Yes. Mr. McCann and another gentleman whose name escapes me, came to my office

11:09:57 1 by arrangement, on a number of occasions to do two things. One to provide
2 assistance as they saw it, on the basis of a local community association. And
3 secondly, looking for funding from the promoters of the project for various
4 items for what they loosely referred to as a resource centre. Mr. McCann and
11:10:25 5 this other gentleman and others, but they weren't the only ones I hasten to add
6 orchestrated a signature collection exercise in the local areas that they were
7 involve in to get these signatures.

8 Q. 224 Right. And you also said yesterday that you had, sorry that Mr. McCann had
9 organised a protest at Dublin County Council in connection with Quarryvale, you
11:10:50 10 were somewhat embarrassed about that, is that right?

11 A. Yes. I did say that I, they organised a protest which turned out to be
12 slightly heated, they travel there had in a bus, if I recollect correctly I
13 paid for the bus or Frank Dunlop & Associates paid for the bus, and either had
14 it reimbursed to me by Mr. O'Callaghan or, well there is no or. As I recollect
11:11:18 15 it now I had negotiations with Mr. McCann in relation to the matter and
16 notwithstanding any efforts on my part, they persisted with the protest.

17 Q. 225 And at 6418, Mr. Dunlop, is an extract from your diary on the 9th December
18 1991, which would be less than a week after the protest?

19 A. Yes.

11:11:38 20 Q. 226 Figures had been handed in, there is a record there, 2.30 Quarryvale protest at
21 DCC offices, O'Connell Street is that correct the protest you are talking
22 about?

23 A. I think so, yes.

24 Q. 227 Notwithstanding any finer feelings you might have had about that protest, you
11:11:52 25 nonetheless funded it insofar as it required to be funded, isn't that right?

26 A. Correct because Mr. McCann and his associate obviously felt very strongly about
27 it, notwithstanding the public relations advice I was giving that this was not
28 necessary and it might in fact be counter productive, which I think in the
29 immediate circumstances it was.

11:12:11 30 Q. 228 But in any event did you clear with Mr. O'Callaghan the expenses that you were

- 11:12:16 1 going to outlay in connection with the bus and whatever else about this protest
2 before it in fact happened?
- 3 A. Before it happened, no I don't think I did. I think I probably told
4 Mr. O'Callaghan that John McCann and others intended to do this and probably
11:12:33 5 told him as well that I disagreed fundamentally with it, but that there was
6 nothing we could do to control it, or to stop it, and I probably told him, I
7 cannot definitively say to you now on recollection, that I did tell him that we
8 were, I was paying for the bus or providing funds for the bus or whatever, but
9 I probably did.
- 11:12:56 10 Q. 229 And I think you also said yesterday that you recollected that you had provided
11 services by way of a computer or printer to Mr. McCann?
- 12 A. Yes.
- 13 Q. 230 Is that right? And I want to show you an invoice of the 30th April 1992 at
14 7152. Which is an invoice to Riga Limited, and I think that there are
11:13:19 15 secretarial services referred to, luncheon, entertainment expenses and
16 contributions, including St. Kevin's School of 4700, isn't that right?
- 17 A. Correct.
- 18 Q. 231 Paid by Riga on 23rd of the 6th '92 and signed Mr. O'Callaghan?
- 19 A. Correct.
- 11:13:36 20 Q. 232 And at the top is Macintosh Word Processor and Printer, is that the item you
21 discussed yesterday?
- 22 A. Yes. I couldn't remember whether it was a word processor or computer, but that
23 is a Macintosh Word Processor, yes.
- 24 Q. 233 Was that purchased by you for Mr. John McCann and recouped by from you
11:13:52 25 Mr. O'Callaghan?
- 26 A. Yes it was. And it was purchased for me through an intermediary, surprise,
27 surprise, who was an associate of Liam Lawlor.
- 28 Q. 234 But in any event the purpose of purchasing the word processor was for Sinn
29 Fein, is that right?
- 11:14:10 30 A. It was for Mr. McCann and his Residents Association Resource Centre, but it was

- 11:14:24 1 provided on the basis that he was going to be helpful in the local area, in the
2 knowledge, in my knowledge that he was a member of Sinn Fein.
- 3 Q. 235 Yes. You had, I think in private interview told the Tribunal that the computer
4 and other bits and pieces were provided to Sinn Fein, isn't that right?
- 11:14:36 5 A. Correct, yeah.
- 6 Q. 236 So that in fact you knew when you were incurring this expense and giving it to
7 Mr. McCann that it was in fact a contribution of a computer towards Sinn Fein,
8 is that right?
- 9 A. Yes.
- 11:14:48 10 Q. 237 Yes. Now I think that there are, I am not going to go through them
11 individually, but there are a significant number of telephone contacts in your
12 telephone attendances with Mr. McCann ringing you, isn't that right?
- 13 A. That's correct.
- 14 Q. 238 And I think there are also diary entries where you have meetings with
11:15:07 15 Mr. McCann on a number of occasions, isn't that right?
- 16 A. That is correct.
- 17 Q. 239 And Mr. McCann appears to have come to your office and I think on occasion, I
18 think there is one entry where you meet Mr. McCann with a group of ten, 14205,
19 at Quarryvale Co-op. Group of ten on October 17th 1991, you see it at 8.30 in
11:15:30 20 the evening, at the bottom?
- 21 A. Yes. I'm not certain that that meeting was in my office, but certainly --
- 22 Q. 240 I didn't suggest that it was.
- 23 A. It's the Co-op, it's what is known as the Co-op Building in, near the
24 Quarryvale site.
- 11:15:45 25 Q. 241 Would this have been a private meeting, one of the private meetings that you
26 described to the Tribunal earlier as opposed to the public meetings where the
27 local representatives spoke?
- 28 A. Correct, yes.
- 29 Q. 242 Now what would your purpose have been on the 17th October 1991 in meeting with
11:16:00 30 Mr. McCann and the group of ten?

- 11:16:03 1 A. Obviously they were interested in helping the project or promoting the project
2 in the local area, and whether they were claiming credit for having things done
3 or being able to do things more than they actually did, the fact of the matter
4 is when they requested a meeting I went.
- 11:16:29 5 Q. 243 Yes. I think that Mr. McCann was involved in being the author of a local paper
6 called the Clondalkin News, is that right?
- 7 A. Yes, but I don't remember having any involvement particularly in that, other
8 than providing material for him for publication.
- 9 Q. 244 Yes. I think at 7444 there is a copy of the newspaper in question, it's called
11:16:58 10 the Clondalkin News and there is a logo for Sinn Fein, isn't that right?
- 11 A. That's right.
- 12 Q. 245 Described as issued by Clondalkin Sinn Fein to every house in North Clondalkin.
13 It deals with a number of issues; Victory to North Clondalkin in relation to
14 the St. Kevin's School I think, and then there is an article on garda
11:17:18 15 harassment. There is an article on the following page at 7445 by John McCann,
16 entitled "From Crossmaglen to Clondalkin" and it deals with Sinn Fein
17 involvement, and then there is a photograph of Mr. McCann in the bottom. On
18 the following page at 7446, there is an article entitled "Maastricht, the facts
19 behind the lies" and that was in relation to the Maastricht Treaty. Then under
11:17:45 20 the community roundup, there is a heading "Town Centre" do you see that
21 outlined in black?
- 22 A. Yes.
- 23 Q. 246 And this in effect calls upon Green Property to restart the development and
24 points out that Green Properties have held the site for 20 years, isn't that
11:17:58 25 right?
- 26 A. Correct.
- 27 Q. 247 Now, were you aware of that particular publication, Mr. Dunlop?
- 28 A. Oh, yes, I was.
- 29 Q. 248 Yes. And again would you have been aware of the fact that it was delivered to
11:18:13 30 every house in North Clondalkin?

- 11:18:14 1 A. At the time I certainly probably was, yes.
- 2 Q. 249 Now I think that Ms. Burton, when she gave evidence, had given evidence about
- 3 the fact that Sinn Fein was pro-Quarryvale but she had also given evidence
- 4 about Sinn Fein support for the Green Property development that I didn't put to
- 11:18:32 5 you, and I should put to you precisely what she said at Day 740, page 90,
- 6 question 424 please.
- 7
- 8 She says the following in answer to question 424 "And I think in Corduff and on
- 9 the Blanchardstown side, I think the local Sinn Fein organisation equally
- 11:19:00 10 strongly supported the Blanchardstown proposal". And then I say to her then "I
- 11 think insofar as in your statement you are referring substantial Sinn Fein
- 12 involvement to support the designation proposals, you were referring a
- 13 pro-Quarryvale approach" and she says "yes" but what Ms. Burton is in fact
- 14 saying is that in one part of the area, that is Corduff and Blanchardstown,
- 11:19:21 15 Sinn Fein were supporting Green Properties, but that in another part of the
- 16 area Sinn Fein were supporting Quarryvale, isn't that right?
- 17 A. The undoubted ability, Ms. Dillon, of Sinn Fein to be on both sides of the
- 18 fence.
- 19 Q. 250 Insofar as your dealings with Mr. McCann were concerned, Mr. Dunlop, that was
- 11:19:37 20 pro-Quarryvale and all of Mr. McCann's activities were devoted to, or directed
- 21 towards successfully achieving the rezoning of Quarryvale, is that right?
- 22 A. Yes, I have no knowledge whatsoever other than the evidence that Ms. Burton
- 23 gave in relation to the activities of Sinn Fein in Corduff. It certainly
- 24 didn't impact on me at the time, I knew nothing about it, but as to your
- 11:19:59 25 question in relation to Mr. McCann.
- 26 Q. 251 Yes?
- 27 A. Yes. Their efforts were directed towards support for Quarryvale.
- 28 Q. 252 Can you recollect the names of Mr. McCann's associates with whom you dealt?
- 29 A. Yes. There was one individual person, and I apologise about this and I have
- 11:20:16 30 thought long and hard about it, and I don't want to be making telephone calls

11:20:20 1 to either former members of Sinn Fein or existing members of Sinn Fein to find
2 out who it was that accompanied Mr. McCann, but there was one individual
3 particularly in attendance with Mr. McCann at virtually every meeting, tall,
4 gangly, wispy bearded individual.

11:20:42 5 Q. 253 This individual, was he also of similarly supportive in favour of Quarryvale?

6 A. Oh, yes he was, yes. Just for contextualisation, Ms. Dillon, they were they
7 are supportive of Quarryvale but they were attempting at the same time to get
8 various aspects of the Quarryvale proposal, the point I am trying to make is
9 they didn't fundamentally agree with everything that was being proposed for
11:21:13 10 Quarryvale, they wanted various other facilities added into it. And I remember
11 on one occasion one of their members got up at a public meeting and said they
12 required a 50 metre swimming pool and a colleague of his said no that's not
13 good enough, we will need a 100 metre swimming pool.

14 Q. 254 But this gentleman who was Mr. McCann's associate and with whom you dealt, do
11:21:40 15 you remember his name, Mr. Dunlop?

16 A. No I can't, unfortunately I can't. And if I could I would tell you obviously,
17 but as I sit here now I can't remember it, but he was an associate of
18 Mr. McCann's and he was present with Mr. McCann, both in my office and
19 elsewhere. I met him on other occasions and he was also with Mr. McCann, very
11:22:03 20 heavily involved in a fundraising exercise in relation to an accident that
21 occurred in which four people were killed, or drowned early in the morning, and
22 he was very involved in the fundraising exercise and I think we made a
23 contribution.

24 Q. 255 But other than Mr. McCann's involvement with you in the rezoning of Quarryvale,
11:22:29 25 you had no other contact with Mr. McCann, is that correct?

26 A. No. As you quite rightly pointed out Mr. McCann rang my office, you know, on
27 quite a number of occasions, he went off the radar screen after, to a large
28 extent after the Quarryvale proposal was confirmed. I couldn't begin to tell
29 you when the last time I spoke to Mr. McCann was. I know he caused serious
11:23:07 30 concern and I had a discussion with a number of local politicians about him,

- 11:23:10 1 because he stood in an election in North Clondalkin.
- 2 Q. 256 When you say he caused serious concern, was that because he was standing for
3 election and was likely to succeed or was it for some other reason?
- 4 A. No, he was standing for election and I think people were wrongly concerned
11:23:31 5 about the level of support that he had.
- 6 Q. 257 And did you meet Mr. McCann with his unnamed associate and with Mr. O'Callaghan
7 at the same time, were you at meetings with Mr. McCann and Mr. O'Callaghan?
- 8 A. Mr. O'Callaghan would have been present, not in my office but certainly and at
9 least one meeting in North Clondalkin where Mr. O'Callaghan, where we were
11:23:57 10 attending a meeting of more than Mr. McCann and his associate, but certainly
11 Mr. O'Callaghan, as I recollect it, would have known who John McCann was and
12 would have met him at least once.
- 13 Q. 258 And if I can take you then to deal with October 1991, Mr. Dunlop, and at this
14 stage I think in late September early October 1991, your telephone attendances
11:24:28 15 commence, isn't that right, the records that you made of telephone?
- 16 A. The records that we discovered, yes.
- 17 Q. 259 Yes. I think the Tribunal has summarised your telephone attendances with
18 Mr. O'Callaghan and they run to a number of pages at 16595 please, 16596,
19 16597, 16598 and 16599 and 16600 and 16601. And I don't intend to take you
11:25:18 20 individually through those telephone attendances, Mr. Dunlop, save to say that
21 on the face of them they record extensive contact between yourself and
22 Mr. O'Callaghan commencing in 1991, isn't that right?
- 23 A. That's correct.
- 24 Q. 260 When the telephone attendances commenced, isn't that the position?
- 11:25:37 25 A. Correct.
- 26 Q. 261 And until the telephone attentions finish, which is November '94, isn't that
27 right?
- 28 A. That's correct.
- 29 Q. 262 But you continued your contact with Mr. O'Callaghan after November 1994?
- 11:25:50 30 A. Yes, I did.

- 11:25:50 1 Q. 263 But there is no telephone record of that, is that right?
- 2 A. None.
- 3 Q. 264 And there are diary records, but not telephone records?
- 4 A. Yes.
- 11:25:56 5 Q. 265 I think that you have said in your statement, Mr. Dunlop, that while that is
- 6 what's recorded on your telephone attendances by your staff, the actual contact
- 7 would have been far greater?
- 8 A. That is correct.
- 9 Q. 266 Yes and that you say you were in almost continuous contact with Mr. O'Callaghan
- 11:26:15 10 whether by way of meetings or telephone contacts throughout the entire period
- 11 of the Development Plan?
- 12 A. Yes.
- 13 Q. 267 And indeed thereafter?
- 14 A. Yes. I think what I have said and which is the case, that Mr. O'Callaghan came
- 11:26:30 15 to Dublin on a given day, Tuesday and stayed until either Thursday or Friday
- 16 and located in my office as his office, he stayed elsewhere in a variety of
- 17 places, but he went to other meetings and came to my office or he left for
- 18 other meetings from my office.
- 19 Q. 268 And I think again, just staying with October 1991, the --
- 11:26:54 20 A. Can I ask you, Ms. Dillon, do we intend to break.
- 21
- 22 CHAIRMAN: Yes, we can take our 15 minute break now.
- 23
- 24 MS. DILLON: Yes, sir.
- 11:27:03 25 A. I am to make my list now during the break?
- 26
- 27 CHAIRMAN: Well if you can, yes.
- 28 A. Yes, sir.
- 29
- 11:27:14 30 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK.**

AND RESUMED AGAIN AS FOLLOWS:

- 11:27:18 1
- 2
- 3 Q. 269 MS. DILLON: Now, I think over the break, Mr. Dunlop, that you highlighted
- 4 names on that list, is that correct?
- 11:55:47 5 A. That's correct.
- 6 Q. 270 Would you mind handing that list to Mr. Kavanagh please?
- 7
- 8 (List handed to Registrar).
- 9
- 11:55:55 10 And if you don't mind, Mr. Dunlop, I am going to leave that and come back to it
- 11 hopefully before you leave today but if not at the commencement of the next
- 12 session, is that all right?
- 13 A. Yes.
- 14 Q. 271 Now, we were discussing October 1991, and again I had been, I think about to
- 11:56:11 15 put to you the fact that in October 1991, there were a number of public
- 16 meetings at which you attended, isn't that right?
- 17 A. Yes.
- 18 Q. 272 And there was a meeting I think on the 10th October, Quarryvale and Ballyfermot
- 19 meeting on the 23rd October, Quarryvale and Rowlagh, and then on the 22nd a
- 11:56:31 20 meeting at the Spa Hotel re Quarryvale and they are recorded in your diary, Mr.
- 21 Dunlop?
- 22 A. That's correct.
- 23 Q. 273 Now, I think also you received sponsorship requests from I think on this
- 24 instance from a Mr. Jim Grogan in connection with the girl's football club.
- 11:56:44 25 A. Yes.
- 26 Q. 274 I think ultimately did you provide sponsorship, albeit I think, in January or
- 27 February of the following year, which you recouped from Mr. O'Callaghan?
- 28 A. That's correct.
- 29 Q. 275 Was that part of the matters that you had outlined to the Tribunal of the
- 11:56:58 30 public affairs that you were involved in?

- 11:56:59 1 A. Yes and this matter would, would have been discussed with Mr. O'Callaghan as to
2 whether or not it was appropriate to indulge in that sponsorship.
- 3 Q. 276 Yes. I think at 6158 please, I think at 6158 you will see there at "10.35 Jim
4 Grogan began girls football club he was talking to Owen O'C and Ambrose Kelly
11:57:31 5 last night, who he told him to call here re sponsorship". So clearly at
6 whatever meeting had taken place on the 23rd October, which was probably the
7 Rowlagh meeting, Mr. O'Callaghan and Mr. Kelly told Mr. Grogan if he was
8 looking for sponsorship you were the person to contact about it, isn't that
9 right?
- 11:57:46 10 A. Correct.
- 11 Q. 277 Now, I think also at that time and again for illustration purposes as to what
12 was going on, can I show you 6129 and this is a press statement issued on the
13 15th October 1991, from the Blanchardstown town centre action Group calling for
14 a public meeting on the 15th October, and it would be fair to say that
11:58:11 15 Blanchardstown town centre action group were a pro-Blanchardstown operation,
16 isn't that right?
- 17 A. Yes, a disparate group, but that's how we took it, I don't know how they came
18 into existence but that is, on the other side of the fence that's how we took
19 it, they were pro-Blanchardstown and they were doing their thing.
- 11:58:29 20 Q. 278 Right. And throughout I think October of 1991, you had meetings with Mr. Owen
21 O'Callaghan, Mr. Ambrose Kelly, Sheila Terry and John McCann and they are
22 recorded in your diary, isn't that right?
- 23 A. Yes.
- 24 Q. 279 And you also meetings with Mr. J Lynch of Fas, isn't that right, they are also
11:58:54 25 recorded in your diary?
- 26 A. Yes, I was a consultant to Fas.
- 27 Q. 280 Right. And you also have telephone attendances on a number of people connected
28 with Quarryvale including Mr. Ambrose Kelly, Mr. O'Callaghan, Mr. John
29 O'Halloran, Mr. John McCann, Mr. Gus O'Connell, Mr. Liam Lawlor, Mr. Colm
11:59:07 30 McGrath, Ms. Sheila Terry and Ms. Joan Burton and Ms. Betty Coffey, isn't that

- 11:59:12 1 right?
- 2 A. Correct.
- 3 Q. 281 And these were all people who were ringing your office in the month of October
- 4 and I'm suggesting to you that it's likely such contact was in connection with
- 11:59:20 5 Quarryvale?
- 6 A. Yes, there were other issues in train during the course of the Development
- 7 Plan, but in the main at this time prior to the December 1992 vote, the
- 8 activity was concentrating on Quarryvale.
- 9 Q. 282 Yes. And it was coming up to December the 3rd, I think was the closing date
- 11:59:41 10 for the receipt of submissions on the development plan?
- 11 A. That's correct.
- 12 Q. 283 Isn't that right? And were you involved in the preparation of the submission
- 13 that was put in supporting the Quarryvale development?
- 14 A. No, I don't think I had any substantive involvement in it, I think that was
- 11:59:56 15 done by other professionals, but certainly I was aware of it and I knew what
- 16 was being said.
- 17 Q. 284 And I think on the 3rd October, Mr. Dunlop, a sum of two and a half thousand
- 18 pounds at 6050 was withdrawn from your INBS account the 910 account, and you
- 19 will see there on the 3rd October '91, there is a cheque withdrawal which again
- 12:00:19 20 is cashed, Mr. Dunlop, at 6052 and the reverse of that at 6053 shows it was
- 21 cashed at 5 College Street?
- 22 A. It's upside down, yes.
- 23 Q. 285 Yes. And you have been asked for an explanation as to what you did with those
- 24 funds and you haven't been in a position to provide one, Mr. Dunlop, is that
- 12:00:43 25 right?
- 26 A. Correct.
- 27 Q. 286 But again this was cash that was available to you, isn't that right?
- 28 A. That's correct.
- 29 Q. 287 And again you appear to have there that insofar as the Irish Nationwide
- 12:00:53 30 Building Society cheques are concerned, you have the facility with Mr. Ahern

- 12:00:57 1 that once you get the cheque from the Irish Nationwide Building Society, Mr.
2 Ahern will cash same for you?
- 3 A. Or organise that it will be cashed for me.
- 4 Q. 288 Yes. It is different to the Rathfarnham account operation, is it not, Mr.
12:01:10 5 Dunlop, insofar as when you go to Mr. Ahern to withdraw money from the
6 Rathfarnham account you are getting cash, isn't that right?
- 7 A. Correct yes.
- 8 Q. 289 Directly from the Rathfarnham account, albeit it is in fact happening in
9 College Street?
- 12:01:23 10 A. Correct. I want to withdraw money from Rathfarnham account I go to John Ahern,
11 he organises it and I get the cash in 5 College Street.
- 12 Q. 290 Yes and do you fill in any withdrawal slip or withdrawal form for that?
- 13 A. I think Mr. Ahern did that.
- 14 Q. 291 Yes. So Mr. Ahern looked after any documentation in connection with the
12:01:40 15 Rathfarnham account?
- 16 A. Correct.
- 17 Q. 292 What you would do then is I assume, you would you ring him and tell him I want
18 25,000 pounds from Rathfarnham, you go down to Mr. Ahern and he would have
19 organised the money for you and give it to you, is that right?
- 12:01:51 20 A. Correct.
- 21 Q. 293 Right. And you yourself weren't involved in providing any paper to Allied
22 Irish Bank in connection with that withdrawal?
- 23 A. No, other than and this is merely a presumption on my part now, I cannot
24 specifically say to you that I never, did not sign any docket, I presume I did
12:02:09 25 for Mr. Ahern's purpose, but certainly the vast majority of the work in
26 relation to the withdrawal was done by Mr. Ahern.
- 27 Q. 294 Right. But insofar as the account at Irish Nationwide was concerned the
28 withdrawals on that account, Mr. Dunlop, which is operated by the Irish
29 Nationwide Building Society account, these are by way of cheque?
- 12:02:29 30 A. That's right.

- 12:02:29 1 Q. 295 And that instrument then is negotiated by you with Mr. Ahern who gives you cash
2 for it, isn't that right?
- 3 A. Correct.
- 4 Q. 296 And the cheque goes back through the system to the Irish Nationwide and is
12:02:42 5 there to be found as a record of the transaction, isn't that right?
- 6 A. Correct.
- 7 Q. 297 And I think in nearly all cases in which you make withdrawals from the Irish
8 Nationwide, the cheque in fact is available, isn't that the position?
- 9 A. I haven't gone through, I haven't counted them but I think yes there is quite a
12:02:56 10 number of them.
- 11 Q. 298 Yes they have been provided I think to the Tribunal by the Irish Nationwide
12 Building Society, isn't that right?
- 13 A. Correct.
- 14 Q. 299 Right. And, but insofar as the actual transaction is involved you are not in a
12:03:08 15 position to assist the Tribunal as to what you might have done with the
16 proceeds of that?
- 17 A. No I was asked this question previously and I think if my memory is correct I
18 did try and explain, but I failed.
- 19 Q. 300 Right. Now, I think on the 11th October 1991, to the same account at 6075, you
12:03:31 20 will see there that there is a lodgement of 9,075 pounds to your account, isn't
21 that right?
- 22 A. Yes.
- 23 Q. 301 Right. Do you know the source that have lodgement, Mr. Dunlop?
- 24 A. Again, Ms. Dillon, no I don't think so.
- 12:03:58 25 Q. 302 I think that in fairness to yourself, Mr. Dunlop, the bank were able to provide
26 certain information at 6078.
- 27 A. Yes, I have it here. Yes.
- 28 Q. 303 And this records insofar as the sum of 9,075 pounds it is in the bottom half of
29 the page, it's the seventh transaction down.
- 12:04:19 30

12:04:19 1 The bank are able to provide the information that it was a cheque number drawn
2 on a particular account, isn't that right, do you see there it's the 11th
3 October '91, perhaps it's easier if you look at 7079, Mr. Dunlop. And if
4 you -- sorry 6079.

12:04:45 5 A. Yes.

6 Q. 304 Now, if you look at the third transaction from the bottom there, which is the
7 lodgement we are talking about?

8 A. Correct.

9 Q. 305 Yes, it records that the source of it is a particular cheque number drawn on a
10 particular bank account?

11 A. Yes.

12 Q. 306 But you do not have any information as to who was the owner in effect of that
13 bank account, isn't that right?

14 A. No, yes.

12:05:06 15 Q. 307 So you don't know who gave that you 9,075 pounds?

16 A. At this remove, no.

17 Q. 308 No. I just want to draw something to your attention, Mr. Dunlop, and again it
18 may be coincidence, at 6082 this is Mr. Owen O'Callaghan's personal bank
19 account, held at Allied Irish Bank and if you look at the 11th October 1991,
12:05:31 20 which is the same date that you lodged 9,075 pounds you see that
21 Mr. O'Callaghan lodges 9075 pounds?

22 A. He lodges.

23 Q. 309 Yes, it's under the credit.

24 A. Yes.

12:05:44 25 Q. 310 And you will see it's followed by a withdrawal, also a lodgement of 10,000
26 pounds, do you see that?

27 A. Yes.

28 Q. 311 Now, Mr. O'Callaghan has provided an explanation to the Tribunal that that is a
29 cheque received from Cadnam Construction, did you ever carry out any
12:06:00 30 transactions or have any involvement with CADNAM Construction?

- 12:06:06 1 A. I don't believe I have ever even heard of them.
- 2 Q. 312 Yes, what I am drawing to your attention as I had previously drawn to your
3 attention in relation to a another transaction is simply this, on the 11th
4 October 1991, you lodge 9,075 pounds to your INBS account and on the same day
12:06:26 5 Mr. O'Callaghan lodges 9,075 pounds to his current account at Allied Irish Bank
6 and Mr. O'Callaghan has been able to tell the Tribunal that that is a cheque
7 drawn on an associated company of his Cadnam Construction. And in the light of
8 the similarity of the amounts, Mr. Dunlop, does any of that assist you in
9 identifying where you got the 9,075 pounds that you lodged on the 11th October
12:06:51 10 '91?
- 11 A. No it doesn't assist me other than to say as I have said to you previously,
12 that in the lodgements into the INBS account, the likelihood is that it was for
13 a larger amount and some was deducted.
- 14 Q. 313 But in fact it's a cheque lodgement?
- 12:07:08 15 A. It's a cheque but I have no, I cannot at this remove I certainly never heard of
16 Cadnam Construction.
- 17 Q. 314 Yes. At 6076, Mr. Dunlop, just to take care of that point, I don't think there
18 is any question of a deduction being made, because if you look at the lodgement
19 slip it's cheques in the total value of 9,075 pounds.
- 12:07:29 20 A. Yes.
- 21 Q. 315 Isn't that right? In other words the lodgement slip does not record that you
22 are retaining cash, isn't that right?
- 23 A. Exactly, yes.
- 24 Q. 316 And I understood to you agree with me previously that in fact it's the practice
12:07:43 25 of the Irish Nationwide Building Society that you have to lodge?
- 26 A. The amount, yes if it's a cheque you lodge the amount and if you require money
27 it's given to you by way of cheque, whereas in contrast with Allied Irish Bank
28 5 College Street who cashed the cheque or you lodge and they give you money
29 back.
- 12:08:02 30 Q. 317 Yes. Right. So it's unlikely is what I am saying to you that the amount you

- 12:08:06 1 had in hand in relation to that transaction was greater than 9,075, isn't that
2 the position?
- 3 A. Yes I agree, that's correct.
- 4 Q. 318 Can you help at all as to simply the similarity between the amounts and the
12:08:19 5 dates between the transaction on Mr. O'Callaghan's account and the transaction
6 on your account?
- 7 A. I'm afraid I can't, no.
- 8 Q. 319 Now, were you aware, Mr. Dunlop, of a payment to Mr. Colm McGrath in October of
9 1991, by Mr. O'Callaghan?
- 12:08:36 10 A. Subsequently, yes.
- 11 Q. 320 When did you become aware of the payment?
- 12 A. I became aware of the payment, well let me put it this way, I became aware of
13 payments by Mr. O'Callaghan to Mr. Colm McGrath in, on foot of journalistic
14 inquiries, but I was aware of one payment to Mr. McGrath which I made and was
12:09:05 15 reimbursed by Mr. O'Callaghan.
- 16 Q. 321 That's a sum of 10,700 pounds in respect of a difficulty Mr. McGrath had at the
17 Four Courts. I will come to deal with that particular payment. But what I am
18 asking you about specifically is a payment of 10,000 pounds on the 11th October
19 1991 to Mr. McGrath?
- 12:09:21 20 A. No, I was not aware of that.
- 21 Q. 322 Now can I show you 6072, sorry I beg your pardon 6082 and this is an extract
22 from the account of Mr. O'Callaghan and you will see that on the 11th October
23 there are two lodgements to the account, one is the 9,075 we have just been
24 discussing.
- 12:09:44 25 A. Yes.
- 26 Q. 323 And beneath that there is a lodgement of 10,000 pounds.
- 27 A. Correct.
- 28 Q. 324 You may take it from me, Mr. Dunlop, that that 10,000 pounds comes from Riga,
29 Mr. O'Callaghan's connected company.
- 12:09:55 30 A. Okay.

- 12:09:56 1 Q. 325 And then on the 18th October there is a debit of 10,000 pounds on the account,
2 isn't that right?
- 3 A. Yes.
- 4 Q. 326 And that I understand is the cheque being debited to the account that is
12:10:10 5 attributable to Mr. Colm McGrath?
- 6 A. I see.
- 7 Q. 327 Right. Now were you aware that in October of 1991, that Mr. O'Callaghan,
8 through, sorry I should say that Riga through Mr. O'Callaghan had paid 10,000
9 pounds to Mr. McGrath?
- 12:10:23 10 A. No, not in October 1991.
- 11 Q. 328 And did Mr. O'Callaghan ever discuss with you payments to Mr. McGrath?
- 12 A. No.
- 13 Q. 329 Did he ever ask your advice in connection any payments to Mr. McGrath?
- 14 A. No, other than in the instance that I have alluded to where we made the payment
12:10:41 15 in relation to a solicitor, a difficulty that Mr. McGrath was having in the
16 High Court.
- 17 Q. 330 Yes but that's in 1992, isn't that right?
- 18 A. Correct yes, but no is the answer.
- 19 Q. 331 Right. Now at 3152 in his statement to the Tribunal, Mr. O'Callaghan at
12:10:56 20 paragraph 4 says that on the 10th October 1991, he made a contribution of
21 10,000 pounds to Councillor Colm McGrath of Dublin County Council. He says "I
22 had been requested by Councillor McGrath for financial support for the June
23 1991 local elections and I agreed to make a contribution to his election
24 campaign."
- 12:11:16 25 Were you aware in June of 1991 that Mr. McGrath had made this request of
26 Mr. O'Callaghan?
- 27 A. No, I was not.
- 28 Q. 332 It would follow then that if Mr. McGrath made such a request of Mr. O'Callaghan
29 it happened when you weren't present, isn't that right?
- 12:11:28 30 A. Correct.

- 12:11:28 1 Q. 333 Now Mr, he continues "I did not make the payment until October 1991, but did so
2 after being reminded by Councillor McGrath of my promise of support".
3
4 You were unaware of the fact that at this stage that Mr. O'Callaghan was making
12:11:45 5 this financial support for Mr. McGrath, isn't that right?
6 A. Yes, I was unaware, yes.
7 Q. 334 Now it is the case, is it not, Mr. Dunlop, that later in November of 1992,
8 Mr. O'Callaghan and yourself did discuss a particular political contribution
9 prior to it being made by Mr. O'Callaghan, isn't that right?
12:12:03 10 A. To?
11 Q. 335 Mr. GV Wright?
12 A. Yes, that is correct.
13 Q. 336 But at this stage in October of 1991, although you are heavily involved and
14 committed to the campaign, you in effect Mr. O'Callaghan's lieutenant in
12:12:16 15 Dublin, are unaware of the fact that he is making this payment to another party
16 who is also heavily involved in the Quarryvale development, is that right?
17 A. That is correct.
18 Q. 337 Now I think also in October of 1991, you raised a number of invoices to, an
19 invoice in October and indeed an invoice in November at 6146, this is an
12:12:42 20 invoice from Frank Dunlop & Associates to Riga, isn't that right?
21 A. Yes.
22 Q. 338 And it's in the sum of 3,569.50.
23 A. Yes.
24 Q. 339 And then on the 19th November '91 at 6273, you raise invoice number 545 which
12:13:03 25 is continued onto the following page and it is in the total amount of 4,658.92.
26 A. Yes.
27 Q. 340 The total amount of those invoices when added together comes to 8,228.42; 6146
28 please and you will see there at the bottom that somebody has added both
29 invoices together, do you see that, in handwriting?
12:13:29 30 A. I do, yes.

- 12:13:30 1 Q. 341 Yes. And I think that both of these invoices were paid together by Riga in
2 December 1991, 6276. And some nine or ten items down from the top, you will
3 see the cheque payments book of Riga records a payment of 8,228.42 to Frank
4 Dunlop & Associates?
- 12:13:58 5 A. Yes.
- 6 Q. 342 And at 6277, which might make it easier, Mr. Dunlop, for everybody to see, is
7 the cheque stub and you see there it's a cheque in favour of Frank Dunlop &
8 Associates from Riga in the amount of the two invoices, isn't that right?
- 9 A. Correct.
- 12:14:09 10 Q. 343 And I think that sum is duly debited from the account of Riga, but insofar as
11 you are concerned at 6286, Mr. Dunlop, about nine or ten up from the bottom,
12 you record there in your cash receipts book for December 1991, two payments for
13 invoice number 524 and 545 the two sums in question, do you see it?
- 14 A. Yes, I do.
- 12:14:39 15 Q. 344 And you see again, I just want to draw to your attention, you identify the
16 client as Owen O'C, is that right?
- 17 A. Yes, correct.
- 18 Q. 345 You don't identify the client as O'Callaghan Properties or as Riga or as
19 Barkhill, isn't that right?
- 12:14:51 20 A. No.
- 21 Q. 346 And I think that that is recorded again in your computerised system at 6287,
22 and if that could be turned, it's the second and third item down, isn't that
23 right?
- 24 A. Correct.
- 12:15:08 25 Q. 347 It is in fact lodged and it's almost illegible at 6288 to your Frank Dunlop &
26 Associates account, it's almost illegible, Mr. Dunlop, but I think it's there.
- 27 A. Well it's like braille.
- 28 Q. 348 Yes. But what I want to put to you, Mr. Dunlop, in relation to those two
29 invoices which are paid together that insofar as your receipt of it is
12:15:35 30 concerned, you account for it by way of your cash receipts book, your computer

- 12:15:39 1 system and ultimately by way of your bank statement, isn't that right?
- 2 A. That's correct.
- 3 Q. 349 Right. And again it is in direct contrast to the way you dealt with the
- 4 Shefran payment.
- 12:15:50 5 A. Yes.
- 6 Q. 350 And indeed at 20577 there are back-up invoices for some, albeit not all of the
- 7 matters that you have outlined on the invoice, isn't that right?
- 8 A. Yes.
- 9 Q. 351 And you would have had invoice that is would back-up expenses you'd incurred,
- 12:16:10 10 isn't that right, that were available?
- 11 A. If they were available.
- 12 Q. 352 If they were available, yes, if they were available. So that you kept a record
- 13 of the monies you'd expended on behalf of the Quarryvale development, you
- 14 received invoices from people who carried out work for you then you raised
- 12:16:25 15 invoices to Riga on foot of the expense that you'd incurred, isn't that right?
- 16 A. Correct.
- 17 Q. 353 But you kept all of the paperwork in relation to those transactions were
- 18 available for inspection, isn't that right?
- 19 A. Correct.
- 12:16:36 20 Q. 354 And to be examined by your auditor. Now I think on Friday the 18th October
- 21 1991, at 6137 there is a debit of 3,500 pounds on your Frank Dunlop &
- 22 Associates current account. This is your Frank Dunlop & Associates account at
- 23 College Green, College Street.
- 24 A. Yes.
- 12:17:02 25 Q. 355 Right. Do you know where that, those monies went, Mr. Dunlop?
- 26 A. Have I not provided an explanation on that one?
- 27 Q. 356 No I think, you analyse it, Mr. Dunlop, as outlay?
- 28 A. Yes.
- 29 Q. 357 So it would have been an expense of Frank Dunlop & Associates. Now, in
- 12:17:25 30 fairness I can leave that, Mr. Dunlop, and come back to it.

- 12:17:28 1 A. Just one -- the date again, Ms. Dillon?
- 2 Q. 358 Is Friday 18th October 1991.
- 3 A. No I don't have immediately see it here anyway.
- 4 Q. 359 On that day, according to your telephone records Mr. Lawlor contacts you.
- 12:17:50 5 A. Yes.
- 6 Q. 360 We can come back to that, Mr. Dunlop, on the next occasion. Now, on the 24th
- 7 October 1991, at 6154 there is another cheque withdrawal from the Irish
- 8 Nationwide Building Society which again is cashed in College Street?
- 9 A. Yes.
- 12:18:12 10 Q. 361 At 6157. You haven't provided any explanation, Mr. Dunlop, for that, does that
- 11 fall into the same category as the other withdrawals from the Irish Nationwide
- 12 Building Society insofar as you draw a cheque on the Irish Nationwide, you take
- 13 to Mr. Ahern you get it cashed, is that right?
- 14 A. Correct for the availability of cash.
- 12:18:38 15 Q. 362 Yes, but you don't know or can't explain what you did with those funds other
- 16 than they were cash in your hands.
- 17 A. Correct for purposes that we have discussed already.
- 18 Q. 363 Did you have a creditor, Mr. Dunlop, called Hatton, Mr. James or J Hatton, if I
- 19 can show you 6161, which is an extract from your cheque payments book and some
- 12:19:04 20 eight up from the bottom you will see a cheque "J Hatton 2,000" do you see
- 21 that?
- 22 A. It's obviously a credit, it's in the books, it doesn't strike a bell with me
- 23 immediately.
- 24 Q. 364 Yes it's cheque number 773, isn't that right, you can see that there at the
- 12:19:28 25 edge?
- 26 A. Yes.
- 27 Q. 365 Cheque number 773 is at 6160, and that in fact is a cheque made out to cash,
- 28 Mr. Dunlop.
- 29 A. Yes.
- 12:19:38 30 Q. 366 It's not a cheque made out to Mr. Hatton, isn't that right?

- 12:19:41 1 A. That's correct.
- 2 Q. 367 But it is endorsed on the reverse by Mr. James Hatton, does that assist you in
3 remembering who Mr. Hatton might have been?
- 4 A. I have no recollection of who Hatton is.
- 12:19:53 5 Q. 368 There is a second cheque that is attributable or which appears to carry on the
6 signature on reverse of Mr. Hatton at 6168 on the 29th October 1991. If you
7 just see there, what is the reverse of the cheque appears to carry an
8 endorsement by James Hatton?
- 9 A. Yes. The fact that the cheque is drawn on Dunlop & Associates Limited and is
10 made out to cash I can't account for who Mr. Hatton is, but it is unlikely that
11 I would be giving -- what date is the, what day is the 29th of the 10th 1991
12 and the previous cheque?
- 13 Q. 369 I'll get that for you, Mr. Dunlop.
- 14 A. Certainly the name Hatton does not strike a bell with me.
- 12:20:45 15 Q. 370 Mr. Hatton does appear in one instance in relation to that cheque in your
16 cheque payments book as J Hatton as I have already shown you, the second cheque
17 simply appears as, it's a Tuesday.
- 18 A. Tuesday, no.
- 19 Q. 371 If you go back to 616 --
- 12:21:00 20 A. Is that signature James Hatton, it looks James but --
- 21 Q. 372 I cannot tell you, Mr. Dunlop.
- 22 A. Yes. I don't know.
- 23 Q. 373 You will see that the two cheques which are consecutive, 773 and 774, one is to
24 J Hatton and is analysed under "sundry expenses" and the other is described as
12:21:19 25 "sundry expenses" analysed under sundry expenses.
- 26 A. No I'm at a complete loss in relation to Mr. Hatton.
- 27 Q. 374 Can I leave that also with you, Mr. Dunlop?
- 28 A. Yes you can.
- 29 Q. 375 Yes I will come back to that and the three and a half thousand pounds debit
12:21:36 30 both in October 1991 on the next occasion?

- 12:21:38 1 A. Yes.
- 2 Q. 376 Would it assist you because we had dealt with this out of context, but earlier,
3 I think on the first day of sessions at 6176, that around this time is the time
4 that you receive the 86,605 pounds attributable to Comex?
- 12:21:56 5 A. Yes.
- 6 Q. 377 Does that assist you at all?
- 7 A. No.
- 8 Q. 378 Because you will see that the cheque that's debited immediately prior to the
9 lodgement of the 86,605 is one of the Hatton cheques. So that at this time,
10 while these financial transactions are going on, Mr. Dunlop, you have made some
11 arrangement or come to some understanding that ends with a lodgement of
12 86,605.21 pounds to your Frank Dunlop & Associates account, the 067 account,
13 isn't that right?
- 14 A. Yes, correct.
- 12:22:30 15 Q. 379 Yes. So looking at those transactions that are occurring around at the same
16 time, does any of that assist you, Mr. Dunlop, with the source and purpose of
17 that lodgement of 86,605.21 pounds?
- 18 A. No I'm frayed it doesn't. Certainly the issuing of a cheque by Frank Dunlop &
19 Associates in, to a payee cash and countersigned by Mr. Hatton, James Hatton,
12:22:58 20 it certainly doesn't strike a bell with me at all.
- 21 Q. 380 Yes but what I am asking you about now is the lodgement of 86,605.21?
- 22 A. Sorry I beg your pardon. You are quite right. No it doesn't.
- 23 Q. 381 On the day that lodgement is made, Mr. Dunlop, which is the 31st October '91 at
24 6187, Mr. John Ahern rings you.
- 12:23:16 25 A. Mm-hmm.
- 26 Q. 382 Do you see that, on the 31st October 1991?
- 27 A. Yes.
- 28 Q. 383 Do you think that it's possible that you might have said to Mr. Ahern to keep
29 an eye on that account, Mr. Ahern I'm connecting expecting a large transaction,
12:23:32 30 when it comes in will you ring me?

- 12:23:34 1 A. Well I spoke to Mr. Ahern about many things in relation to the accounts. It is
2 possible, I have no recollection of it.
- 3 Q. 384 Because the internet banking wouldn't have been available then, so in order to
4 find information with transactions that are coming into your account from an
12:23:50 5 external source, you would be relying upon either your bank statements or
6 contact with the bank, isn't that right?
- 7 A. Yes.
- 8 Q. 385 So Mr. Ahern rings you on the 31st October '91, which is the same date that
9 your account is credited with the 86,605.21 and on the following day at 14207,
12:24:09 10 the 1st November, you meet Mr. Ahern, you see there at 11.30 Mr. John Ahern?
- 11 A. Yes.
- 12 Q. 386 Now, I'm just going to suggest to you as a possibility, Mr. Dunlop, that your
13 contact with Mr. Ahern on the 31st October '91, and the 1st November 1991, is
14 likely to be connected with the transaction of 86,605.21 which as we have
12:24:41 15 earlier seen is made up of two sterling transactions, isn't that right?
- 16 A. Yes. I have to say to you quite straight forwardly whether that was the reason
17 for the contact with John Ahern or not, as you have outlined it is a
18 possibility, but I mean, I have no recollection of it at all.
- 19 Q. 387 Yes. There are very few sterling transactions on this particular account,
12:25:08 20 isn't that right?
- 21 A. That's correct.
- 22 Q. 388 Yes and you had a separate sterling account in Xerxes, isn't that right?
- 23 A. Correct.
- 24 Q. 389 But there is no withdrawal the Xerxes account or partial withdrawal that could
12:25:18 25 equate for these funds, isn't that right?
- 26 A. At this time, no.
- 27 Q. 390 Yes. And in fact is the your evidence that where ever this money comes from it
28 does not come from your Xerxes account?
- 29 A. Correct.
- 12:25:28 30 Q. 391 And notwithstanding the time that has passed since I first asked but this

- 12:25:34 1 transaction Mr. Dunlop, you are no further to assisting the Tribunal as to the
2 source of this lodgement, is that right?
- 3 A. No. I think as I said to you, when you did ask me about it, that it has been
4 the cause of some considerable angst as to try and recollect what the source of
12:25:48 5 it was.
- 6 Q. 392 Yes. And in November of 1991, Mr. Dunlop, which is the month immediately prior
7 to the lodging of the submissions to Dublin County Council in connection with
8 Quarryvale and the Neilstown lands, again your diaries record a number of
9 public meetings which I am going to put to you globally and that's a meeting on
12:26:08 10 the 5th November in the Spa Hotel, the 6th November for the North Clondalkin
11 community association, which I will come back to in a moment. November 12th in
12 The Bush Balgaddy, the 27th of November in the Spa Hotel and November 25th in
13 Palmerstown community school.
- 14 A. Yes.
- 12:26:30 15 Q. 393 Does that accord in general terms with your recollection of public meetings
16 attended by you?
- 17 A. It does.
- 18 Q. 394 And would they have been public meetings which were attended also by
19 Mr. Ambrose Kelly and Mr. Owen O'Callaghan at which question and answer
12:26:44 20 sessions took place?
- 21 A. That is correct.
- 22 Q. 395 And would some of these have been attended by public representatives either at
23 local or national level?
- 24 A. In the main local level would be unusual for the national level representatives
12:27:03 25 to be present at all those meetings but certainly they were present at some,
26 one or other at some but mostly local elected representatives.
- 27 Q. 396 I think then your telephone records show contact into your office from
28 Mr. O'Callaghan, Mr. Lawlor, Mr. John McCann, Mr. Colm McGrath, Mr. Therese
29 Ridge, Mr. John Ahern, Ms. Marian McGennis, Mr. Tom Morrissey and Mr. Liam
12:27:24 30 Creaven and that's all recorded in your diaries?

- 12:27:27 1 A. Yes, yes.
- 2 Q. 397 I think meeting that is are Quarryvale related in your diaries are meetings
3 involving Mr. O'Callaghan and Mr. John Deane which I will come back to a
4 moment. Mr. John McCann, Mr. John Ahern and Mr. Austin Currie, I think with
12:27:43 5 Mr. O'Callaghan in Leinster House, is that right?
- 6 A. Sorry Mr. John Ahern?
- 7 Q. 398 You had a meeting with, yes I think a meeting with Mr. John Ahern in your
8 diaries?
- 9 A. Yeah but not with Mr. O'Callaghan.
- 12:27:55 10 Q. 399 No I'm not suggesting.
- 11 A. I beg your pardon.
- 12 Q. 400 What I am trying to do here rather than go through each diary individually is
13 summarise for you what the diary shows?
- 14 A. I apologise. I thought you said there was a meeting with Mr. Ahern and
12:28:09 15 Mr. O'Callaghan. No, you are going through the diary entries.
- 16 Q. 401 There is a meeting with Mr. O'Callaghan and John Deane and yourself at 6236
17 please. You will see there that that records a meeting I think between
18 yourself and, I think the 12th November, is that right?
- 19 A. Yes, 5 o'clock.
- 12:28:38 20 Q. 402 Yes and that I think is the first recorded instance of Mr. John Deane attending
21 a meeting in your office?
- 22 A. Yes, I would, I think so. That is correct, yes.
- 23 Q. 403 Was Mr. Deane in the habit of attending at meetings regularly in your office
24 thereafter?
- 12:28:55 25 A. No. He was, I would say in my office a maximum half a dozen times.
- 26 Q. 404 And would Mr. Deane's attendance at your office on that occasion have been in
27 connection with Quarryvale?
- 28 A. Oh yes, he was accompanying Mr. O'Callaghan who the diary says that
29 Mr. O'Callaghan is in town all day.
- 12:29:14 30 Q. 405 And that would have been for the purposes of meetings, isn't that right?

- 12:29:17 1 A. Correct.
- 2 Q. 406 Right. And I think also your telephone attendances record another sponsorship
3 request from the Neilstown Rangers Youth Club?
- 4 A. Yes. Could I just for completeness on Mr. Deane, could I say I don't recollect
12:29:30 5 in fact, I'm absolutely certain I am correct that Mr. Deane never attended any
6 public meetings with Mr. O'Callaghan, Mr. Ambrose Kelly and myself. So the
7 association in the diary of a meeting in The Bush, Balgaddy does not mean that
8 Mr. Deane was present. I don't think he ever attended any of those.
- 9 Q. 407 But according to your diary he would have attended at a meeting in your office
12:29:52 10 with Mr. O'Callaghan?
- 11 A. Yes and it was Mr. Deane's practice as I recollected, if in Dublin he returned
12 to Cork on the same day.
- 13 Q. 408 But you did meet Mr. Deane from time to time, is that right?
- 14 A. Yes, I did.
- 12:30:05 15 Q. 409 Did you ever have any correspondence with Mr. Deane in relation to any of the
16 invoices that you had raised, be they Shefran invoices or Frank Dunlop &
17 Associates invoices?
- 18 A. Yes. I recollect having correspondence with Mr. Deane, I cannot specifically
19 say in relation to any particular invoice or any particular matter, but yes I
12:30:26 20 do recollect writing to and receiving correspondence from Mr. Deane who was
21 then I think titled Deane & Associates solicitors in Cork.
- 22 Q. 410 Was that in connection with Merrygrove or Neilstown stadium for example?
- 23 A. Yes, I think so.
- 24 Q. 411 Yes. Was that in connection with setting up the company?
- 12:30:46 25 A. Correct.
- 26 Q. 412 That was to take over the stadium and develop the stadium?
- 27 A. That is correct.
- 28 Q. 413 Right. And was it in that context that you remember corresponding with
29 Mr. Deane through Deane & Company solicitors?
- 12:30:57 30 A. I don't think I ever had correspondence with Mr. Deane in relation to invoices

- 12:31:01 1 to Mr. O'Callaghan or to Riga or to Barkhill.
- 2 Q. 414 Yes that was my question, it was in that context that I simply wanted you to
- 3 confirm for the Tribunal whether or not you ever had correspondence from
- 4 Mr. Deane in respect of invoices, separate entirely to any correspondence you
- 12:31:17 5 split had with Mr. Deane about the stadium?
- 6 A. No I don't believe I ever did.
- 7 Q. 415 Right. And I think there was simply one public meeting that I wanted to deal
- 8 within slightly more detail at 6234. Now, this is a record in fact kept by a
- 9 member of South Dublin County Council of a meeting that took place on the 6th
- 12:31:41 10 but in fact I think it's, that may have been a different date, either the 5th
- 11 organised by the North Clondalkin community association to hear what the
- 12 proposed developers of the centre, O'Callaghan had to say and to listen to the
- 13 reaction of the residents. It goes on to record Councillor Lyons, O'Connell,
- 14 McGrath, Hanrahan, O'Higgins, O'Halloran and Ridge were present. There appears
- 12:32:06 15 to be a split in the North Clondalkin area regarding the proposal. Some
- 16 support it and some don't. And then it states that Mr. O'Callaghan stated
- 17 there were three reason why Ronanstown hadn't got off the ground. Now
- 18 Ronanstown, there Mr. Dunlop, is the old Lucan/Clondalkin town centre land,
- 19 isn't that right?
- 12:32:25 20 A. The original site.
- 21 Q. 416 The original centre which had been owned by Albert Gubay originally, which had
- 22 been bought by Mr. O'Callaghan through Merrygrove and which had had the
- 23 original town centre zoning on it, isn't that right?
- 24 A. That's correct.
- 12:32:34 25 Q. 417 Now Mr. O'Callaghan according to this record state that is there are three
- 26 reason why is it didn't get off the ground, one, failure to get the multiples
- 27 interested in the site. That would be anchor tenants such as Quinnsworth,
- 28 Dunnes, Marks & Spencers.
- 29
- 12:32:50 30 2. Lack of the Fonthill Road extension, I think it was common case that access

- 12:32:54 1 to that site was a problem.
- 2 3. No prospect of the development in the short-term North and west of the site
- 3 and it is low profile site. He did not refer to the fact that Gilmartin had
- 4 arrived on the scene as a possible reason. He also stated that he had taken
- 12:33:09 5 over the Quarryvale proposal and Gilmartin is no longer involved. One of the
- 6 councillors told me that AIB had advanced 20 million for the land purchase and
- 7 they are looking for some return. Mr. O'Callaghan stated that some officials
- 8 had advised him to go for Quarryvale but he didn't say who they were."
- 9
- 12:33:25 10 Now, there is two things there I want to draw to your attention about what the
- 11 South Dublin local authority official records Mr. O'Callaghan as saying in
- 12 November 1991. One is that Mr. Gilmartin is no longer involved.
- 13 A. Yes.
- 14 Q. 418 That in fact was not correct, isn't that right?
- 12:33:41 15 A. Not at that time, in December 1991.
- 16 Q. 419 Yes. And the second is that Mr. O'Callaghan said that some officials had
- 17 advised him to go for Quarryvale, had you ever heard that some local authority
- 18 officials had advised Mr. O'Callaghan to become involved Quarryvale?
- 19 A. No. My abiding recollection in relation to Mr. O'Callaghan's involvement was
- 12:34:09 20 as per AIB, that AIB asked him to become involved, I never heard any suggestion
- 21 that local authority official had advised him to become involved.
- 22 Q. 420 And there is --
- 23 A. Could I ask you, Ms. Dillon, when was this, who prepared this note?
- 24 Q. 421 This note was prepared according to the record on the 8th November 1991, it is
- 12:34:32 25 addressed to Mr. Willie Murray and it's signed by Noel Davin or Niall Davin
- 26 senior executive planner, 6235 please. This is the second page.
- 27 A. Mm-hmm.
- 28 Q. 422 And you will see there Mr. Davin was a senior executive planner of Dublin
- 29 County Council at the time.
- 12:34:50 30 A. Yes.

12:34:51 1 Q. 423 According to the note he attended the meeting to see what was happening, as one
2 of those public meetings. There is just a number of things if we can go back
3 to 6234 that I want to ask you about.
4

12:35:06 5 And at the top and it's quite difficult to read it's in handwriting, somebody
6 has noted there are some interesting comments made by O'Callaghan it seems, at
7 the very top, can we have that enlarged please?

8 A. Yes, I see that.

9 Q. 424 Yes and beneath that it says "I note IDA is alleged to be involved this. I am
10 surprised at, should IDA be asked to comment?" Were you aware of any IDA
11 involvement at any level, but particularly in November 1991, in the Quarryvale
12 site?

13 A. No never heard of any involvement by the IDA and it was never, it was never
14 part of any presentation or proposal or there was never any suggestion that the
12:35:49 15 IDA was involved. Certainly as far as I am concerned I never, was never told
16 and I never heard of it and I never promoted Quarryvale on that basis.

17 Q. 425 And at this public meeting on the 6th November, if this is an accurate record
18 of what transpired at the meeting, according to the comments attributed to
19 Mr. O'Callaghan, this is something that's being stated publicly, isn't that
12:36:14 20 right not about the IDA leave that aside that's a handwritten note?

21 A. I don't want to appear unduly dense, but can I just -- is this a record of a
22 meeting that took place publicly and was recorded by this official from Dublin
23 County Council or is this a record of a meeting that took place in Dublin
24 County Council.

12:36:32 25 Q. 426 No this is a record, if you look at 6234, Mr. Dunlop, and it's dated the 8th
26 November, and the first paragraph "I attended a meeting in Neilstown community
27 centre on the 6th November, organised by North Clondalkin community association
28 to hear what the proposed developers of the centre O'Callaghan and his
29 architect had to say and also to listen to the reaction of the residents" And
12:36:53 30 it then goes on to deal with the presence of the various elected

- 12:36:58 1 representatives. So it's clearly a public meeting.
- 2 A. Sorry I was dense. I apologise.
- 3 Q. 427 I was asking about the comments in paragraph three which are attributed to
- 4 Mr. O'Callaghan by then the then senior planner of Dublin County Council. He
- 12:37:10 5 is making two point, one is that Mr. Gilmartin is no longer involved, isn't
- 6 that right?
- 7 A. Correct.
- 8 Q. 428 That I think you have agreed was not correct in November 1991?
- 9 A. Not in November 1991.
- 12:37:21 10 Q. 429 But if that is an accurate record of what Mr. O'Callaghan said, then clearly
- 11 Mr. O'Callaghan was putting around that Mr. Gilmartin was no longer involved,
- 12 isn't that right?
- 13 A. If it's an accurate note, yes.
- 14 Q. 430 Yes. And then the second one is that I have drawn to your attention is that
- 12:37:36 15 "Mr. O'Callaghan stated some officials had advised him to go for Quarryvale,
- 16 but he didn't say who they were". I had asked you whether you had ever been
- 17 aware of the a suggestion that it was somebody in the local authority, some
- 18 official who had advised Mr. Gilmartin to go for Quarryvale and I think you had
- 19 replied that wasn't your understanding?
- 12:37:54 20 A. No.
- 21 Q. 431 You had thought it was Allied Irish Bank?
- 22 A. No, my abiding memory of Mr. O'Callaghan's involvement in the Quarryvale site
- 23 was at the behest or request of AIB.
- 24
- 12:38:03 25 JUDGE FAHERTY: You had said Mr. Gilmartin I think you meant to say
- 26 Mr. O'Callaghan.
- 27 Q. 432 Yes I meant to say Mr. O'Callaghan. So that it was Mr. O'Callaghan who is
- 28 telling the meeting if this is an accurate record, that he had been told to go
- 29 for Quarryvale by some local authority official who he wouldn't name that
- 12:38:20 30 wasn't your understanding of how Mr. O'Callaghan came to be involved?

- 12:38:23 1 A. No in fact for completion on this as far as I am concerned I have no
2 recollection of Mr. O'Callaghan ever saying that, he certainly never said it to
3 me and I don't have any recollection of ever saying it in a public session, I
4 may be wrong. But I don't have any recollection of it.
- 12:38:38 5 Q. 433 And at 6234 the final paragraph there continues "With regard to the
6 Blanchardstown town centre he stated" that he must refer to Mr. O'Callaghan
7 "That there was an agreement with Green Properties that the Quarryvale site
8 would be limited to 500,000 square feet retailing but that Green Properties had
9 since broken this agreement and were now actively canvassing against it". That
10 I think was a reference to the agreement that had been made prior to the 16th
11 May '91 vote?
- 12 A. Correct, we saw a letter from Mr. Corcoran to that effect.
- 13 Q. 434 Yes. And then at 6235 the following page, it records "Mr. Kelly spoke on the
14 details of the proposed scheme". And in fact that deals with road access,
15 isn't that right?
- 12:39:24 16 A. Yes.
- 17 Q. 435 And then there are questions in the next paragraph, it says "Some residents
18 wanted to know why the shopping element was to be provided at the furthest
19 possible point from the Fonthill Road and the Coldcut Road given the walking
12:39:35 20 distances that would be involved through an industrial area. This wasn't
21 answered satisfactorily" and someone put a handwritten note "Perhaps image has
22 something to do with it". Then it goes on to talk about reservation about
23 support facilities such as library, Garda headquarters, civic offices and
24 records "there were no commitments to these nor were they likely to be
12:39:56 25 provided. Mr. O'Callaghan stated that the relevant bodies couldn't be
26 approached until they had got planning permission."
27 So again Mr. O'Callaghan is dealing with queries here, isn't that right?
- 28 A. As I outlined earlier on he answered questions from the audience, at public
29 meetings.
- 12:40:12 30 Q. 436 Yes. In the next paragraph it records "There were some people from

12:40:15 1 Blanchardstown present who objected to the Quarryvale proposal because it had
2 stopped their own town centre.
3
4 Mr. O'Callaghan didn't say why he had renewed or was renewing the option for
12:40:24 5 the Ronanstown town site other than to say there were confidential proposal
6 being drawn up to it."
7
8 I think that might be an indirect reference to the stadium.
9 A. Yes.
12:40:34 10 Q. 437 "Finally he stated that the industrial area in Quarryvale would be developed
11 first before the retail centre in conjunction with the IDA" isn't that right?
12 A. Yes.
13 Q. 438 That he must refer to Mr. O'Callaghan, isn't that right?
14 A. Yes.
12:40:45 15 Q. 439 It conclude "So that the infrastructure will be in place before the town centre
16 started. This didn't go down too well" what was a comment by the author. If
17 Mr. O'Callaghan made the comment that the industrial areas would be developed
18 first before the retail centre in conjunction with the IDA, then
19 Mr. O'Callaghan is telling the meeting that the industrial development will be
12:41:05 20 in connection the IDA, isn't that right?
21 A. That's correct.
22 Q. 440 Were you aware of Mr. O'Callaghan having any discussions or negotiations with
23 the Industrial Development Authority about the Quarryvale site?
24 A. None.
12:41:16 25 Q. 441 Would you expect if there were such discussions and negotiations or in fact it
26 was going to be agreed, that the industrial element would be developed first
27 that you would be informed of it?
28 A. Correct. And for completion too, it runs contrary to the presentation that it
29 was being made on a consistent basis in relation to the Quarryvale site at
12:41:38 30 local residents or community associations, giving the controversy that existed

12:41:43 1 between Blanchardstown and Quarryvale, that it's a town centre that we are
2 promoting and a town centre facility that we are promoting. The industrial
3 element of it as far as I was concerned did not obtrude above what the town
4 centre requirement was.

12:41:59 5 Q. 442 But if Mr. O'Callaghan had discussions with the IDA or the Industrial
6 Development Authority by November 1991, in relation to the development of the
7 commercial aspect of Quarryvale, that was unknown to you?

8 A. Yes, I have absolutely no recollection as I said to you ten minutes ago, of the
9 IDA's involvement or any discussions with the IDA about Quarryvale.

12:42:20 10 Q. 443 I see. And just looking then briefly at some financial transactions on the
11 18th November 1991, were you aware that Mr. O'Callaghan paid 5,000 pounds to
12 Mr. Liam Lawlor on the 18th November 1991?

13 A. Not then.

14 Q. 444 When you became aware, when approximately did you become aware of the fact that
15 such a payment had been made?

16 A. I cannot specifically tell you when I became aware of it, but I did become
17 aware of it at some stage because Mr. O'Callaghan told me.

18 Q. 445 And Mr. O'Callaghan's statement at 3152 at paragraph 5 he says "On the 18th
19 November 1991, I made a contribution of 5,000 pounds to Liam Lawlor of Dublin
12:43:06 20 County Council. I had been requested by Councillor Lawlor to support him in
21 the June 1991 local elections, and I agreed to make a contribution to his
22 election campaign. I did not make the payment until October 1991, but did so
23 after being reminded by him." Isn't that right?

24
12:43:23 25 So this is the second instance of Mr. O'Callaghan making an agreement to make a
26 political contribution in the context of the June 1991 elections and then
27 making the actual contribution in October or November in this case, isn't that
28 right?

29 A. Yes, correct.

12:43:37 30 Q. 446 And insofar as Mr. Lawlor was concerned, Mr. Lawlor was a person to whom you

- 12:43:42 1 had made payments, isn't that right?
- 2 A. That's correct, yes.
- 3 Q. 447 Here on the 18th November 1991, Mr. O'Callaghan is making a payment to
- 4 Mr. Lawlor, isn't that right?
- 12:43:51 5 A. Yes.
- 6 Q. 448 Mr. O'Callaghan did not discuss this with you, is that correct?
- 7 A. Not at that time.
- 8 Q. 449 When did Mr. O'Callaghan discuss it with you?
- 9 A. As I said earlier, I cannot say to you specifically when he discussed it with
- 12:44:04 10 me but at some stage I did become aware that Mr. O'Callaghan had made what was
- 11 described as a political contribution to Mr. Lawlor.
- 12 Q. 450 But when you say at some stage, was that in or around time of this Tribunal or
- 13 your involvement with this Tribunal?
- 14 A. No, no, no. I think, I cannot recollect specifically when I became aware or
- 12:44:28 15 when Mr. O'Callaghan told me that he had made monies available to Mr. Lawlor, I
- 16 did say during the course of my evidence vis a vis the Ganley invoice when I
- 17 approached Mr. O'Callaghan to say that Mr. Lawlor was becoming something of a
- 18 pest and Mr. O'Callaghan said at that stage I can get the exact reference, but
- 19 I mean in summary what I said was that Mr. O'Callaghan said he wasn't giving
- 12:44:57 20 any more money to Liam Lawlor.
- 21 Q. 451 But that was much later, isn't that right?
- 22 A. That was in 1997.
- 23 Q. 452 1997, yes. But was that the first time that you became aware of the fact that
- 24 Mr. O'Callaghan had made payments to Mr. Lawlor?
- 12:45:12 25 A. I cannot specifically say that it was, but certainly I did become aware in the
- 26 relationship that I had with Mr. O'Callaghan, that he told me that he had given
- 27 election contributions to Mr. Lawlor at Mr. Lawlor's request, I cannot say to
- 28 you when that happened.
- 29 Q. 453 Do you find it strange, Mr. Dunlop, that in view of the fact that by November
- 12:45:40 30 1992, Mr. O'Callaghan was discussing with you a possible payment to Mr. GV

- 12:45:47 1 Wright, isn't that right?
- 2 A. Yes.
- 3 Q. 454 That there was never any discussion with you about either the payment to Colm
4 McGrath or the payment to Liam Lawlor?
- 12:45:54 5 A. I don't find it strange, I mean the fact of the matter is that that is what
6 occurred and that Mr. O'Callaghan did approach me in relation to the GV Wright
7 matter. He did not approach me in relation to any monies to Colm McGrath,
8 other than in the circumstances that, in relation to the 10,700 or whatever it
9 was, in relation to the difficulties Colm McGrath had in the High Court or in
10 relation to giving money to Liam Lawlor.
- 11 Q. 455 To be precise about it, Mr. Dunlop, that according to your statement in
12 relation to the 10,700 to Mr. McGrath a telephone call was received at your
13 office.
- 14 A. Correct.
- 12:46:33 15 Q. 456 Not to Mr. O'Callaghan about Colm McGrath's difficulties and it is you who is
16 informed first about the fact that Mr. Colm McGrath needs the money and you
17 discuss it with Mr. O'Callaghan, isn't that right?
- 18 A. The telephone call came to my office, I took the call in the presence of
19 Mr. O'Callaghan and Mr. Ambrose Kelly.
- 12:46:50 20 Q. 457 Yes.
- 21 A. Mr. Colm McGrath either knew, found out or was aware that Mr. O'Callaghan was
22 in my office.
- 23 Q. 458 But it is Mr. Colm McGrath rings you and explains his difficulty and you
24 discuss it with Mr. O'Callaghan?
- 12:47:03 25 A. Correct.
- 26 Q. 459 We will come to deal that but certainly insofar as the political donation to
27 Mr. GV Wright in November '92 was concerned, Mr. O'Callaghan sought your advice
28 about that payment?
- 29 A. Mr. O'Callaghan came to me and said that he had been told, advised, or
12:47:23 30 requested by somebody who at that stage I did not, did he not identify and I

- 12:47:30 1 did not know of, and that he was asked to make a contribution to GV Wright or
2 to look after GV and they were the circumstances, he asked me whether or not it
3 would be advisable to do that and I said yes.
- 4 Q. 460 Who asked him to make the donation to GV Wright?
- 12:47:50 5 A. I think I have read all this documentation and I think that it may be
6 somewhere, but my recollection is that at some stage either reading of the
7 documentation or other I became aware it was a Cork politician to who asked
8 Mr. O'Callaghan to do that.
- 9 Q. 461 Who asked him?
- 12:48:16 10 A. Bat O'Keeffe.
- 11 Q. 462 When you say you became aware, when did you become aware in the course of
12 immediate reading the documentation?
- 13 A. That I cannot tell you or whether, neither can I tell you whether
14 Mr. O'Callaghan told me, it's one or the other, I certainly became aware at
12:48:25 15 some stage that it was a Cork politician who had asked Mr. O'Callaghan to look
16 after GV.
- 17 Q. 463 And Mr. O'Callaghan came to you for advice about whether or not he should make
18 the donation to Mr. GV Wright, is that correct?
- 19 A. Correct, yeah.
- 12:48:36 20 Q. 464 But Mr. O'Callaghan never came to you for advice about whether he should make
21 the payment to Mr. Colm McGrath or to Mr. Liam Lawlor?
- 22 A. No.
- 23 Q. 465 So that whatever lack of information there was in Mr. O'Callaghan's head about
24 Mr. Wright, it wasn't there in relation to Mr. Lawlor or Mr. McGrath because he
12:48:54 25 didn't need your advice as to whether he should make the payment, isn't that
26 right?
- 27 A. Apparently not because he didn't ask me.
- 28 Q. 466 But he ask but about Mr. GV Wright?
- 29 A. Yes, he did.
- 12:49:04 30 Q. 467 And did he go with you or you went with him out to Mr. GV Wright's house out in

- 12:49:10 1 November 1992, is that right?
- 2 A. No, no out to Mr. GV Wright's office in Malahide in November 1992.
- 3 Q. 468 We will come to deal with that, what I am trying to work out with you, Mr.
- 4 Dunlop, is what differences were there between the payments to Mr. McGrath and
- 12:49:25 5 Mr. Lawlor in October and November 1991, and Mr. GV Wright in 1992, in that
- 6 Mr. O'Callaghan's payments to Mr. Lawlor and Mr. McGrath did not require your
- 7 input, isn't that right?
- 8 A. Yes without being facile about it, I can't tell you why Mr. O'Callaghan did or
- 9 did not do particular things, other than to say to you in the specific
- 12:49:54 10 circumstances that Mr. O'Callaghan never asked me whether or not he should give
- 11 money to Colm McGrath other than in the circumstances that we have just
- 12 discussed.
- 13 Q. 469 Which was the 10,700 which happened I think subsequent to this period in time.
- 14 A. Subsequent to this period. And similarly in the case of Mr. Liam Lawlor.
- 12:50:15 15 Q. 470 And in November 1992 at 6259, for elimination purposes, Mr. Dunlop, which is an
- 16 extract from your diary at lunch, P Dunne, Harcourt Hotel, was that, the late
- 17 Patrick Dunne, was that a meeting with Mr. P Dunne?
- 18 A. Yes it was.
- 19 Q. 471 What was that meeting in connection with, can you remember?
- 12:50:35 20 A. Well I think it is the only other occasion that I met Mr. Dunne after he had
- 21 lost his seat in the local elections.
- 22 Q. 472 Yes.
- 23 A. I think it was at his request and it was just a friendly meeting, friendly
- 24 discussion, I think he was somewhat lost.
- 12:50:50 25 Q. 473 On the same day and again it may be coincidence, Mr. Dunlop, at 6301, on the
- 26 20th November, you withdraw 1,750 pounds from your Irish Nationwide Building
- 27 Society by way of cheque, which is cashed on the 20th November, 6303 at College
- 28 Street?
- 29 A. Mm-hmm.
- 12:51:18 30 Q. 474 And again simply looking at the coincidences in your meeting with Mr. Dunne.

- 12:51:23 1 A. No.
- 2 Q. 475 Now according to the explanation you provide you say that 1,500 pounds of that
- 3 sum was in fact lodged to Frank Dunlop and Sheila Dunlop's account the 006
- 4 account?
- 12:51:36 5 A. Yes, correct.
- 6 Q. 476 Are you satisfied that that's the position?
- 7 A. I am satisfied that that is the position. And the reason it was lodged was
- 8 obviously because the account may not have been in credit.
- 9 Q. 477 Yes. Did you use any, did you give any of that money to Mr. Dunne?
- 12:51:51 10 A. No.
- 11 Q. 478 Right. What exactly did you discuss with Mr. Dunne when you met him on that
- 12 unique occasion in the Harcourt Hotel?
- 13 A. Well unique it was, because the definition of unique it was a one-off. I think
- 14 Mr. Dunne as I said was lost, he had lost his seat, he was heavily involved on
- 12:52:08 15 a daily basis with issues in relation to Dublin County Council when he was a
- 16 councillor, he is now gone.
- 17
- 18 I want to be careful about this, he found himself in a position where he no
- 19 longer has any friends, either politically or otherwise, and I don't want to
- 12:52:32 20 put untowards ideas in anyone's head but I do think that Mr. Dunne probably
- 21 thought that he might be helpful to me in some capacity or other as a
- 22 consultant, but I mean that wasn't something that I was going to countenance.
- 23 Q. 479 Did you have any discussion with Mr. Dunne on that occasion about the money you
- 24 had previously paid him that year in connection with his support for
- 12:52:54 25 Quarryvale?
- 26 A. No, I don't believe I did.
- 27 Q. 480 And did you make any comment to him about the fact that you wouldn't be
- 28 prepared to take him on in view of all the money you had already paid him?
- 29 A. No, I just had a pleasant lunch with him or pleasant meal with him and we just
- 12:53:23 30 talked about various things in very general terms, but certainly if his view

- 12:53:23 1 was that he was coming to me to offer consultancy services that was knocked on
2 the head very fast.
- 3 Q. 481 And I think in December of 1991, the public display concluded on the 3rd
4 December, and various submissions were made to the council, objecting to or
12:53:41 5 seeking to confirm zonings that had already been made, isn't that right?
- 6 A. That's correct.
- 7 Q. 482 Yes and I think at 993, there is a submission by Mr. Michael O'Neill for the
8 Ambrose Kelly Group on behalf of the Lucan Clondalkin town centre located at
9 Quarryvale, isn't that right?
- 12:53:58 10 A. That's correct, yes.
- 11 Q. 483 And that was quite a long and detailed submission, that was prepared supporting
12 in effect the 16th May 1991, zoning at Quarryvale, isn't that right?
- 13 A. That's correct.
- 14 Q. 484 And I think that there was also a submission from Ambrose Kelly at 1030 being a
12:54:21 15 proposal for the National Soccer Stadium which was an alternative proposal for
16 the Neilstown, Ronanstown town centre, isn't that right?
- 17 A. Yes what date is that?
- 18 Q. 485 That's dated 3rd November 1991.
- 19 A. Yes.
- 12:54:36 20 Q. 486 I think there were also objections on behalf of other parties or submissions by
21 other parties such as Mr. Sharkey and indeed Green Properties, isn't that
22 right?
- 23 A. Correct.
- 24 Q. 487 Right. And again the issues remain joined between the opposers and the
12:54:52 25 proposers of the Quarryvale centre, isn't that right?
- 26 A. Correct.
- 27 Q. 488 Throughout 1991 but what was now going to happen because the first phase of the
28 public process had been completed was the matter would come in before the
29 council for contribution?
- 12:55:03 30 A. Correct.

- 12:55:04 1 Q. 489 It was going into the hands of the councillors the new council, isn't that
2 right?
- 3 A. Correct.
- 4 Q. 490 Now, I think that just one or two short matters that arose in December 1991 at
12:55:17 5 6398, Mr. Pat Keating of Grayling Limited issued a press release that Green
6 Property had lodged their objections to the Quarryvale rezoning, and thereby
7 publishing that fact which was carried I think in the newspapers at 6406 and as
8 described as a strong objection against Dublin County Council's controversial
9 decision to rezone a 180 acre site?
- 12:55:45 10 A. Yes.
- 11 Q. 491 So the battle is still going on, isn't that the position?
- 12 A. Yes.
- 13 Q. 492 And I think at 6408 the late Mr. Brian Lenihan 6408, the late Mr. Brian Lenihan
14 issued also a statement to his constituent that is he had lodged a formal
12:56:03 15 objection to the Dublin County manager to a proposal in the current plan to
16 rezone a major land bank at Quarryvale. So, Mr. Brian Lenihan has come out as
17 one of the elected representatives and a senior politician, member of the
18 Fianna Fail Party against Quarryvale, isn't that right?
- 19 A. That's correct.
- 12:56:19 20 Q. 493 I think at 6405, your telephone attendances record a telephone call from Liam,
21 which records as follows, he is informing you that "a British financial
22 institute has informed Owen in Cork, that a statement will be issued tomorrow
23 which will kill the Quarryvale project. It must be assumed that it has come
24 from a Green Property source. Obviously it is to do with Lenihan's statement.
12:56:43 25 Owen has telephoned Lenihan's office to meet him tomorrow. It is suggested you
26 ring Lenihan to discuss". So this is part of a damage limitation exercise, is
27 that right?
- 28 A. Yes in the circumstances of Mr, the late Mr. Lenihan's statement.
- 29 Q. 494 Yes.
- 12:56:57 30 A. Which was not welcome.

- 12:56:58 1 Q. 495 Which was not welcome. And you did indeed write to the late Mr. Brian Lenihan
2 at 6409, and you appealed to Mr. Lenihan to meet with Mr. O'Callaghan, isn't
3 that right, so that Mr. O'Callaghan can give him the facts in relation to
4 Quarryvale?
- 12:57:15 5 A. Yes.
- 6 Q. 496 And what I want to you to ask you about is what you say in the last paragraph
7 "You know how much support I gave you in your campaign. I am giving the same
8 support to Owen O'Callaghan". What support did you give Mr. Brian Lenihan?
- 9 A. In his campaign for election I presume I am --
- 12:57:32 10 Q. 497 You are the author of the document, Mr. Dunlop, you must know what you were
11 talking about?
- 12 A. I must say it was in relation to his campaign, election campaign and I did
13 advise Mr. Lenihan on numerous occasions, and help him on numerous occasions in
14 relation to strategy matters, in relation to various elections, including the
12:57:53 15 presidential election.
- 16 Q. 498 Did you give him financial support?
- 17 A. No, I don't believe I did.
- 18 Q. 499 So the support that you gave him was as a result of your expertise in media
19 matters, is that right?
- 12:58:01 20 A. Correct.
- 21 Q. 500 You are saying you are providing the same support to Mr. O'Callaghan?
- 22 A. Yeah.
- 23 Q. 501 You are appealing to Mr. Lenihan to speak with Mr. O'Callaghan to discuss
24 Quarryvale, is that right?
- 12:58:13 25 A. Yes.
- 26 Q. 502 And I think that subsequently in the Sunday Business Post at 6417 an article
27 was carried which is entitled "Lenihan opposes rezoning" isn't that right?
- 28 A. That's right.
- 29 Q. 503 Yes and that is followed then I think by a statement, at 6412 issued by
12:58:31 30 O'Callaghan Properties and the purpose of that statement is to limit the damage

- 12:58:37 1 that has been caused by Mr. Lenihan publicly stating his opposition to
2 Quarryvale, isn't that right?
- 3 A. Yes that, the provenance of that statement.
- 4 Q. 504 Yes I was about to ask you that.
- 12:58:50 5 A. Is, certainly did not come from my office and it certainly did not come from
6 Mr. O'Callaghan's office, that the provenance of that is Mr. Liam Lawlor.
- 7 Q. 505 So that Mr. Lawlor is able to and prepared to write press statements, is that
8 right?
- 9 A. Yes. Well I think and I don't want to delay the Tribunal, but just put this in
12:59:10 10 brief context, is that Mr. Lawlor and Mr. Lenihan were in the same constituency
11 as it was then devised, west Dublin, or Dublin west. There was never any love
12 lost between either of them and Liam Lawlor was pretty annoyed, indeed so was I
13 and Mr. O'Callaghan at the statement that had been issued unilaterally by
14 Mr. Lenihan without any notification that it was going to be made and this is
12:59:43 15 Mr. Lawlor, from a political point of view, responding.
- 16 Q. 506 Do you know whether or not Mr. O'Callaghan was a political supporter of
17 Mr. Lenihan?
- 18 A. Financially.
- 19 Q. 507 Yes.
- 13:00:00 20 A. I don't believe I do, no I don't know whether he was or not.
- 21 Q. 508 Did you ever discuss Mr. Lenihan and his particular position in relation to
22 Quarryvale with Mr. O'Callaghan?
- 23 A. Oh, yes I did. He was a local, he was a TD in west Dublin, albeit at the
24 Castleknock end and therefore so close to Blanchardstown, and you will recall
13:00:19 25 that I did give evidence earlier in relation to the Green Property and Mr. John
26 Corcoran particularly, seeking the assistance of Brian Lenihan in relation to
27 the tax designation for Blanchardstown, but I am not aware that Mr. O'Callaghan
28 was a political supporter of Mr. Lenihan, other than meeting him, which we did,
29 in relation to the Quarryvale project.
- 13:00:48 30 Q. 509 I just want to move on now, Mr. Dunlop, to January 1992.

13:00:53 1
2 CHAIRMAN: It's just one o'clock, Ms. Dillon.
3 Q. 510 I thought we were sitting until 1.15 sorry but --
4
13:01:01 5 CHAIRMAN: No that's fine.
6
7 MS. DILLON: In fact Sir. I think in fact Mr. Redmond indicated to me a
8 difficulty at 1 o'clock, I don't know whether continuing to 1.15 poses a
9 difficulty for Mr --
13:01:22 10
11 MR. REDMOND: In the ordinary course of events, chairman, we would agree to 1.15
12 but I did alert Ms. Dillon that I had a particular personal difficulty today
13 and that I would need to go at 1 o'clock.
14
13:01:32 15 CHAIRMAN: All right we will rise now. We are sitting again at 2.15 for
16 Mr. Gilmartin.
17
18 MR. QUINN: Mr. Gilmartin.
19
13:01:39 20 CHAIRMAN: That's 2.15. And Mr. Dunlop tomorrow.
21
22 MS. DILLON: No Mr. Dunlop is not available, Mr. Dunlop is not here tomorrow
23 it's Mr. Gilmartin.
24
13:01:48 25 CHAIRMAN: Sorry Mr. Gilmartin. So Mr. Dunlop is here again?
26
27 MS. DILLON: Tuesday week.
28
29 CHAIRMAN: Tuesday week at 10 o'clock.
13:02:02 30

13:02:02 1

MS. DILLON: Thank you Sir.

2

3

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

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13:02:07 5

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13:02:08 1

THE TRIBUNAL RESUMED AS FOLLOWS AT 2.15 PM:

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3

MR. QUINN: Good afternoon, Sir. Mr. Gilmartin please.

4

14:24:34 5

MR. TOM GILMARTIN RETURNS TO THE WITNESS BOX AND.

6

CONTINUES TO BE CROSS EXAMINED BY MR. O HOISIN AS FOLLOWS:

7

8

CHAIRMAN: Good afternoon, Mr. Gilmartin.

9

A. Afternoon.

14:24:51 10

11

CHAIRMAN: Mr. O hOisin?

12

13

Q. 511 MR. Ó HOISIN: Thank you, Chairman. Now, Mr. Gilmartin, we have a lot of

14

statements from you, Mr. Gilmartin, going back over quite a period of time. We

14:25:14 15

16

have memorandum of conversations you had with the Tribunal legal team, we have

17

a transcribed recording of a lengthy conversation you had with your former

18

solicitor, Noel Smyth, we have affidavits from you, we have a statement to the

19

Tribunal, we have your evidence to this Tribunal during the Quarryvale I Module

14:25:51 20

21

and we have your evidence during the course of this module, which goes back to,

22

I think the end of May or the beginning of June of this year. Now I want to

23

suggest to you, Mr. Gilmartin, that through that period, when one looks at the

24

totality of all of those statements, there are very considerable

14:26:20 25

26

A. No, sir.

27

Q. 512 You don't agree with that?

28

A. No.

29

Q. 513 Is it your position that you have been consistent throughout, in terms of what

14:26:43 30

you have said to the Tribunal, to your own lawyers and what you have said in

your sworn testimony, is that correct?

- 14:26:44 1 A. The main thrust of my story remains the same.
- 2 Q. 514 I asked you whether you had been consistent throughout?
- 3 A. Consistent, the main thrust of my story of what happened to me in Dublin is
- 4 exactly the same.
- 14:27:02 5 Q. 515 Well I want to suggest to you, and I'm going to seek to demonstrate this by
- 6 pointing out the serious contradictions in your evidence, I want to suggest to
- 7 you that your story has changed, and evolved all the way through as you have
- 8 gone along?
- 9 A. No, sir.
- 14:27:23 10 Q. 516 You don't accept that?
- 11 A. Same story.
- 12 Q. 517 Let's deal firstly now with the allegation that my client received 50,000
- 13 pounds from Mr. O'Callaghan, and let's just look at the manner which you
- 14 communicated that information to the Tribunal. Would you agree, Mr. Gilmartin,
- 14:27:59 15 that the first time that you are recorded as communicating that allegation of
- 16 50,000 pounds by Mr. O'Callaghan to my client is in November of 1999, the end
- 17 of November 1999?
- 18 A. I can't remember the date offhand, but I'm certain it was relayed in Luton to
- 19 the then counsel for the Tribunal, when we first met, around '98.
- 14:28:36 20 Q. 518 You're certain of that fact, even though there is --
- 21 A. I'm absolutely certain of it.
- 22 Q. 519 Even though there is no record of that fact in any of the notes that we have
- 23 been provided with -- of, taken by the Tribunal of those meetings?
- 24 A. I cannot account for that, but I'm quite confident that that story was told
- 14:29:06 25 from day one.
- 26 Q. 520 It's, do you not think it's a little bit surprising, Mr. Gilmartin, that such a
- 27 significant piece of information, would be, would not be recorded in the
- 28 memoranda of the discussions and meetings with you?
- 29 A. I cannot account for that, that's not my -- I'm not in a position to account
- 14:29:41 30 for it.

- 14:29:42 1 Q. 521 But if the Tribunal were to take it that it's own counsel diligently recorded
2 what had occurred in, at these meetings and discussions, and that the fact that
3 they did not record any allegation of 50,000 pounds to my client and that the
4 only suggestion that it was communicated to them is your recollection here in
14:30:27 5 the witness box?
- 6 A. It was told to the Tribunal from day one, whether it was recorded or not
7 depends on the Tribunal.
- 8 Q. 522 But faced with a choice between your recollection, which you admitted on Friday
9 is not as good as it used to be since your operation in 2004, and the notes
14:31:00 10 taken by the Tribunal at the time, by diligent counsel, don't you think it's
11 far more likely that their notes are accurate than your recollection here
12 today?
- 13 A. No, I can't agree with that, because there is a number of inaccuracies. There
14 was a number of inaccuracies.
- 14:31:20 15 Q. 523 But in each case where you you say there is an inaccuracy there, it's your
16 recollection that you are relying on to say that it's an inaccuracy, isn't that
17 correct?
- 18 A. No, it's a statement of fact. There was a number of inaccuracies which have
19 been already teased out at this Tribunal and I cannot give an answer as to why.
- 14:31:47 20 Q. 524 Isn't it, let's just leave aside the Tribunal's, counsel's notes for a moment,
21 the conversation that you had, very lengthy conversation with Mr. Smyth, Noel
22 Smyth the solicitor who previously acted for you, and which was recorded and
23 which was transcribed makes no reference whatsoever to an alleged payment of
24 50,000 to my client in 1989, isn't that right?
- 14:32:16 25 A. I think that if -- I can't remember exactly at this point in time, but I think
26 there was a reference to where the senior politicians were bought off.
- 27 Q. 525 There is no --
- 28 A. It was just a general, a general sort of conversation over the space of a short
29 space of time. It was not a statement, it was not a comprehensive statement,
14:32:46 30 it was just talking into a microphone for an hour or two and it was asking me

14:32:57 1 to recollect over a period of ten years my involvement in Dublin, and what
2 happened to me.

3 Q. 526 But surely, Mr. Gilmartin, if you are giving --

4 A. But I think you will find it is in the statement where I did make reference
14:33:13 5 to --

6 Q. 527 It's not --

7 A. The senior politicians.

8 Q. 528 There is no reference in the transcription of your interview with Mr. Smyth of
9 a payment of 50,000 to my client by Mr. O'Callaghan. You can take that from
14:33:27 10 me, Mr. Gilmartin.

11 A. There is no reference to senior politicians being bought off my
12 Mr. O'Callaghan? No general reference.

13 Q. 529 You are evading the question.

14 A. No I am not evading you. I am asking you the question. Is there no reference
14:33:49 15 to senior politicians being bought off by Mr. O'Callaghan to do me out of
16 Quarryvale?

17 Q. 530 Mr. Gilmartin, let's just focus on the question. We are dealing here now with
18 this 50,000 pounds allegation to Mr. Ahern in 1989 from Mr. O'Callaghan, that's
19 all I am dealing with, that's all you are being asked to deal with at the
14:34:07 20 moment. Do you agree with me that there is no reference to 50,000 pounds, to
21 Mr. Ahern, by Mr. O'Callaghan, in the interview with Mr. Smyth?

22 A. I am reasonably certain there is a reference to the senior politicians who were
23 bought off and about the staggering amount of money that was taken from my
24 company to do it, without my authority.

14:34:36 25

26 CHAIRMAN: Yes but, Mr. Gilmartin, you were asked specifically about the
27 50,000, as we understand your evidence you would agree that there is no
28 specific mention of the 50,000 in the Noel Smyth interview?

29 A. I don't know if it's detailed in it.

14:34:55 30

14:34:55 1 CHAIRMAN: All right. But your point is that you believe there is a reference
2 in general terms, I don't know whether there is off the top of my head.
3 A. A lot of it was general, run through my experience in Dublin. It was not
4 intended to be a comprehensive statement and wasn't intended to be, and I have
14:35:15 5 never proof read it.
6
7 Q. 531 MR O'HOISIN: Mr. Gilmartin, you have mentioned that point about proof reading.
8 You have mentioned that point about proof reading on numerous occasions, when
9 you are asked about this statement. This was what you were communicating to
14:35:37 10 Mr. Smyth at the time, there was no need to proof read that, if you were
11 telling Mr. Smyth the truth, why would you need to proof read it, there was a
12 recording taken and it was transcribed?
13 A. No, Mr. Smyth put a tape in front of me and told me, said to me now can you go
14 over what happened in Dublin, it was just a general comments on exactly, on my
14:36:06 15 experience in Dublin.
16 Q. 532 Now, Mr. Gilmartin --
17 A. It was not a comprehensive statement of any sort and it never intended to be a
18 statement to the Tribunal without it being proof read or checked out, in
19 anyway. It was just the conversation into a microphone, into a dictaphone.
14:36:29 20 Q. 533 The only reference that you made, the only reference that you made in that
21 statement to payment to my client was on page 1579.
22
23 CHAIRMAN: 793.
24 MR O'HOISIN: Sorry.
14:36:53 25
26 CHAIRMAN: 15793.
27
28 MR O'HOISIN: 15831, Chairman, I think it is. In the last, just before the
29 heading "Why would he do that?" in that last sentence you mentioned "The next
14:37:15 30 thing I discovered was that Owen O'Callaghan had paid Bertie Ahern to drop the

- 14:37:20 1 designation on Blanchardstown and on this one". I think this one was a
2 reference to Quarryvale. Now, that is a clear reference to the allegation that
3 we will come to in due course, that a payment of 30,000 was made in connection
4 with the drop, or ensuring that there was no designation for Blanchardstown,
14:37:40 5 isn't that correct?
- 6 A. Yes, in the other, Bertie Ahern was paid.
- 7 Q. 534 In connection --
- 8 A. Incidentally I don't know whether he was paid for, should I say I can't -- I
9 can only go on what Mr. O'Callaghan told me, and since --
- 14:38:01 10 Q. 535 You don't have personal knowledge you are just passing on what he said to you.
- 11 A. That's correct.
- 12 Q. 536 Now, the point I want to get to though is, you were prepared to make a
13 reference to that alleged payment, even though you don't specify an amount
14 there, but you make no reference to the 50,000 paid allegedly in 1989, isn't
14:38:27 15 that correct?
- 16 A. I would imagine that there is some reference somewhere to senior politicians
17 being paid.
- 18 Q. 537 That's --
- 19 A. I'm quite confident that I told that story from day one, about Owen O'Callaghan
14:38:43 20 telling me of his, giving 50,000 to Mr. Ahern at a match.
- 21 Q. 538 Now, Mr. Gilmartin --
- 22 A. That was around 1990, the end of 1990.
- 23 Q. 539 Well we'll come to that now in due course, I have a question to ask you about
24 that as well, Mr. Gilmartin. But let's just try and stick to the questions,
14:39:09 25 it's very clear from that that there is no reference to 50,000. I want to
26 suggest to you that if that was in fact the case, if you had a recollection of
27 being told that at the time that you spoke to Mr. Smyth, you would certainly
28 have mentioned it to Mr. Smyth, isn't that correct?
- 29 A. No it was a general run through.
- 14:39:30 30 Q. 540 Please answer the question.

- 14:39:31 1 A. My experience, my experience in Dublin. It's an event that took place over a
2 period from 1987 to 1996, a nine year period. So talking into a dictaphone and
3 recalling just off the top of me head, various events. I'm quite certain that
4 I wasn't going into absolute detail, but I would have made reference to what I
14:40:08 5 discovered.
- 6 Q. 541 Now, let's just then look, sorry -- let's just look at the statement that you
7 put into the Tribunal, that statement in 2001, that statement was prepared in
8 consultation with your solicitors and your legal advisers, isn't that correct?
- 9 A. Which statement?
- 14:40:42 10 Q. 542 The statement that you gave to the Tribunal in 2001, it's dated 25th May 2001?
- 11 A. Which statement? The --
- 12 Q. 543 It's your main statement for this module, the Quarryvale Module.
13
- 14 CHAIRMAN: Have we a page number?
- 14:40:58 15
- 16 MR O'hOISIN: It commences on, it's a little bit surprising that Mr. Gilmartin
17 doesn't remember it offhand, but it commences on page 2165 and finishes on page
18 2202.
19
- 14:41:28 20 CHAIRMAN: Do you remember that statement?
- 21 A. Sorry.
22
- 23 CHAIRMAN: Do you remember that statement? Do you understand the one now that
24 Mr. O hOisin is referring to?
- 14:41:37 25 A. Yes.
26
- 27 CHAIRMAN: All right.
- 28 A. I get a bit confused because there was statements and affidavits taken in Luton
29 in '98 and '99 and so I need to know which one he is referring to.
- 14:42:00 30 Q. 544 MR O'hOISIN: Well you can see it on the screen there, Mr. Gilmartin, I am

14:42:04 1 sure, you shouldn't have any difficulty in identifying this. This is the
2 principle statement that was furnished to the Tribunal, it was made available
3 as part of the brief in a redacted form in Quarryvale I and all of the
4 statement is available here in Quarryvale II, isn't that right?

14:42:22 5 A. That would be correct, yes.

6 Q. 545 And Mr. Gallagher took you through the redacted portion of the statement, sorry
7 the unredacted portion of the statement in Quarryvale I and this is always been
8 part of the brief, Mr. Gilmartin, it was there to be shown to everybody from
9 the outset, isn't that correct?

14:42:45 10 A. I assume so, yes.

11 Q. 546 And you took legal advice in relation to this statement, it was prepared in
12 consultation with your solicitors and counsel, isn't that correct?

13 A. I assume so, yes.

14 Q. 547 So it's not something that was off the top of your head. You can't dismiss it
15 as chitchat or as something that you didn't have an opportunity to prepare
16 properly for. This is a considered statement and is given to the Tribunal
17 knowing that it's going to be used at the Tribunal and that everybody is going
18 to see a copy of it, isn't that correct?

19 A. Well it's a general account of my experience, yes.

14:43:32 20 Q. 548 It's a little bit different to some of the other communications that you had
21 prior to that, because at the time it wasn't necessarily appreciated that those
22 statements would be, become available to everybody, they only became available
23 after the first O'Callaghan case, when the Supreme Court said that the prior
24 inconsistent statements needed to be furnished to all of the parties, isn't
14:43:55 25 that right? So in those statements people didn't know they were going to be
26 distributed, this statement was one which everybody knew and you knew from the
27 start was going to be distributed to everybody?

28 A. I assume that I gave the statement and --

29 Q. 549 And you carefully considered the position and you thought about all of these
14:44:19 30 events and you examined your mind and your recollections and you gave the

14:44:28 1 evidence as best you could in that statement, isn't that correct?

2 A. As best I could, yes.

3 Q. 550 Now, let's just turn page 2201, Mr. Gilmartin, on that statement. Now, this is

4 the reference that you made to payments to Mr. Ahern as recounted to you by

14:45:04 5 Mr. O'Callaghan, isn't that right?

6 A. That's correct.

7 Q. 551 And what you said at paragraph 81 was "I also recall Mr. O'Callaghan telling

8 me, again I believe that it was some time in 1992, that he had given 50,000 to

9 Bertie Ahern in 1989 and that he had given him a further 30,000 pounds some

14:45:26 10 time later, when Mr. Ahern had apparently been instrumental in blocking Green

11 Property PLC getting special tax designation for Blanchardstown. I inferred

12 from what Mr. O'Callaghan told me that on the basis that he was paying monies

13 to Bertie Ahern, he had been able to call on the support of Mr. Ahern in his

14 efforts to frustrate my project for Westpark/Quarryvale, even though I thought

14:45:49 15 at one stage Mr. Ahern was supportive of the project."

16

17 That was the evidence that you gave to this Tribunal in your statement after

18 carefully considering the position, consulting with your lawyers and doing the

19 best you could, is that right?

14:46:05 20 A. That's correct.

21 Q. 552 Now, why then is there such a significant conflict between what is in that

22 statement and what you have said in your sworn testimony to this Tribunal about

23 the 50,000 pound payment?

24 A. What's the conflict?

14:46:19 25 Q. 553 Well there is a very significant and glaring one that jumps out of the page

26 initially, isn't there?

27 A. What is that? Explain it to me.

28 Q. 554 Well you indicate there that some time in 1992, Mr. O'Callaghan told you that

29 he had paid 50,000 to Mr. Ahern in 1989, and that he had some time later paid

14:46:53 30 30,000 to him in connection with the ensuring that there was no special tax

- 14:46:53 1 designation for Blanchardstown. That's what it says, isn't it?
- 2 A. Yes, that was around '92/'93 when he told me that, about Blanchardstown I mean.
- 3 Q. 555 Well you are beginning to see I think the contradiction I think, Mr. Gilmartin
- 4 because you are very clear.
- 14:47:08 5 A. No there is no contradiction whatsoever. You said there was no reference
- 6 whatsoever to 50,000 to Bertie Ahern.
- 7 Q. 556 I was talking about the Noel Smyth statement, Mr. Gilmartin, you are getting
- 8 confused.
- 9 A. You are now bringing up here where there definitely is a reference to the
- 14:47:24 10 50,000.
- 11 Q. 557 Mr. Gilmartin, I don't know whether it's because you are confused or whether
- 12 you are deliberately doing it, but the previous reference I made was to the
- 13 Noel Smyth statement, transcribed, which was back in 1998, we are now dealing
- 14 with the 2001 statement, so don't mix-up the two. Do you understand?
- 14:47:44 15 A. I'm not mixing up the two. You are saying that it was never mentioned, but it
- 16 is my statement to the Tribunal.
- 17 Q. 558 Mr. Gilmartin, are you having difficulty following me, Mr. Gilmartin, because I
- 18 made it absolutely clear that there was no reference in the Noel Smyth
- 19 statement in 1998 to 50,000 pound?
- 14:48:01 20 A. I think if you go through it you will find a reference to senior politicians
- 21 being bought off.
- 22 Q. 559 Now, you are back into obfuscation mode?
- 23 A. No. I was talking into a microphone and I was asked to --
- 24 Q. 560 I am not asking you that question. You are answering a question that hasn't
- 14:48:17 25 been asked.
- 26 A. I was asked to run through my experience. I was talking into a microphone,
- 27 there was no intention that that was my statement to this Tribunal, no
- 28 intention whatsoever.
- 29
- 14:48:27 30 CHAIRMAN: Mr. Gilmartin, Mr. Gilmartin --

14:48:29 1 A. And I recounted, as briefly as possible in the short space of time what
2 happened over a nine year period. So I was not totally specific about the
3 detail of it because it would have taken me days.

14:48:45 5 CHAIRMAN: Mr. Gilmartin, Mr. O hOisin's, he is simply reminding you that in,
6 when you gave the Noel Smyth interview that there was no specific sum
7 mentioned, whereas now in 2001, you are giving this detailed statement to the
8 Tribunal?

9 A. No there was just a general flavour of what was going on.

14:49:04 10
11 CHAIRMAN: All right. He accepts that, but there was no mention, specific
12 mention.

14 MR O'hOISIN: Of 50,000.

14:49:09 15
16 CHAIRMAN: Of a figure.

17
18 MR O'hOISIN: It's a little more than that, Chairman, insofar as there was no
19 mention of 50,000. There was a mention of a payment in connection with, which
14:49:17 20 is the second, even though no figure was mentioned, it was in connection with
21 the Blanchardstown designation, but there was no mention at all of the 50,000
22 or any payment in connection with that period.

23
24 Now Mr. Gilmartin --

14:49:32 25
26 MR. QUINN: I'm not sure that's strictly correct Sir, if we can have 15973
27 please. Whilst the question is at line 20 "But did O'Callaghan ever say he
28 gave Bertie any money?

29 Answer: He did, he said Bertie was taken care of."

14:49:52 30

14:49:52 1 Now, it could be argued that it was tied what was being discussed previously
2 but the question was --

3
4 CHAIRMAN: But the fact remains there was no specific mention of figures.

14:50:01 5
6 MR. QUINN: No, no. But I think the point is that Mr. O hOisin is tying that
7 reference to the designation payment as opposed to any other payment, but I
8 think in fairness to Mr. Gilmartin, if, that's at 15973, the quotation should
9 be put to him, because in absolute fairness.

14:50:24 10
11 MR. Ó HOISIN: Mr. Quinn doesn't really have a role here in intervening in my
12 cross-examination.

13
14 CHAIRMAN: Well only to assist the Tribunal in ensuring that some issue,
14:50:35 15 whether this is the basis for his intervention, but obviously if something is
16 being put to a witness which is, which is factually incorrect then obviously
17 Mr. Quinn should intervene.

18
19 MR. Ó HOISIN: I don't accept there was anything factually incorrect being put
14:50:50 20 to him, Chairman. There is no, we are dealing with two payments here, two
21 alleged payments. One of 50,000 which it is alleged was paid in 1989, now at
22 this Tribunal further allegations have been made by Mr. Gilmartin as to what
23 that was in connection with, previous to that he hadn't indicated what that
24 situation was.

14:51:12 25
26 We are also dealing with a second alleged payment of 30,000 which is in
27 connection the re-designation of Blanchardstown and/or Quarryvale, and it is
28 only that second payment, even though the precise figure isn't mentioned, which
29 is referred to in the Noel Smyth statement, there is no mention at all of
14:51:37 30 anything being done in 1989 at that time. So with respect --

14:51:44 1 CHAIRMAN: No that's, that's fine.
2
3 MR. Ó HOISIN: And if I could have page 15973, which I think is the page that
4 Mr. Quinn was referring to, and the answer there at the top of the page "Right
14:52:01 5 and he didn't come back for about the best part of an hour or so" this is a
6 reference to the meeting, board meeting of Barkhill with AIB "And he then came
7 back and he said that there will be no designation on the site. And I said
8 there F-ing will be. I said it's guaranteed designation. I said it will get
9 that or everybody in Dublin has to go back on their word. He said that there
14:52:23 10 will be no designation on the site. You check it up and when I checked it, the
11 pronouncement had been made or was going to be made the following day that
12 there was no further designation and who was at that?
13 O'Callaghan openly stated that Bertie Ahern was ensuring that neither Green nor
14 that site would get designation.
14:52:43 15 Question: But I mean was that a political decision, are you saying he was paid
16 for doing that?
17 Answer: Oh no. He was paid for doing that because he would have been out. I
18 have no proof of that.
19 Question: No, no, no.
14:52:55 20 Answer: All I know is what I heard.
21 Question: But did O'Callaghan ever say he gave Bertie any money?
22 Answer: He did. He said Bertie was taken care of."
23
24 So the point is, Mr. Quinn interrupted in relation to that particular
14:53:06 25 quotation, the context of it --
26
27 CHAIRMAN: No it's a reference as I understand it to Green.
28
29 MR. Ó HOISIN: Yes. Which is clearly the second alleged payment, as is clear.
14:53:14 30 What I am trying to indicate, and what I was getting the witness to confirm,

14:53:17 1 was that there was no mention made of the first payment, which is allegedly for
2 something different in that so, therefore there wasn't anything, I appreciate
3 may be that Mr. Quinn hadn't appreciated the point I was making, but there is
4 no reference in the Noel Smyth statement to that, but in any event, I just
14:53:38 5 wanted to clarify that.
6

7 Q. 561 MR. Ó HOISIN: If we just go back, Mr. Gilmartin to your statement in 2001, we
8 have been through and clarified that this was very carefully done, you had the
9 benefit of legal advice and you knew that a statement was going to be
14:53:54 10 furnished. Now, when we get to paragraph 81 you say that some time in 1992 you
11 were told by Mr. O'Callaghan of two separate payments to Mr. Ahern. One of
12 50,000, you don't say what that was in return for, and another one of 30,000.
13 Sorry, just in relation to the 50,000, which you say Mr. O'Callaghan said was
14 paid in 1989, and a second payment of 30,000 which you say Mr. O'Callaghan said
14:54:25 15 was in connection with the Blanchardstown designation issue, that's what you
16 say there, isn't that correct?

17 A. Yeah.

18 Q. 562 Now, that is very different to what you have told the Tribunal, because you
19 have told the Tribunal here that you were told back in 1989 or at times you
14:54:48 20 have said 1990, by Mr. O'Callaghan, that he had paid 50,000 to Mr. Ahern?

21 A. That's correct.

22 Q. 563 Now, there is a very significant and clear contradiction between that sworn
23 evidence and what you said in the statement, would you agree?

24 A. Well you were just referring there to my statement on Green Property and I
14:55:12 25 think the --

26 Q. 564 Please answer the question.

27 A. -- the consensus were that the, the statement which was connected I think the
28 honourable judge has said that it's in connection with Green. The connection
29 with Green was around '92/'93 I am not quite sure which year, that took place,
14:55:39 30 but it was at a board meeting in the bank that took place.

14:55:45 1 Mr. O'Callaghan told me, an I think it was the autumn of 1990 --

2 Q. 565 Chairman, I wonder could you direct the witness to answer the question.

3

4 JUDGE FAHERTY: Yes I think Mr. O hOisin, we put up 2201, I think Mr. Gilmartin

14:55:59 5 can be directed to the focus of your question --

6

7 MR. Ó hOISIN: Thank you, Judge.

8

9 JUDGE FAHERTY: Which as I understand it, Mr. Gilmartin what Mr. O hOisin is

14:56:06 10 putting to you, as I understand it, is that you told the Tribunal here that

11 Mr. O'Callaghan told you, this is what you say, told you of a payment to Mr.

12 Ahern in 1989, he told you some time in 1989 or '90 of a payment of 50,000 to

13 Mr. Ahern. Whereas this statement suggests that or says that, you say that

14 Mr. O'Callaghan told you that in 1992?

14:56:33 15 A. He told me about --

16

17 JUDGE FAHERTY: Do you understand what Mr. O hOisin is putting to you? I don't

18 want to -- to cut across Mr. O hOisin but that's the thrust of his question.

19 Q. 566 MR. Ó hOISIN: Yes, that's correct, judge.

14:56:45 20 A. In connection with Green Property was at a board meeting. I can't remember

21 exactly whether it was '92 or '93 but it was in that period, but he had told me

22 about the 50,000 long before that.

23

24 CHAIRMAN: No but if you just look, Mr. Gilmartin, at the statement there in

14:57:04 25 front of you you, what's being put to you is that the information you are

26 giving there is different.

27

28 MR. Ó hOISIN: I wonder could we zoom into paragraph 81 and perhaps highlight

29 the first two sentences there.

14:57:18 30 A. It's not different. Bertie Ahern got 50,000 and he got 30,000. It's the same

- 14:57:27 1 story.
- 2 Q. 567 No. You are saying that Mr. O'Callaghan told you in 1992 about both the 50,000
3 and the 30,000 payment, that's what you are saying here, isn't that correct?
- 4 A. That's possible. That's possibly what he told me about, as he used to brag
14:57:46 5 what it was costing him to keep the politicians on board.
- 6 Q. 568 But, Mr. Gilmartin, let's just try and deal with a specifics please, because
7 really we will be here far too long otherwise, if you deal with specifics the
8 questions won't be as long and won't be as frequent. Now, why is it that you
9 are saying here that you were told about the 50,000 and the 30,000 payment by
14:58:15 10 Mr. O'Callaghan in 1992, when you have said in your sworn evidence here that
11 you were told about the 50,000 payment in either 1989 or 1990?
- 12 A. I probably reiterated it here in connection with Green, but the actual 50,000
13 came out of an argument I had with Mr. O'Callaghan over a long taxi ride and
14 threats to me and the length he went to.
- 14:58:50 15 Q. 569 You don't mention --
- 16 A. The lengths he went to, and I made the comment that I'd have to do something
17 about it, but then there was nobody to go to.
- 18 Q. 570 You are saying, Mr. Gilmartin, just --
- 19 A. And as I thought, at the time, '89, Mr. Ahern was the only one I could turn to,
14:59:12 20 so he had a great scoff at that idea.
- 21 Q. 571 Don't, Mr. Gilmartin, we have all heard all this evidence. I am asking you
22 specific questions and it's really not good enough to start going into long,
23 long repeats or repetitions of the evidence you have given already. Just
24 please try to answer the question and if you don't understand any question that
14:59:31 25 I ask you, please ask me to rephrase it or to explain the question to you.
- 26
- 27 Now, one explanation you have given there is perhaps you were just saying that
28 he reiterated the 50,000 pounds payment in 1992.
- 29 A. That's possible.
- 14:59:47 30 Q. 572 It doesn't use the word reiterated here and there is no other reference in this

- 14:59:53 1 statement to you being told about 50,000 pounds back in 1989 or 1990?
- 2 A. I was told in, after a long taxi ride I had, and an argument I had with
- 3 Mr. O'Callaghan.
- 4 Q. 573 Why didn't you say that in the statement, there is no reference to being told
- 15:00:13 5 about 50,000?
- 6 A. I did, I made reference to an argument with Mr. O'Callaghan and I, where I
- 7 believed Bertie was honest.
- 8 Q. 574 Where --
- 9 A. That I believed Mr. Ahern was honest.
- 15:00:26 10 Q. 575 Where do you say that, Mr. Gilmartin --
- 11 A. He had a great laugh at the idea.
- 12 Q. 576 Where do you say that in your statement? This is the considered statement that
- 13 you gave to the Tribunal in 2001, where do you, did you say that about the taxi
- 14 ride and Mr. O'Callaghan scoffing at you and your trust of Mr. Ahern, where do
- 15:00:46 15 you say that?
- 16 A. I told the Tribunal that from day one.
- 17 Q. 577 Where in this statement Mr. Gilmartin?
- 18 A. About the threats that was made to me and the extent people went to --
- 19 Q. 578 Do you understand the question, do you understand the question I asked you?
- 15:01:00 20 A. -- to frighten me off.
- 21
- 22 CHAIRMAN: Mr. Gilmartin, the taxi ride and all that is not mentioned here.
- 23 This is being put to you as being your considered statement about this
- 24 particular issue in 2001 and Mr. O hOisin is just putting to you, and I think
- 15:01:23 25 it's a fact, that your statement doesn't mention the detail of the taxi ride
- 26 for example. So you can agree with him that it doesn't. Now, you may have an
- 27 explanation for it not doing so, but it doesn't contain that information and he
- 28 is asking you about that, first of all do you agree that it doesn't and, it
- 29 doesn't include that information?
- 15:01:53 30 A. Well --

- 15:01:56 1 CHAIRMAN: This is the information, what you see there in front of you is the
2 information that you gave in that statement.
- 3 A. Yes, it's the same story.
4
- 15:02:07 5 Q. 579 MR. Ó HOISIN: It's not the same story, Mr. Gilmartin.
6 A. It's exactly the same story.
7 Q. 580 Mr. Gilmartin, we will go, this context in which you are making this, if one
8 goes back to the previous page, if we go back to the previous page, in fact the
9 page before that go to give it, paragraph number 77 it's page 2199.
15:02:37 10 Mr. Gilmartin, will you read this now from paragraph 77 it's your statement I
11 want you to read it so you can fully appreciate it, from paragraph 77 on.
12 A. Yeah.
13 Q. 581 Please read it aloud.
14 A. "At other board meetings which I attended during 1992, I expressed concern
15:02:58 15 about the delay in getting the Quarryvale project off the ground. My concern
16 was grounded on the fact that Tallaght had obtained a special tax designation
17 and I was concerned that the Blanchardstown site also received tax designation,
18 all available investment would flock to both of those sites."
19 Q. 582 And just continue on paragraph 78 the next page.
15:03:34 20 A. "I recall Mr. O'Callaghan being adamant that Blanchardstown would never get tax
21 designation and during the course of one board meeting which Mr. O'Callaghan
22 and I attended, I recall him leaving the room and being absent for
23 approximately half an hour. When Mr. O'Callaghan returned he announced to the
24 board meeting that Blanchardstown was definitely not getting tax designation
15:03:56 25 and he had that direct from the horse's mouth. I asked him who he meant by the
26 horse's mouth and he said he had been given an assurance by Bertie Ahern, the
27 then Minister for Finance. I recall that those present at that meeting
28 included Michael O'Farrell, Mary Basquille, John Deane, Barry Pitcher and
29 Seamus Maguire, although I cannot recall the exact date of the meeting."
15:04:25 30 Q. 583 I think you can go on then to paragraph 81 and read paragraph 81.

- 15:04:44 1 A. Yeah. "I also recall Mr. O'Callaghan telling me again I believe that it was
2 some time in 1992, that he had given 50,000 to Bertie Ahern in 1989 and that he
3 had given him a further 30,000 some time later, when Mr. Ahern had apparently
4 been instrumental in blocking Green Property PLC getting special tax
15:05:09 5 designation for Blanchardstown. I inferred from what Mr. O'Callaghan told me
6 that, on the basis that he was paying monies to Bertie Ahern, he had been able
7 to call on the support of Mr. Ahern in his efforts to frustrate my project for
8 Westpark/Quarryvale, even though I thought at one stage that Mr. Ahern was
9 supportive of the project."
- 15:05:35 10 Q. 584 Now, Mr. Gilmartin, that is what you say in your considered statement about
11 these allegations that Mr. O'Callaghan paid money to Mr. Ahern.
- 12 A. Same story.
- 13 Q. 585 It's not the same story though, Mr. Gilmartin.
- 14 A. It's exactly the same story.
- 15:05:55 15 Q. 586 Where --
- 16 A. It's a reiteration of the same story because Mr. O'Callaghan bragged,
17 constantly, about his political connections.
- 18 Q. 587 If it is the case that you were told this by Mr. O'Callaghan in either 1989 or
19 1990 as you have said in your sworn evidence to the Tribunal, if it is the case
15:06:17 20 that that happened, why did you not say that in your statement, that in 1989 or
21 1990, Mr. O'Callaghan told me that he had paid 50,000?
- 22 A. I'm reasonably certain that -- I can't be 100 per cent certain of how the thing
23 was written, but, but it's the same story.
- 24 Q. 588 Well you can repeat that mantra like, Mr. Gilmartin, but everybody can see that
15:06:58 25 it's not the same story?
- 26 A. It is exactly the same story. Mr. Ahern, according to Owen O'Callaghan was
27 paid 50,000 pound at a match and Mr. Ahern was paid again in connection with
28 Green Property.
- 29 Q. 589 But where, it say that is nowhere in the statement. There is no reference to
15:07:14 30 50,000 pounds being paid after a match in this statement?

15:07:17 1 A. What's that 50,000 there?

2

3 CHAIRMAN: Perhaps it might be simpler Mr. O hOisin now that Mr. Gilmartin --

4 A. It's --

15:07:27 5

6 CHAIRMAN: Just hang on. If, now Mr. Gilmartin now has a grasp of what's in

7 this statement, if it was put to him, where the difference as you see them are,

8 the contradictions or inconsistencies arise as between what is a stated there

9 in his considered statement and what he has given in other versions, either in

15:07:46 10

evidence or elsewhere.

11

12 MR. Ó HOISIN: Yes very well.

13

14 CHAIRMAN: Just do it one at a time and let Mr. Gilmartin deal with each one.

15:07:57 15

Q. 590 MR. Ó HOISIN: Let's just go then to Day 731, question 43. If we can possibly
16 go back to the previous page for a bit more context.

17

18 Now question 39, Mr. Quinn said to you "Now in relation to Mr. Ahern, I think

19 your evidence, if I could summarise it from Friday; is that there were two

15:09:08 20

conversations with Mr. O'Callaghan, both of them took place in Allied Irish

21 Banks premises in Ballsbridge, either coming to, going to a meeting, or leaving

22 a meeting at that premises, one in October 1989 and the other you thought in

23 1993" and you say "Correct".

24

15:09:26 25

So there is a summary from Mr. Quinn of what you had said the previous Friday

26 to the Tribunal about there being two occasions where Mr. O'Callaghan told you

27 about payments, one about the 50,000 in October 1989, and the other you think

28 1993. Now, that's contradicts the statement that we had at page 2201, doesn't

29 it?

15:09:52 30

A. No it doesn't. Mr. Ahern got 50,000 pound according to Owen O'Callaghan. That

15:09:58 1 50,000 pounds was paid around 1989/1990 I am not 100 per cent sure, but I do
2 know one thing, it was the year of the Cork/Meath All-Ireland final. And now
3 which year that was, whether it was '89, it was in some time around the
4 November time when Mr. O'Callaghan first told me that, after a row I had with
15:10:25 5 him.

6
7 CHAIRMAN: Mr. Gilmartin, the difference I think that Mr. O hOisin is referring
8 to is that in your statement which was up a few minutes ago on the screen, you
9 get this information from Mr. O'Callaghan in one conversation, is that right?

15:10:42 10
11 MR. Ó HOISIN: That's correct. In 1992.

12
13 CHAIRMAN: In other words, yes, he tells you about two payments, but in one --
14 he tells you on one occasion about two different payments. Here you are
15:10:55 15 agreeing with counsel for the Tribunal that you were told this information
16 about Mr. Ahern in two separate conversations with Mr. O'Callaghan, one in 1989
17 and one in 1993, so there is a difference, that's what's being put to you, that
18 there is this difference?

19 A. That's highly possible, there was numerous conversations with Mr. O'Callaghan,
15:11:21 20 taxi rides, cheques shown to me, various payments to various people on numerous
21 occasions, so there is no contradiction whatsoever.

22 Q. 591 MR. Ó HOISIN: Do you not accept even, Mr. Gilmartin, that there is a
23 contradiction in the times when you were told about this money?

24 A. No.

15:11:40 25 Q. 592 You don't accept that?

26 A. No contradiction whatsoever, I know exactly what and when I was told, and the
27 circumstances in which I was told it. There is no contradiction.

28 Q. 593 So let's just look at one other contradiction it would seem between what you
29 have said just a few moments ago, you indicated to the Tribunal a few minutes
15:12:03 30 ago, that this conversation with Mr. O'Callaghan took place in a taxi, the one

- 15:12:11 1 back in 1989 or 1990, when you claimed?
- 2 A. No I did not say it took place in a taxi. Show me where I said that?
- 3 Q. 594 You said that a few minutes ago.
- 4 A. That conversation on the 50,000 pound did not take place in a taxi and at no
- 15:12:28 5 time did I say that, so don't try and introduce --
- 6 Q. 595 The record will show, Mr. Gilmartin, whether you said that let's move on from
- 7 that --
- 8 A. No. You show it to me where I said that. So don't introduce lies to try and
- 9 discredit me.
- 15:12:42 10
- 11 CHAIRMAN: Mr. Gilmartin, what you said a few minutes ago was "That's highly
- 12 possible, there was numerous conversations with Mr. O'Callaghan, taxi rides,
- 13 cheques shown to me, various payments."
- 14 A. Yes I was referring.
- 15:12:56 15
- 16 MR. Ó HOISIN: Before that, Chairman, he specifically referred to a taxi ride.
- 17 A. The Clondalkin taxi ride, and it was a row I had with Mr. O'Callaghan following
- 18 that that he told me about the 50,000.
- 19
- 15:13:12 20 MR. Ó HOISIN: Chairman I'm happy to let the record stand --
- 21 A. It was not in a taxi. I was referring me being taken to a pub in Clondalkin
- 22 where I was threatened and I had a row with Mr. O'Callaghan about the carry on
- 23 that was going on here, after that. It did not take place in a taxi.
- 24
- 15:13:35 25 MR. Ó HOISIN: Chairman, I am happy to let the record stand.
- 26 A. I did not say it took place in a taxi.
- 27
- 28 MR. Ó HOISIN: Chairman, I wonder could you direct the witness to stop
- 29 rambling.
- 15:13:47 30 A. Don't try and be lie me or nitpick to attempt -- in your attempt to discredit

15:13:53 1 me, you will get nowhere with it.

2

3 CHAIRMAN: The difficulty we have with the stenographers note is that it only
4 records we only see first hand what has just been stated once the conversation

15:14:06 5 goes on for a while it disappears off the convenient but it's there for --

6

7 MR. Ó HOISIN: I don't have the advantage of that, Chairman, but I know what
8 was said and I am happy to let the record stand. Just one aspect here, that

9 Mr. Gilmartin seems to feel that he has a license to go on and on and on making

15:14:24 10 speeches here, and really he should, he only has one role which is to try and

11 answer the questions.

12

13 CHAIRMAN: I know, we'll do our best to keep him on track.

14 A. Well your esteemed colleague thought me a little lesson here in the opening of
15 this Tribunal.

15:14:41

16

17 CHAIRMAN: Mr. Gilmartin, let's just get back to the question and answers.

18

19 Q. 596 MR. Ó HOISIN: Now you also, Mr. Quinn is saying there that you had said to
20 the Tribunal the previous Friday, that the, that the meetings had taken place,
21 both meetings, this is the one in 1989 and the one in 1993, with

15:14:53

22 Mr. O'Callaghan, had taken place in Allied Irish Banks premises in Ballsbridge,
23 either coming to or going to a meeting. That's what you told the Tribunal the
24 previous Friday, isn't it?

15:15:13

25 A. That would be reasonably correct, because by only my only reason at that time
26 to come to Dublin was on invitation to either a board meeting or the bank, but
27 it didn't mean to say that everything was said to me in the bank.

28 Q. 597 But you proceeded, you fixed it in time as October 1989, then if we go down
29 through the transcript, you then recognised that you must have been mistaken
30 identifying it as Allied Irish Banks because the first time that you had any

15:15:40

15:15:43 1 dealings with Allied Irish Banks was in December of that year, so you couldn't
2 have been there in October of 1989. We will go through the transcript and show
3 that, Mr. Gilmartin, if you like. Would you like me to do that? You are not
4 answering so I will just proceed to do it.

15:16:10 5 A. What are you referring to?

6 Q. 598 Let's just look at what Mr. Quinn said question 40 "And in relation to the
7 first meeting or the first conversation you allege that Mr. O'Callaghan told
8 you that he had paid a sum of 50,000 pounds to Mr. Ahern in September 1989,
9 possibly at either a local or a gaelic football match or alternatively an
10 international soccer match and that the payment was made for Mr. Ahern's
11 support in ensuring that your tender was successful in relation to the
12 Corporation lands.

13 Answer: That's correct.

14 Question: Now just before I start, Mr. Gilmartin, in relation to what you
15 might have said previously in relation to that first payment, I understood that
16 it was in December 1989, that you first made contact with Allied Irish Banks in
17 relation to the loan which you ultimately took up in February 1990?

18 Answer: That's correct.

19 Question: So therefore there wouldn't have been any reason for you to have
20 been at Bank Centre in October 1989?

21 Answer: That's correct."

22
23 So you were accepting there that the evidence you had given the previous Friday
24 that the first meeting, in fact that both meetings were at Allied Irish Bank
25 premises in Ballsbridge was not correct, that it couldn't have been in 1989
26 that that meeting was there, because you didn't start dealing with AIB until a
27 later stage, isn't that right?

28 A. Until 1990, February 1990.

29 Q. 599 So --

15:17:25 30 A. But I had numerous meetings with Mr. O'Callaghan, in Buswells, in Buswells.

- 15:17:33 1 Q. 600 But stick to the point, Mr. Gilmartin, we are concerned herewith your recall,
2 and your recall the previous week had been that this meeting had taken place in
3 AIB, and here you were conceding that it couldn't have taken place in AIB. So
4 your recollection in relation to the place of the meeting was incorrect, do you
15:17:51 5 accept that?
- 6 A. No, it might have been confused with the meeting in AIB and the Green Property
7 and the 30,000 paid to him, so I corrected that.
- 8 Q. 601 As Mr. Quinn had recited to you in question 39 you said that both of the
9 meetings took place in Allied Irish Banks, that's the meeting both in 1989 and
15:18:16 10 in 1993?
- 11 A. No, there was no other meetings in Allied Irish Bank, but the '89, any '89
12 meeting would have taken place either in the Shelbourne, Shelbourne Hotel on
13 the site or in Buswells.
- 14 Q. 602 But that's not what you had said to the Tribunal the previous Friday?
- 15:18:36 15 A. Or possibly in Arlington's office in Stephen's Green.
- 16 Q. 603 Now, the first time that you mentioned that this 50,000 pounds in 1989 was paid
17 in connection with, by Mr. O'Callaghan to Mr. Ahern, in connection with
18 assisting you in relation to the Dublin Corporation lands out in Quarryvale,
19 was at this Tribunal, isn't that correct?
- 15:19:15 20 A. That's what Mr. O'Callaghan said.
- 21 Q. 604 The first time that you said that, that that was the purpose of the payment was
22 to this Tribunal, when you were being examined by Mr. Quinn, isn't that right?
- 23 A. No I think I would have told the Tribunal way back at the very beginning.
- 24 Q. 605 But it's not --
- 15:19:40 25 A. About the events in the acquisition of the Corporation lands.
- 26 Q. 606 But again it's --
- 27 A. And the games that went on.
- 28 Q. 607 Again it's not recorded, Mr. Gilmartin, isn't that right?
- 29 A. Well I don't know. It's not my problem.
- 15:19:53 30 Q. 608 And in fact not only did you not say that, you in fact gave a different

15:19:58 1 explanation for why that money was paid, isn't that right, isn't that correct?

2 A. Well what different explanation?

3 Q. 609 Well do you not remember?

4

15:20:21 5 CHAIRMAN: Well can you put the different explanation to him?

6

7 MR. Ó HOISIN: Yes, I will do that now, Chairman. You gave the indication

8 that Mr. Ahern had involved himself in relation to that to ease embarrassment

9 for Fianna Fail, not because he was paid 50,000, isn't that right? At Day 736

15:21:16 10 at question 66. If we just go back-up again before that so we get some context

11 on that.

12

13 Mr. Quinn had called up page 16080 which we can go to now shortly, but which is

14 a memorandum of a phone call with Mr. Hanratty on the 26th January 1989. Mr.

15:22:34 15 Quinn quotes "In those days the tax" sorry just take it from the previous

16 paragraph "Joe Burke came to see Mr. Gilmartin and asked him what was going on.

17

18 Mr. Gilmartin told him that Redmond and Lawlor were pulling a stroke.

19 Mr. Gilmartin told Mr. Burke that he was fed up with the corruption that was

15:22:50 20 going on and might do something about. Mr. Gilmartin said that he believed

21 that Bertie Ahern sent Burke in as a damage limitation exercise for Fianna Fail

22 and for the purposes of protecting the party. In any event" by the way just as

23 an aside when I was referring save embarrassment I meant by way of damage

24 limitation exercise.

15:23:09 25

26 "And for the purposes of protecting the party. In any event Mr. Burke went in

27 and did something. Mr. Gilmartin says that the Corporation had details of the

28 Burke intervention. Mr. Gilmartin did not know precisely what Bertie Ahern

29 did. However, at the second meeting a week later the tender was approved.

15:23:27 30 Now there is no mention there, Mr. Gilmartin, to Counsel for the Tribunal that

15:23:31 1 in fact you had been told by Mr. O'Callaghan that he had paid 50,000 pounds to
2 Mr. Ahern for his intervention at the time in relation to the site.
3 Answer: No. I was discussing the circumstances surrounding the land purchase.
4 Question: No but you put forward as an explanation for Mr. Ahern's
15:23:47 5 intervention, the fact that he was engaged in a damage limitation exercise for
6 Fianna Fail and for the purposes of protecting the party.
7 Answer: That's correct as I seen it, yes."
8
9 Now, Mr. Gilmartin, that is a different reason for what you say, was the reason
15:24:03 10 why Mr. Ahern sent Mr. Burke to intervene on your behalf to the Dublin
11 Corporation lands, isn't that right?
12 A. That was my take on it at the time, that's what I am referring to.
13 Q. 610 But in your --
14 A. Mr. O'Callaghan enlightened me further.
15:24:22 15 Q. 611 But, Mr. Gilmartin, what Mr. Quinn was quoting from was a memorandum of a
16 telephone conversation between you and Mr. Hanratty in the beginning of 1999 so
17 it was what your then recollection was for the reason why Mr. Ahern had
18 intervened through Mr. Burke?
19 A. That was my take at the time.
15:24:46 20 Q. 612 In 1999?
21 A. Yeah, and when, particularly when Mr. Burke came back.
22 Q. 613 But how could it be the case that could now attribute a different reason for
23 Mr. Ahern's intervention?
24 A. I didn't attribute it, Mr. O'Callaghan enlightened me.
15:25:08 25 Q. 614 But he enlightened you, according to your evidence, back in October of 1989,
26 ten years before you told Mr. Hanratty that the reason that Mr. Ahern had
27 intervened was because of a damage limitation, as a damage limitation exercise
28 for Fianna Fail.
29 A. Well trying to put some kind of order in the order of the events, I'd have one
15:25:45 30 thing at a time, or tried.

15:25:47 1 Q. 615 What do you mean by that?

2 A. One thing at a time, I was dealing with Mr. Burke and talking about Mr. Burke

3 and his involvement in it and my take on it was a damage limitation exercise,

4 because they were already aware that my complaints had gone to the Fraud Squad

15:26:10 5 previous to that, so that was my take on it. But I was enlightened by

6 Mr. O'Callaghan as to the reasons for the intervention.

7 Q. 616 Let's just look at page 16080, Mr, I suppose we should start with the first

8 page of the memorandum which is page 16078. And it's a memorandum of a

9 telephone conversation between Mr. Hanratty and you on the 26th January 1999

15:26:59 10 which Mr. Hanratty has made.

11

12 He said: "I telephoned Tom Gilmartin this afternoon in connection with the

13 letters which I had previously asked him to send us. I told him that we

14 urgently required him to inform the Tribunal by letter that Noel Smyth &

15:27:14 15 Partners were no longer acting as his solicitors."

16

17 It proceeds on. Then if we can go to page 16080 and to the last paragraph

18 there?

19

15:27:24 20 "In the case of the Corporation Quarryvale lands, Mr. Gilmartin said that he

21 went to Bertie Ahern to complain about what was going on. He said that the

22 first time he spoke to Mr. Ahern about this, Mr. Ahern suggested that he make a

23 donation to the Fianna Fail Party. In any event, Mr. Ahern said that he would

24 send in someone to sort out the problem. He sent in Joe Burke who was from

15:27:43 25 Donegal but who was on the Corporation. Joe Burke came to see Mr. Gilmartin

26 and asked him what was going on. Mr. Gilmartin told him that Redmond and

27 Lawlor were pulling a stroke. Mr. Gilmartin told Mr. Burke that he was fed up

28 with the corruption that was going on and might do something about it.

29 Mr. Gilmartin said that he believed that Bertie Ahern sent Burke in as a damage

15:28:06 30 limitation exercise for Fianna Fail and for the purposes of protecting the

15:28:09 1 party. In any event Mr. Burke went in and did something, Mr. Gilmartin says
2 that the Corporation has details of the Burke intervention. Mr. Gilmartin did
3 not know precisely what Bertie Ahern did. However at the second meeting a week
4 later, the tender was approved."

15:28:26 5
6 Now that is a statement, a memorandum of what you said to Mr. Hanratty on the
7 26th January 1999, and you are telling him at that time, that you believe that
8 Mr. Ahern went in, sent Mr. Burke in to intervene as a damage limitation
9 exercise for Fianna Fail, isn't that correct?

15:28:44 10 A. That was my take on it, yes.

11 Q. 617 Yes. In 1999.

12 A. Yeah.

13 Q. 618 How can you it be that you said that in that paragraph, or are recorded as
14 saying that in that paragraph, when your evidence now to the Tribunal is you

15:29:00 15 were told ten years before that, by Mr. O'Callaghan that the reason Mr. Ahern
16 had intervened was because he was paid 50,000 pounds by Mr. O'Callaghan?

17 A. Because that's what Mr. O'Callaghan told me.

18 Q. 619 You are not explaining the contradiction, Mr. Gilmartin.

19 A. No I was explaining to Mr. Hanratty on the phone, my take on the period of the
20 intervention by Mr. Burke who was sent in by, that was my take on it.

15:29:31 21 Q. 620 That was your take in January 1999?

22 A. Yes and then I was enlightened by Mr. O'Callaghan, or according to
23 Mr. O'Callaghan, I cannot say one way or the other, but according to
24 Mr. O'Callaghan they thought Green was going get the site because of all the
15:30:01 25 reports in the paper and the dirty tricks was going on with Redmond and Lawlor
26 and co that Green was --

27 Q. 621 Mr. Gilmartin, before you start rambling on --

28 A. No, you want an explanation.

29 Q. 622 Before you start going on and answering questions you weren't asked.

15:30:17 30 A. If you don't like the answer I can't help it.

15:30:20 1 Q. 623 The answer should address the question.
2
3 Now, the conversation with Mr. O'Callaghan which you say took place, happened
4 nearly ten years before your conversation with Mr. Hanratty.

15:30:35 5 A. That's correct.
6 Q. 624 Do you understand that?
7 A. Yeah, I understand that. Mr. O'Callaghan told me, way back in '89/'90, it was
8 following, some time following a match and it was after an altercation with him
9 over his role in making certain I didn't get off the ground.

15:31:01 10 Q. 625 Mr. Gilmartin, let's just stick to the questions I ask you, not repeat ad
11 nauseum evidence you have previously given here. You seem to go into automatic
12 pilot sometimes on that just please stick to the questions.
13 A. You are looking for an explanation, I can't help it if I have to repeat things
14 because you are trying to nitpick.

15:31:21 15
16 JUDGE FAHERTY: Mr. Gilmartin.
17 A. Sorry?
18
19 JUDGE FAHERTY: Could I just suggest, if you look at what's on the screen, if
15:31:27 20 you look at the screen in front of you.
21 A. Yeah.
22
23 JUDGE FAHERTY: If you just look, look at your screen, you see that?
24 A. I do.

15:31:33 25
26 JUDGE FAHERTY: You say the sentence, Mr. Gilmartin, this is a conversation as I
27 understand it you are having with Mr. Hanratty on the 26th January 1999?
28 A. That's correct.
29

15:31:44 30 JUDGE FAHERTY: Do you understand?

15:31:45 1 A. This is the telephone --
2
3 JUDGE FAHERTY: As I understand a telephone memorandum, do you understand? Now,
4 Mr. Hanratty records you as saying that Mr. Gilmartin said he believed that
15:31:58 5 Bertie Ahern had sent Burke in as a damage limitation exercise for Fianna Fail
6 and for the purpose of protecting the party. And you have answered Mr. O
7 hOisin, I think, that that was your belief, is that correct?
8 A. That was my, my take at the time.
9
10 JUDGE FAHERTY: But what time are we talking about? That's the nub of it, I
11 think?
12 A. We are talking at the time that Mr, it would have been '89 when the sale or the
13 purchase of the Corporation lands took place. So I was casting me mind back to
14 the events of that particular period and the visits of Mr. Burke and the
15:32:44 15 intervention of Mr. Burke after I complained to Mr. Ahern about what was going
16 on.
17
18 CHAIRMAN: But by the time you were saying this you also, you say knew of a
19 conversation you had with Mr. O'Callaghan about the 50, so I think what Mr --
15:33:01 20 A. That was relayed separately.
21
22 CHAIRMAN: But what Mr. O hOisin may well be saying, I may be wrong, that why
23 didn't you add to this account "I was also told by" or "I was told by
24 Mr. O'Callaghan that Mr. Ahern in fact was prompted to intervene because of
15:33:23 25 payment of 50,000" you don't say anything about the 50,000, is that --
26
27 MR. Ó HOISIN: Yes, that's the case. Mr. Gilmartin, if --
28 A. At the time this arose, the time -- we take one event at a time out of many
29 hundreds of events that took place. One event at a time. So in my way of
15:33:49 30 relating to that event, I try and recall the particular event and then relay

15:33:55 1 what, and relay what that is.
2
3 MR. Ó HOISIN: Are you trying to tell us now, Mr. Gilmartin, that what you are
4 saying to Mr. Hanratty at the time is that you believed back in 1989, before
15:34:16 5 your conversation with Mr. O'Callaghan, that Mr. Ahern was only doing this, or
6 was doing this as a damage limitation exercise for Fianna Fail, is that what
7 you are saying?
8 A. That was my opinion at the time.
9 Q. 626 Sorry, I'm interested in your opinion in 1999 and what you are telling
15:34:35 10 Mr. Hanratty then, so is it your sworn evidence to this Tribunal that when that
11 note records you as saying the reason that Mr. Gilmartin, sorry that Mr. Ahern
12 intervened was as a damage limitation exercise for Fianna Fail, that you are
13 referring your state of mind back pre October 1989, is that what you are
14 saying?
15:35:02 15 A. What do you mean by that question?
16 Q. 627 Well let's make it more simple for you, Mr. Gilmartin. You don't mention the
17 conversation you had with Mr. O'Callaghan in October of 1989, when you are
18 talking to Mr. Hanratty, isn't that correct?
19 A. No I was relaying a particular event, a particular event.
15:35:23 20 Q. 628 But wouldn't it have been the most obvious thing in the world, when you started
21 talking about why Mr. Ahern had intervened in relation to the Dublin
22 Corporation lands, to then tell him, if it was the case, that Mr. O'Callaghan
23 told you that the real reason that Mr. Ahern intervened was not as you had
24 thought as a damage limitation exercise for Fianna Fail, but because he got
15:35:50 25 50,000 pounds from Mr. O'Callaghan. Wouldn't that have been the most obvious
26 thing in the world to refer to then?
27 A. I am quite confident that I had told, I had already told that particular part,
28 that particular part of the story to the Tribunal.
29 Q. 629 But it's not recorded anywhere, Mr. Gilmartin. And this is a very significant
15:36:11 30 piece of information if it is true, and you, it's not recorded anywhere, is

15:36:19 1 there any -- is it anyway understandable how that could not be in these notes
2 if you said it to him?

3 A. Earlier on did I not see some reference to 50,000 pounds and 30,000 pounds.
4 Q. 630 No that's in your statement, which is in 2001, May 2001, which is over two
15:36:44 5 years later. You see let's just move on from that, Mr. Gilmartin. The first
6 time that you are recorded as saying anything about the 50,000 is on page 16112
7 which is a telephone, memorandum of a telephone conversation between you and
8 Mr. Hanratty on the 25th November 1999.
9

10 JUDGE FAHERTY: I think it's the 29th, Mr. O hOisin, but that's just a small
11 point.
12

13 MR. Ó HOISIN: Sorry?
14

15 JUDGE FAHERTY: I think it's the 29th November.
16

17 MR. Ó HOISIN: Is it?
18

19 JUDGE FAHERTY: I am just looking at the page beforehand.
15:37:32 20

21 MR. Ó HOISIN: If you look at the very top though, I spotted that before
22 Judge, if you look at page, the previous page.
23

24 JUDGE FAHERTY: Yes, I see on Thursday 25th I beg your pardon yes.
15:37:50 25

26 MR. Ó HOISIN: The memo appears to be dated the 29th.
27

28 JUDGE FAHERTY: You are perfectly right yes, I beg your pardon.
29

15:37:57 30 MR. Ó HOISIN: Now, if you then go to the following page that we had been on,

15:38:07 1 and at the end of the first paragraph there, "In 1989, 50,000 was paid to Ray
2 McSharry and 50,000 to Bertie Ahern. Bertie Ahern also got another 30,000
3 subsequently".
4

15:38:21 5 Now, that's the first time that you are recorded as saying anything about
6 50,000 to Mr. Ahern, Mr. Gilmartin, do you accept that?

7 A. I can't account for that.

8 Q. 631 Now, you then go on and the memorandum goes on and deals with the question of
9 where you got the this information "I asked where he got this information and
10 whether the person providing it would be prepared to speak to the Tribunal. He
11 said that the information came to him indirectly through an intermediary and
12 that the person providing the information was afraid to come forward."
13

14 Now, it's significant there, Mr. Gilmartin, isn't it, that you are not saying I
15 got this information from Mr. O'Callaghan in a conversation back in October
16 1989, you are saying that you got it from a source through an intermediary, and
17 a person who wasn't prepared to come forward.

18 A. As I understand, as I thought I understood the question that was being asked of
19 me where I got the information about 150,000 which I honestly answered, it came
20 from an anonymous source.

21 Q. 632 Well Mr. Hanratty's, I assume careful note, of the conversation he had with you
22 indicates that it's a reference to all of the information that's referred to
23 earlier. "I asked where he got this information" immediately after the
24 reference to 50,000 Mr. Ahern?

15:39:55 25 A. The discussion was about money to Ray McSharry and 150,000 pounds that was
26 paid, 150,000 pounds that was paid. There was a 40,000 and a further other sum
27 connected with another politician and that's the discussion we were having at
28 the time and whether I answered in the -- whether I answered in the way that it
29 has been noted here or not, I cannot say, but I am quite confident there was
30 two different sources. No. 1 was an anonymous caller who told me about it and

15:40:49 1 No. 2 was Mr. O'Callaghan who told me about a dinner in, that took place in
2 Cork at which 150,000 was paid to a particular politician. He was talking
3 about these, there was the 40 and there was another, or a 50 -- 40 or 50,000
4 pounds which was also, came from an anonymous source.

15:41:15 5
6 MR. RYAN: Judge, can I ask if that paragraph in it's entirety be read out
7 because I think it might put it in context?

8
9 CHAIRMAN: That's fair enough.

15:41:26 10
11 MR. Ó HOISIN: Starting reimbursements the previous page seems to be redacted
12 in the last sentence.

13
14 CHAIRMAN: All right.

15:41:32 15
16 MR. Ó HOISIN: Then we go over the page to reimbursements.

17
18 MR. QUINN: The last sentence I think, I think I dealt with this it can be read
19 from the previous page, 16111.

15:41:45 20
21 MR. Ó HOISIN: I am grateful to Mr. Quinn for that.

22
23 Going to the previous page "Going back to my discussion with TG, he said that
24 he had received information to the effect that the Shefran payments were in
15:41:59 25 fact reimbursement to O'Callaghan from the Barkhill account for payment to
26 senior politicians, which Owen O'Callaghan had already made. Owen O'Callaghan
27 had paid around 150,000 to senior politicians in 1989. In total he paid
28 250,000 to senior politicians in connection with Quarryvale. In 1989, 50,000
29 was paid to Ray McSharry and 50,000 to Bertie Ahern. Bertie Ahern also got
15:42:23 30 another 30,000 subsequently. I asked where he got this information and whether

15:42:27 1 the person providing it would be prepared to speak to the Tribunal. He said
2 that the information came to him indirectly through an intermediary and that
3 the person providing the information was afraid to come forward. However, he
4 said that he would make efforts to have this person persuaded to come forward.
15:42:44 5 I asked him whether and why he considered this person to be a reliable source
6 and he said that he was 90 per cent certain that he was reliable. I asked
7 whether his knowledge of the source was sufficient to enable him to make this
8 judgement and he said the source had previously been a partner with O'Callaghan
9 in a development in Cork."

15:42:54 10
11 Now, Mr. Gilmartin, nowhere in this memorandum does it say that you got the
12 information about 50,000 to Mr. Ahern in 1989 from Mr. O'Callaghan?

13 A. We were discussing where I got certain information from, including how the
14 money was being stolen out of my company through a phoney company called
15 Shefran.

16 Q. 633 Again let's just deal with the question, Mr. Gilmartin.

17 A. I was referring, I was referring -- it was in the context of that conversation
18 connected with exactly what was going on that I responded to Mr. Hanratty.

19 Q. 634 Are you saying, Mr. Gilmartin, that you told Mr. Hanratty in this conversation
15:43:39 20 that Mr. O'Callaghan had told you that he had paid Mr. Ahern 50,000 pounds to
21 Mr. Ahern in 1989, in order to intervene in relation to the Dublin Corporation
22 lands?

23 A. No, I didn't say anything of the kind. I'm saying the discussion here was the
24 amount of monies that was being laundered out of Barkhill into phoney companies
15:44:08 25 and being paid out to politicians.

26 Q. 635 Well there is a number of --

27 A. And this is what this conversation, as I understand it, the Tribunal was set up
28 to investigate this type of activity and that's what I was referring.

29 Q. 636 Mr. Gilmartin, this is a significant memorandum, because it's the first time
15:44:25 30 that you are recorded as saying that Mr. Ahern received 1989, received 50,000

15:44:32 1 pounds in, from Mr. O'Callaghan. It's the first time that you are recorded as
2 saying that.

3 A. I can't account for when anything was recorded, but I'm quite certain that in
4 Luton, whether they noted it at the time or even whether they took me serious
15:44:51 5 at the time, I don't know.

6 Q. 637 Isn't it remarkable, Mr. Gilmartin, that you claim that you told them back in
7 Luton about this and yet it's not recorded. And you don't seem to be able to
8 account at all why this memorandum makes no reference to Mr. O'Callaghan
9 telling you, isn't that remarkable, that those two coincidences happen in
15:45:22 10 relation to this 50,000 pounds?

11 A. Well it keeps cropping up as I see it, here and there, in every conversation,
12 so it's remarkable, if I didn't relay it in full.

13 Q. 638 But this, let's be clear, Mr. Gilmartin, I think you understand this. This is
14 the first time there is a recording of you saying 50,000 pounds from
15:45:44 15 Mr. O'Callaghan to Mr. Ahern.

16 A. I can't account for that.

17 Q. 639 And what I want to say to you is --

18 A. And I can't answer for it.

19 Q. 640 Well are you saying, are you saying that in this conversation, this particular
15:46:00 20 conversation with Mr. Hanratty in November 1999, that you told Mr. Hanratty
21 that Mr. O'Callaghan had told you that he had paid 50,000 to Mr. Ahern in 1989?

22 A. I'm quite confident I relayed that to the Tribunal, I don't know whether it was
23 Mr. Hanratty, Mr. Gallagher or both.

24 Q. 641 So you are not saying that you said it to him in this conversation, are you?

15:46:26 25 A. No I'm not saying that. What's, he has recorded in this conversation is the
26 general discussion we had at the time and I'm not disputing, I'm not disputing
27 what is written here, but we were referring to different things.

28 Q. 642 Now, Mr. Gilmartin, you have indicated at this Tribunal, sorry I will deal with
29 this. You have indicated at this tribunal that you believe that the Starry
15:47:16 30 O'Brien allegation, that Mr. Ahern received 50,000 pounds in 1989 after a

15:47:25 1 match, was a set up to try and catch you out and discredit you, isn't that
2 right?

3 A. That is correct.

4 Q. 643 That has been your evidence.

15:47:39 5 A. That is correct.

6 Q. 644 To the Tribunal.

7 A. And I'm confident of that.

8 Q. 645 Well I want to suggest to you, Mr. Gilmartin, that far from that being the
9 case, the reality of the situation is that you were told about the Starry
10 O'Brien allegation for the first time some time in 1989, sorry 1999, prior to
11 this conversation, and all you were doing here was passing on that information
12 to the Tribunal, because you had no knowledge of such a payment, nor had there
13 ever been any such conversation between you and Mr. O'Callaghan as you have
14 indicated in either 1989, 1990 or even 1992.

15:48:32 15 A. Not true. Absolutely not true.

16 Q. 646 In fact --

17 A. As a matter of fact I had told Jodie Corcoran and I had told, previously and
18 I'm talking about going back to 1998 and as far as I remember there was some
19 reference to it in the media, prior, around '98, beginning of '99.

15:49:06 20 Q. 647 Mr. Gilmartin, you have indicated to this Tribunal in a you believe that
21 Mr. O'Callaghan organised this set up when he learned that you had told the
22 Tribunal about the 50,000 pounds to Mr. Ahern in 1989, isn't that right?

23 A. That was --

24 Q. 648 Day 764, question 28?

15:49:39 25 A. -- It's remarkable coincidence that Mr. O'Brien came up with my story and then
26 went with documentation that was supplied to him with more or less my story
27 with one twist to it that it was him that gave Bertie the money. The object of
28 the exercise was, as I see it, and which I was rung up and told, had nothing to
29 do with the story, nothing to do with this concoction that was coming up
15:50:21 30 because they were trying to rope me in to confirming the 50,000 pounds. So as

15:50:27 1 that Bertie could clear his name by having this comedian doing an about turn on
2 the steps of the court.

3 Q. 649 Now, Mr. Gilmartin --

4 A. That's exactly what it was, a set up.

15:50:45 5 Q. 650 Now, you said at Day 764 at question, just go a little bit above question 27.

6 Question 27 "And at that stage of course when you first came out of the 50,000
7 pounds story as we saw yesterday, you had received a story from Frank Connolly
8 the journalist about the Starry O'Brien matter.

9 Answer: The, as a matter of fact my story of the 50,000 pounds existed long
10 before Frank Connolly or the Starry O'Brien charade.

11 Question: Well if it existed can you explain why you don't seem to have told
12 anybody about it?

13 Answer: I have. I can reasonably, as far as I can remember that story was
14 told long before the Starry O'Brien and actually the Starry O'Brien stunt was

15:51:43 15 pulled after Mr. O'Callaghan realised that I had, I told the story about the
16 50,000".

17
18 Now that's, you have suggested there that Mr. O'Callaghan set up that, what you
19 call a stunt, after he realised that you had told the story about the 50,000
20 pounds to the Tribunal?

21 A. Well I'm not 100 per cent sure. I wasn't present at the hiring of Starry
22 O'Brien and I wasn't present at the set up, but I do know for a fact that every
23 attempt was made to get me to back-up Starry O'Brien's story or whatever story
24 came of it. Now, incidentally I didn't really know what the story was, I was
15:52:24 25 warned before it happened that this, that there was a story going to come out
26 and the press was going to come out in connection with payments to Bertie Ahern
27 and for me to stay miles away from it because it was a set up, they were trying
28 to set me up.

29
15:52:48 30 It was long after that, that was some time in '89, early '89. Towards the end

15:52:59 1 of '89, I was then approached and Frank Connolly told me that he had this
2 story, I told him that as far as I knew nothing about it and I wanted to know
3 nothing about it, whatever the story was. I asked him what the story was and
4 he said he wasn't going to tell me because he didn't want Jodie Corcoran
15:53:20 5 getting it. Anyway, as the thing transpired the next I knew was an
6 announcement at Arbor Hill by Mr. Ahern in 1990, Easter 1990 where he was asked
7 questions by Charlie Bird and I knew then for a fact that the whole thing was a
8 set up.

9
15:53:51 10 CHAIRMAN: Sorry, Mr. Gilmartin, who do you say was trying to get you involved
11 in the setup?

12 A. I can only guess.

13

14 CHAIRMAN: No but who --

15:54:03 15 A. I can only guess but it was connected --

16

17 CHAIRMAN: No I can understand, you have a suspicion as to who was behind it,
18 but who actually physically contacted you and tried to persuade you to support
19 the allegation?

15:54:23 20 A. I had, well it was mostly Frank Connolly who eventually told me that he had
21 this story and that he could confirm that the 50,000 was given to Bertie and
22 that he had papers to prove it and I told him then it was a set up. He said
23 no, because he has got the papers.

24

15:54:45 25 CHAIRMAN: Was the only one who contacted you about it?

26 A. No there was someone else that contacted me from the Business Post, some, I
27 can't remember the name that said to me, that they could subpoena me to back-up
28 the evidence and I said if you do I'll tell you what you are going to hear. I
29 know nothing whatsoever about what are you are talking about.

15:55:11 30 CHAIRMAN: But what you are saying, so as we can be clear about this, the

- 15:55:15 1 people who contacted you --
- 2 A. Were all connected with the Business Post.
- 3
- 4 CHAIRMAN: Were all journalists?
- 15:55:21 5 A. I think so. There was two. One was Mr. Connolly, the other one was a
- 6 gentleman that phoned me, he was the fellow said they would do, they would
- 7 subpoena me, so I'd have to give the evidence about the 50,000 pounds, so I
- 8 told him no way I know nothing about what they are talking about and if I am
- 9 subpoenaed that is my story, I know nothing about it.
- 15:55:50 10
- 11 Q. 651 MR. Ó HOISIN: Well just in relation to that, I want to clarify that, why do
- 12 you say the Sunday Business Post can subpoena you, they weren't sued
- 13 Mr. Gilmartin, the Sunday Business Post couldn't subpoena you, they were not
- 14 sued?
- 15:56:03 15 A. You have to ask your client why not.
- 16 Q. 652 So clearly it wasn't the Sunday Business Post who could subpoena you. The
- 17 other thing I wanted to ask you, Mr. Gilmartin, is why would you tell somebody
- 18 who was going ask you to give evidence on oath in a court case that you would
- 19 tell them that you knew nothing, when your evidence here to the occur to this
- 15:56:21 20 Tribunal is that you had, you had heard from Mr. O'Callaghan that he did pay
- 21 50,000 to Mr. Ahern, so why would you tell them you would tell an untruth if
- 22 you were called to give evidence in that trial?
- 23 A. No I was not going, I was not going to be caught up in a stunt to, as being
- 24 practiced here for, since I was involved in this, in an attempt to discredit
- 15:56:47 25 me. I was not going to get involved in a stunt that was put up by people who
- 26 would use, who would use spurious people to try and discredit me.
- 27 Q. 653 What you are saying to the Tribunal is that in order to avoid being caught up
- 28 in what you describe as a stunt you would be prepared to tell untruths, on oath
- 29 at such a case?
- 15:57:14 30 A. I knew nothing about the story, about the particular story, absolutely nothing.

15:57:27 1 I would have, and that would be absolutely true, that I knew nothing of any
2 O'Callaghan giving Starry O'Brien the money and him giving it in the Berkley
3 Court or not the Berkley Court, the other hotel or other.

4 Q. 654 But you would have had relevant --

15:57:39 5 A. I knew absolutely nothing about that.

6 Q. 655 You would have had relevant evidence to offer which is the evidence that you
7 are giving to this Tribunal on oath, which is that you were aware from
8 Mr. O'Callaghan that he had paid 50,000 to Mr. Ahern in 1989, that would be
9 relevant evidence if you were called to give evidence at such a case, wouldn't
10 it?

11 A. What you are telling me now is that it would have achieved your client's
12 purpose if I got involved in backing up a lying story. That he would have
13 achieved -- he has lived ever since on his name being cleared. Now, if I was
14 included in the Starry O'Brien stunt then my name would never be cleared, would
15 it? So that's what you are telling me. You are telling me that I should have
16 got involved, so now you are confirming to me who set up the stunt.

17

18 CHAIRMAN: No, no. He is suggesting to you --

19 A. No, he is confirming to me who set up the stunt.

15:58:45 20

21 CHAIRMAN: No, well he is not. He is suggesting to you if you had this, if you
22 believed what you understood to be the case at the time, that Mr. Ahern, that
23 Mr. O'Callaghan had told you about the payment to Mr. Ahern that you would
24 have, that you are suggesting that you wouldn't have told that had you been
25 subpoenaed in that Starry O'Brien case?

15:59:07 26 A. I would have said I knew nothing, absolutely nothing about the story, which was
27 being fed or being used, which was being used at the time because I was well
28 aware I was tipped off.

29 Q. 656 MR. Ó HOISIN: But, Mr. Gilmartin, they are essentially the statement story
15:59:33 30 with one different as to who actually gave the money, it's essentially the same

15:59:37 1 story, isn't it?

2 A. That's correct and that's why the stunt was set up.

3 Q. 657 But what you are telling the Tribunal is, in order to avoid being caught up in

4 the stunt you would have perjured yourself if called as a witness that's what

15:59:49 5 you are saying?

6 A. No, I am not saying I would have perjured, I would have said nothing.

7 Q. 658 If you were asked a question?

8 A. I would not have perjured myself.

9 Q. 659 The oath says --

15:59:59 10 A. You are trying to imply there that I should have cooperated in that stunt and

11 for me to be discredited by your client ever since.

12

13 CHAIRMAN: It might have been hearsay.

14 Q. 660 MR. Ó HOISIN: Well a witness does promise to tell the truth, the whole truth

16:00:19 15 and nothing but the truth.

16 A. I am telling the truth.

17 Q. 661 If he was called, Chairman, it was a matter for suspicion but I asked the

18 question?

19 A. But I am telling the truth. I knew nothing about any Starry O'Brien, I never

16:00:34 20 heard of the man, never knew anything about him, until I was rung up one night

21 and told, there was a story being planted, that was intended to discredit me.

22 Q. 662 When were you rung up by this --

23 A. It was some time in the early '89.

24 Q. 663 Sorry.

16:00:52 25 A. '99 I mean, '99.

26 Q. 664 Some time early in '99?

27 A. It was earlyish '99.

28 Q. 665 Earlyish 1999 can we take that's your evidence your sworn evidence?

29 A. No it's not my sworn evidence, I can't remember exactly at the time.

16:01:09 30 Q. 666 Well was it --

- 16:01:10 1 A. My wife was seriously ill, I was taking care of her seven days a week, night
2 and day, and I can't recall and I wasn't even bothered.
- 3 Q. 667 Was it before or after the conversation with Mr. Hanratty?
4 A. I took note --
- 16:01:25 5 Q. 668 Was it before or after the conversation with Mr. Hanratty on the 25th November
6 1999?
7 A. I don't know.
8 Q. 669 You don't know.
9 A. I told Mr. Hanratty about it and about the tip off I got, or the stunt that was
16:01:41 10 being --
11 Q. 670 You told him about the tip off did you?
12 A. I told the Tribunal, I'm not quite sure whether it was he or Mr. Gallagher I
13 told, but I told one of them about this stunt that was about to be pulled.
14 Q. 671 There is no reference in Mr. Hanratty's note here when you were telling him
16:01:56 15 about this 50,000 in 1989 to the fact that you had been tipped off that it was
16 a stunt and that it was, that it wasn't true. Isn't that correct, no reference
17 to it there?
18 A. I don't know, in that particular conversation, there is other conversations I'm
19 sure.
- 16:02:12 20 Q. 672 But this is the first conversation --
21 A. I can't remember exactly whether, who I spoke to, but I did ring and tell the
22 Tribunal the stunt was going to be pulled.
23 Q. 673 Could we go back to page 16112 please?
24 A. And I think there is a reference incidentally in Mr. Hanratty's notes to that
16:02:39 25 particular thing, but it was much later.
26 Q. 674 If we go to the middle of the page there the paragraph beginning "I asked him"?
27 Mr. Hanratty is saying "I asked him whether the information about the 1989
28 payments came from Frank Connolly (the O'Brien matter) and he said that his was
29 a different source to Connolly's". It's clear from that that you already knew
16:02:58 30 this story from Frank Connolly, isn't that correct, at the time of this

16:03:02 1 conversation?

2 A. That's a much later, that's a much later telephone conversation, because after

3 the story broke Mr. Hanratty spoke to me.

4 Q. 675 Sorry the story broke --

16:03:15 5 A. After the story broke.

6 Q. 676 You are wrong there, Mr. Gilmartin. The story broke in April of 2000 which was

7 four months after this conversation. It broke in a newspaper article on the

8 23rd April 2000, I have given that to the Tribunal, I don't know if it has been

9 allotted a number yet. But that story broke on the Sunday, in the Sunday

16:03:36 10 Business Post on the 23rd April 2000, four months after your conversation with

11 Mr. Hanratty that we are looking at, at the moment on screen, Isn't that right?

12 A. Yeah.

13 Q. 677 So now if we --

14 A. By the way, as far as, in connection with that, that story was passed onto the

16:04:15 15 Tribunal from elsewhere when Mr. Hanratty asked me about it again.

16 Q. 678 Well let's just go back then to page, the previous page we had up there which

17 was 16112, and again the paragraph that we were highlighting.

18

19 "I asked him whether the information about the 1989 payments came from Frank

16:04:51 20 Connolly (the O'Brien matter) and he said that his source was a different

21 source to Connolly's. I asked him how he knew this and he said that he was

22 certain that his source would never talk to a journalist in a million years. I

23 did however get the impression that TG is aware are of at least the broad

24 outline of Frank Connolly's story."

16:05:10 25

26 Now, we can take if from that that you already knew about the Starry O'Brien

27 story from Mr. Connolly at the time of this conversation with Mr. Hanratty,

28 isn't that correct?

29 A. That's possible yes.

16:05:21 30 Q. 679 It's also seems to be the case that Mr. Gilmartin, Mr. Hanratty, or you are

- 16:05:29 1 telling Mr. Hanratty at the time that your information about 50,000 to Mr.
2 Ahern from Mr. O'Callaghan in 1989 is from a source who you said wouldn't talk
3 to a journalist in a million years?
- 4 A. He is referring to the Starry O'Brien story there, the source that phoned me
16:05:51 5 and told me this story was going to happen that I was being set up. This is
6 what we are talking about here.
- 7 Q. 680 There is no mention of a set-up in this note, Mr. Gilmartin, let's get that
8 clear?
- 9 A. I had previously told the Tribunal that this story was coming out and it was a
16:06:12 10 set up.
- 11 Q. 681 And you are seriously trying to tell this Tribunal on oath that you had told
12 the Tribunal that this was a set up, but nobody recorded it, it's not in any of
13 the notes, it's a sensational story, nobody had recorded it, but you are
14 confident that you told him?
- 16:06:29 15 A. I am absolutely confident, I phoned and spoke to someone in the Tribunal and
16 told them that there was a story being put about that was a total set up to try
17 and ensnare me to, so as that I could be proved a liar.
- 18 Q. 682 And we can add Tribunal counsel therefore to the long list of people whose
19 notes of conversations with you are inaccurate, because they don't accord with
16:06:57 20 your present recollection of what happened, is that correct?
- 21 A. My present recollection of what happened was the first I knew of this
22 concoction was a phone call I had in early, I think it was early '99.
- 23 Q. 683 But you make no reference to that, you make no reference to, in fact all you
24 say here is that you have a different source for the suggestion of a payment to
16:07:30 25 Mr. Ahern in 1989, you have a different source to the one that Frank Connolly
26 has.
- 27 A. He is talking about the broad outline of the Starry O'Brien stunt.
- 28 Q. 684 Where is the word "stunt" mentioned here anywhere, Mr. Gilmartin, you are
29 insulting our intelligence here?
- 16:07:55 30 A. No I am not. "I get the impression that TG is aware of at least the broad

16:08:00 1 outline of Frank Connolly's story."
2 Q. 685 Yes.
3 A. Now Frank Connolly's story was the stunt.
4 Q. 686 But you didn't say that to Mr. Hanratty otherwise he would have recorded it.
16:08:12 5 A. I previously told the Tribunal that this was a set up and it was going to take
6 place.
7 Q. 687 And they simply didn't record it?
8 A. I don't know.
9 Q. 688 That's remarkable isn't it, Mr. Gilmartin?
16:08:28 10 A. Not remarkable. I told the Tribunal.
11 Q. 689 Isn't the simple fact that you were told about the Starry O'Brien story by
12 Mr. Connolly after he had that story and after it had gone into the Tribunal?
13 A. No.
14 Q. 690 And you then came along to the Tribunal for the first time in November of 1999
16:08:48 15 and told them about this 50,000, you didn't say that you had been told this by
16 Mr. O'Callaghan, you said that you had a source who told you, who was different
17 to Mr. Connolly's source. So all you were doing in fact was you were repeating
18 the Starry O'Brien case, I am suggesting to you, Mr. Gilmartin, you didn't have
19 any source at all, except Mr. Connolly, for this allegation of 50,000 to Mr.
16:09:17 20 Ahern. This is another example, Mr. Gilmartin, is it not, of the devious
21 tissue of lies that you have invented against Mr. Ahern?
22 A. No, sir. No, sir, I told Mr. Connolly before he wrote the story that it was a
23 set up.
24 Q. 691 We know from Mr. Connolly --
16:09:37 25 A. I told the Tribunal it was a set up.
26 Q. 692 You couldn't have told the Tribunal before this note that it was a set up
27 because it's not recorded?
28 A. Well you will have to ask the Tribunal or whoever, but --
29 Q. 693 And you couldn't have told them before the story was printed that it was a set
16:09:56 30 up because also that's not recorded?

- 16:09:59 1 A. The source that told me, rung me to warn me that I was being set up and it took
2 place, actually the source told me that a meeting had taken place between your
3 client and Mr. O'Callaghan and this was concocted for to set me up.
- 4 Q. 694 This is a new allegation now that you are throwing around.
- 16:10:21 5 A. No it's not a new allegation, it's not a new allegation at all, it's fact.
- 6 Q. 695 It's a new allegation.
- 7 A. It's fact.
- 8 Q. 696 And of course you have discussed this with Mr. Connolly haven't you, because
9 Mr. Connolly has given similar outrageous stories as well in interviews, isn't
10 that correct. Exactly the same as you?
- 16:10:36 11 A. I don't know what Mr. Connolly's source of his stories are concerned. This
12 particular story Mr. Connolly was writing at the time for the Sunday Business
13 Post and I do note the Sunday Business Post has spent it's time trying to
14 discredit me, even last Sunday, and previously here, one Barry O'Kelly
16:11:06 15 incidentally who got a cushy job with RTE.
- 16 Q. 697 Is this anything to do with my question, Mr. Gilmartin, or just use of the
17 platform of the Tribunal to try and defame other people, is it?
- 18 A. No, Mr. Barry O'Kelly was fed a load of papers from this Tribunal. I know
19 where they came from and he printed all these papers proving that I was a
16:11:37 20 fraudster in Bachelors Walk, how I was defrauding the people etc, at my
21 previous visit here. And all part of your client's media campaign to try and
22 cover his tracks.
- 23 Q. 698 Mr. Gilmartin you, the timing doesn't fit in with your story at all. The first
24 time you told this Tribunal about the 50,000 allegation and claim it had had
16:12:01 25 come from a source different to Starry O'Brien was in November 1999 now you
26 say, you have said in evidence that Mr. O'Callaghan only concocted the Starry
27 O'Brien stunt after he became aware that you had told the Tribunal. So it must
28 be from that, that he could only, if you are to be believed, have concocted
29 this stunt after November 1999, isn't that correct?
- 16:12:29 30 A. No, sir. I was given that story way early 1999.

- 16:12:34 1 Q. 699 But in fact the position is that Starry O'Brien --
- 2 A. I defy you find a comment in any paper or any place that I made in connection
- 3 with that story, because I was told make certain, make certain you do not
- 4 comment because you are being set up.
- 16:12:55 5 Q. 700 But in fact the position is that Mr. Connolly, as he indicated in an article at
- 6 the end of April 2000, had the Starry O'Brien story since early in 1999, at
- 7 least six months before your conversation with the Tribunal at the end of
- 8 November 1999, isn't that correct?
- 9 A. I don't know what Mr. Connolly had, I have no idea, I got a phone call. First
- 16:13:21 10 I got a phone call from Peter Kearns to tell me that this gentleman wanted to
- 11 ring me again. The gentleman rung me and he told me that after a meeting that
- 12 took place in Cork that this, they decided come up with this stunt to try and
- 13 discredit me, which they would have done if I was stupid enough to get
- 14 involved.
- 16:13:41 15 Q. 701 Could we have the Sunday Business Post for April 30th 2000, which has been
- 16 added to the Tribunal brief, I don't have the number for it.
- 17
- 18 MR. QUINN: This is the document that was given to the Tribunal at 2 o'clock
- 19 this afternoon.
- 16:14:02 20
- 21 MR. Ó HOISIN: Yes, that's correct. "How Denis O'Brien broke the story."
- 22
- 23 Now, in that story Mr. Connolly says, obviously this is Denis Starry O'Brien he
- 24 is talking about.
- 16:14:14 25
- 26 MR. QUINN: I should say this is a document Mr. Gilmartin has not seen and was
- 27 given to the Tribunal just before we started.
- 28
- 29 MR. Ó HOISIN: Nor is he entitled to see it before I asked the question.
- 16:14:26 30 MR. QUINN: It's ten past four I am not sure if the Tribunal intends to sit on

16:14:30 1 this afternoon.
2
3 MR. Ó HOISIN: I won't be long.
4
16:14:34 5 JUDGE KEYS: If you are going refer to a document and a specific section of the
6 document, he should have a document in his hands to be able to refer to that
7 section --
8
9 MR. Ó HOISIN: If we can have focus in on that, Judge.
16:14:47 10
11 MR. QUINN: If we can print the document for Mr. Gilmartin while he is being
12 asked the question.
13
14 MR. Ó HOISIN: If we go to the left hand side, the first column there. I have
16:14:53 15 no difficulty with him having a hard copy.
16
17 MR. QUINN: I these that's only fair to Mr. Gilmartin.
18
19 CHAIRMAN: If he wants to see a hard copy it may be possible to hone in on the
16:15:03 20 section of the document.
21
22 MR. Ó HOISIN: Mr. Connolly says the by line is "Frank Connolly explains the
23 background to the latest inquiry by the Flood Tribunal details of which were
24 exclusively published by this newspaper last week. Cork businessman, Denis
16:15:21 25 O'Brien first approached the Sunday Business Post in March of last year. He
26 explained that he had details of the payment to politicians in which he was
27 personally involved. He said the payments related to retail development in
28 Dublin. He also explained the nature of the High Court litigation in which he
29 was involved. Over a number of meetings he explained the detail of his claim
16:15:41 30 and the facts that the payments were made in relation to the Quarryvale

- 16:15:41 1 development."
2
3 It goes on then to describe an affidavit and contacts with the Tribunal. So,
4 it's quite clear from Mr. Connolly's story that at least six months, more than
16:15:50 5 six months before you spoke about this 50,000 pounds payment for the first
6 final to the Tribunal Mr. Starry O'Brien was already approaching Frank Connolly
7 with this story, isn't that right?
8 A. No, sir. Actually back in 1988, I had relayed that story to Jodie Corcoran and
9 others and it was in -- the media already knew my version of the story and
16:16:27 10 going on from that, this stunt was pulled to try and discredit my name.
11 Q. 702 Mr. Gilmartin --
12 A. I know nothing about this, I know nothing about Starry O'Brien, I know nothing
13 about what papers or where or who gave him the papers to supply, to give to
14 Frank Connolly.
16:16:49 15 Q. 703 Mr. Gilmartin --
16 A. On the Business Post.
17 Q. 704 You well know that your evidence has been that Mr. O'Callaghan only arranged
18 this stunt with Mr. O'Brien after he became aware that you had told the
19 Tribunal about the 50,000 payment. We know from the notes provided by the
16:17:08 20 Tribunal that the first time you told them about that was in November 1999 and
21 that makes a lie out of your allegation about the stunt.
22 A. No I told that story back in '98. Actually I told it before that, but anyway.
23 Q. 705 The record shows. The record shows, Mr. Gilmartin, that what you have said in
24 relation to this stunt is utterly, is utter nonsense. That you have turned the
16:17:36 25 tables topsy turvy to suggest not, contrary to what actually happened is that
26 you went to the Tribunal simply repeating the Starry O'Brien story that you had
27 heard from Mr. Connolly?
28 A. No, sir.
29 Q. 706 Isn't that the correct?
16:17:53 30 A. No, sir. The they knew about O'Callaghan's 50,000 pounds to Bertie Ahern

16:18:00 1 before ever the Starry O'Brien story came up and the Starry O'Brien story, as
2 far as I was told was a total set up to try and discredit me and I would have
3 been, and your client would have made certain every day it would be mentioned.

4 Q. 707 This is more nonsense that you are prepared to --

16:18:27 5 A. No, no. He has more tricks than Paul Daniels only he is better at them.

6 Q. 708 Chairman, I know Mr. Quinn mentioned the time.

7

8 CHAIRMAN: I don't know how long more you require.

9

16:18:38 10 MR. Ó HOISIN: Chairman, I have to say the way that the answers are coming,
11 this is proceeding more slowly than I thought would, he made a loft different
12 allegations against my client and I am going to have to deal with various
13 allegations.

14

16:18:50 15 CHAIRMAN: No, no. I am not trying to cut you short I just want to get some
16 idea about how long you will be.

17

18 MR. Ó HOISIN: You can see my frustration at his unwillingness to answer the
19 questions a lot of the time, Chairman, it's difficult to predict, I am happy to
20 keep going now if you want me to but I won't finish this afternoon.

16:19:04 20

21

22 CHAIRMAN: That's what we want to you find out.

23

24 MR. QUINN: Mr. Gilmartin is here tomorrow. Mr. Nesbitt had asked, he appears
16:19:16 25 on behalf of Allied Irish Banks that he might be taken tomorrow, I don't think
26 Mr. Nesbitt is going to take the, take the full day, but perhaps if Mr. O
27 hOisin and Mr. Nesbitt could liaise.

28

29 CHAIRMAN: We have no difficulty if you want to come to an arrangement with
16:19:30 30 Mr. Nesbitt.

16:19:32 1

2 MR. Ó HOISIN: For him to intervene. I will talk to him and see how long.

3

4 CHAIRMAN: As long as somebody is here at 10 o'clock.

16:19:39 5

6 MR. QUINN: I understand that Mr. McGrath who appears on behalf of Mr. Joe
7 Burke.

8

9 CHAIRMAN: All right we will sit tomorrow at 10 o'clock for Mr. Gilmartin.

16:19:47 10

11 MR. Ó HOISIN: Thank you, Chairman.

12

13 **THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING DAY.**

14 **FRIDAY 12TH OCTOBER 2007 AT 10 AM.**

16:20:03 15

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