



Our Reference Number: FOI/2009/06

16 October 2009

Mr Anthony Sheridan
1 Carraig Eoin
Cobh
Co. Cork

Dear Mr Sheridan

I refer to the request which you made under the Freedom of Information Acts 1997 and 2003 for records held by the Standards in Public Office Commission:

1. Any and all information relating to the decision of the Commission concerning corporate donations to Fianna Fáil following a complaint from Anthony Sheridan, dated May 21, 2009;
2. All correspondence by email, letter, notes of conversations or phone calls or minutes of meetings, of the Commission or between the Commission and any and all parties involved in the complaint. I also seek the recollection of the representative(s) of the Commission in their dealings with any and all parties relating to the complaint;
3. All internal communications within the Commission relating to the complaint;
4. A breakdown of companies contacted by the Commission, and their respective responses to the Commission;
5. A breakdown of political parties contacted by the Commission, and their respective responses to the Commission.

As previously notified, your request was received on 23 September 2009. I have made a final decision to part grant your request on 16 October 2009. If you have any queries regarding this correspondence you can contact me at 01-6395713.

The purpose of this letter is to explain that decision. This explanation has the following parts:

1. a schedule of all of the records covered by your request;
2. concerning records to which access is granted, an explanation and a statement of the arrangements for this access, its form and the fee required to be paid;
3. concerning records to which access is denied, an explanation of the relevant findings; and
4. a statement of how you can appeal this decision should you wish to do so.

This letter addresses each of these four parts in turn.

1. Schedule of records

A schedule is attached to this letter. It shows the documents that the Standards Commission consider relevant to your request. It also gives you a summary and overview of the decision as a whole. The schedule describes each document, and indicates whether the document is released in full, released with deletions or not released. The schedule refers to the sections of the FoI Act which apply to prevent release. As to these documents, the schedule also provides brief reasons for the decision which are meant to supplement the fuller and more detailed explanation given under heading 3. below.

2. Access Arrangements

You have sought access to copies of the records in digital format. I consider photocopies an appropriate form of access in this case on the basis that it would be significantly more efficient. Accordingly, the records described as released in full or released with deletion are now enclosed.

3. Findings, particulars and reasons for decisions to deny access.

The sections of the Act which can apply to deny access to documents are known as its exemption provisions. I considered whether the exemption provisions of the FoI Act would apply with particular reference to the following sections:

Section 6 (Right of access to records)

Section 7 (Request for access to records)

Section 10(1)(a) (Refusal on administrative grounds to grant requests under section 7)

Section 6 provides for a right of access to be given to "*any record held by a public body*". Section 7 provides that a person wishing to exercise that right "*shall make a request ... for access to the record concerned...*". Section 10(1)(a) provides that a request may be refused if the record concerned does not exist.

In the second element of your request, you sought, *inter alia*, "*the recollection of the representative(s) of the Commission in their dealings with any and all parties relating to the complaint*". Records do not exist in this respect and the FOI Act does not provide for the creation of records in response to requests. In addition, no records exist which fall within the fourth or fifth elements of your request. Accordingly, those elements of the request cannot be granted.

Section 32 (Enactments relating to non-disclosure of records)

Section 32(1)(a) of the Freedom of Information (FoI) Act 1997, provides that

32.-(1) A head shall refuse to grant a request under section 7 if-

- (a) the disclosure of the record concerned is prohibited by any enactment (other than a provision specified in column (3) of the Third Schedule of an enactment specified in that Schedule), ...*

That section is relevant to records under the Ethics in Public Office Acts 1995 and 2001 (the Ethics Acts). Section 35 of the Ethics in Public Office Act 1995 provides that:

(1) A person shall not disclose information obtained by him or her under this Act or by being present at a sitting of a Committee or Commission held in private.

(2) Subsection (1) does not apply to-

- (a) the disclosure of information in the public interest by a Minister of the Government,*
- (b) the disclosure of information contained in--*
 - (i) a statement under section 13 or 14 (1) or a statement under section 29 (2) in relation to an interest specified in section 13,*
 - (ii) a statement under section 17 or 18 or a statement under section 29 (2) in relation to an interest specified in section 17 or 18, or*
 - (iii) a statement under section 19 or a statement under section 29 (2) in relation to an interest specified in section 19,**by a person to whom the statement is furnished under this Act ("the first-mentioned person") to-*
 - (I) in the case of a statement referred to in subparagraph (i), such Minister of the Government,*
 - (II) in the case of a statement referred to in subparagraph (ii), such directors of, or persons occupying positions of employment in, the public body concerned, and*
 - (III) in the case of a statement referred to in subparagraph (iii), such persons,*

as the first mentioned person considers appropriate in a case where that person is of opinion that the information is such as to show that there may exist a conflict between an interest specified in the statement, or an undisclosed interest, of the person by whom the statement is furnished as aforesaid and the public interest,

(c) the disclosure of information by a person--

- (i) in the performance of his or her functions, or*
- (ii) in the public interest, to a Minister of the Government, the Secretary to the Government, a Committee, the Commission or a person standing determined for the time being under section 18 as a relevant authority, or*
- (iii) pursuant to an order of a court for the purpose of proceedings in that court, or*
- (d) the disclosure, by or with the consent of the person to whom the information relates, of information contained in a report of a Committee*

under section 10 or the Commission under section 24 that has not been laid before either House.

(3) A person who contravenes subsection (1) shall be guilty of an offence.

Records relating to agendas for and reports of meetings of the Standards Commission constitute information obtained under the Ethics Acts or by being present at a meeting of the Standards Commission. In light of the provisions of section 32(1)(a) of the FoI Act and section 35 of the Ethics in Public Office Act 1995, I am refusing to grant access to records 31 to 34.

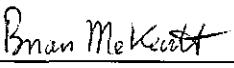
I do not consider that any exemption applies in respect of other records identified and not listed above and am releasing them in full.

In summary, I have decided to grant the request in respect of records 1-30 and to refuse access to records 31-34.

4. Rights of appeal

You may appeal this decision. In the event that you need to make such an appeal, you can do so by writing to Mr David Waddell, Secretary, Standards in Public Office Commission, 18 Lower Leeson Street, Dublin 2. Your correspondence should include a fee of €75 for processing the appeal. Payment should be made by way of bank draft, money order, postal order or personal cheque made payable to Standards in Public Office Commission. You should make your appeal within 4 weeks from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. A week is defined in the Act to mean 5 consecutive weekdays, excluding Saturdays and public holidays (Sundays are also excluded, as they are not weekdays). The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of the Secretariat to the Standards Commission.

Yours sincerely



Brian McKevitt
Assistant Principal Officer

Rec. No.	Date	Brief Description	No. of Pages	File ref.	Decision: Grant/ Part Grant/ Refuse	Basis of refusal: Section of Act	Reason for decision	Public Interest Considerations (for and against release)	Record Edited/ Identify deletions
1	21/05/2009	Copy of email complaint by Anthony Sheridan re failure by Fianna Fáil to declare donations	6	Electronic record	Grant	n/a	n/a	n/a	n/a
2	22/05/2009	Email acknowledgement to Anthony Sheridan of his complaint of 21/5/09	1	Electronic record	Grant	n/a	n/a	n/a	n/a
3	27/05/2009	Letter from David Waddell, Commission Secretary, to Sean Dorgan, General Secretary, Fianna Fáil, re donations	2	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
4	03/06/2009	Reply from Sean Dorgan (received 4/6/09)	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
5	04/06/2009	Letter from David Waddell to Sean Dorgan seeking clarification	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
6	09/06/2009	Printout of Irish Examiner article of 18/5/09 - 'FF failed to disclose thousands in donations'	2	Commission Meetings	Grant	n/a	n/a	n/a	n/a
7	09/06/2009	Printout of Irish Examiner article of 18/5/09 - 'Spotlight on FF accounts system'	2	Commission Meetings	Grant	n/a	n/a	n/a	n/a

Rec. No.	Date	Brief Description	No. of Pages	File ref.	Decision: Grant/ Part Grant/ Refuse	Basis of refusal: Section of Act	Reason for decision	Public Interest Considerations (for and against release)	Record Edited/ Identify deletions
8	09/06/2009	Printout of Irish Examiner article of 18/5/09 - 'Reform of donations system needs more than lip service'	2	Commission Meetings	Grant	n/a	n/a	n/a	n/a
9	09/06/2009	Printout of Irish Examiner article of 18/5/09 - 'Property Developers were largest donors to parties'	2	Commission Meetings	Grant	n/a	n/a	n/a	n/a
10	10/06/2009	Briefing note for Commission re enquiry with FF	1	Commission Meetings	Grant	n/a	n/a	n/a	n/a
11	12/06/2009	Reply from Sean Dorgan (received 12/6/09)	2	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
12	12/06/2009	Acknowledgement to Sean Dorgan re receipt of his letter of 12/6/09	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
13	Undated	Copy of letter of 12/6/09 from Sean Dorgan with manuscript notes	2	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
14	18/06/2009	Letter from Desmond O'Neill to Sean Dorgan seeking additional clarification	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a

Rec. No.	Date	Brief Description	No. of Pages	File ref.	Decision: Grant/ Part Grant/ Refuse	Basis of refusal: Section of Act	Reason for decision	Public Interest Considerations (for and against release)	Record Edited/ Identify deletions
15	30/06/2009	Note of phone call to Desmond O'Neill by David Burke, Fianna Fáil	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
16	02/07/2009	Reply from Sean Dorgan (received 2/7/09)	2	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
17	03/07/2009	Acknowledgement to Sean Dorgan re receipt of his letter of 2/7/09	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
18	16/07/2009	Letter from Desmond O'Neill to Company Secretary, Durkan New Homes, re donations	2	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
19	20/07/2009	Letter from Sean Dorgan (received 24/7/09)	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
20	27/07/2009	Note of phone call to Desmond O'Neill by John Noonan, Durkan New Homes	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
21	28/07/2009	Reply from Desmond O'Neill to Sean Dorgan re his letter of 20/7/09	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a

Rec. No.	Date	Brief Description	No. of Pages	File ref.	Decision: Grant/ Part Grant/ Refuse	Basis of refusal: Section of Act	Reason for decision	Public Interest Considerations (for and against release)	Record Edited/ Identify deletions
22	17/08/2009	Draft reminder (NOT POSTED) to Mr John Noonan	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
23	13/08/2009	Reply from John Durkan (received 17/8/09)	2	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
24	17/08/2009	Acknowledgement to John Noonan re receipt of his letter of 13/8/09	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
25	07/09/2009	Briefing note for Commission re enquiry with RF	1	Commission Meetings	Grant	n/a	n/a	n/a	n/a
26	14/09/2009	Letter to John Noonan	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
27	14/09/2009	Letter to Sean Dorgan	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
28	15/09/2009	Reply to Anthony Sheridan re his complaint	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a

Rec. No.	Date	Brief Description	No. of Pages	File ref.	Decision: Grant/ Part Grant/ Refuse	Basis of refusal: Section of Act	Reason for decision	Public Interest Considerations (for and against release)	Record Edited/ Identify deletions
29	16/09/2009	Email from Switch and note by Desmond O'Neill of phone call to Anthony Sheridan	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
30	22/09/2009	Email from Switch and note by Desmond O'Neill of phone call to Anthony Sheridan	1	Political Parties Annual DS 2007 & 2008	Grant	n/a	n/a	n/a	n/a
31-34	Various	Agendas for and reports of meetings of the Standards Commission	8	Commission Meetings	Refuse	S. 32(1)(a)	S. 35 of the Ethics in Public Office Act 1995 precludes release	n/a	n/a

To: sipo@sipo.gov.ie
cc:
From: Anthony Sheridan <anthony.sheridan@gmail.com>
Date: 21/05/2009 14:28:14 CET
Subject: Formal complaint

1 Carraig Eoin

Cobh

Co Cork

Tel: 021/4813833

21st May 2009

To Whom It May Concern:

I wish to formally lodge a complaint under the Electoral Act, 1997. The complaint concerns an allegation made in the Irish Examiner newspaper on Monday, May 18th last.

My complaint is as follows:

That the Fianna Fail party failed to declare donations made to it either side of the 2007 general election which were above the declaration threshold and should have been notified to the Standards in Public Office Commission.

That Sean Dorgan, as accounting officer for Fianna Fail, did not comply with the Act, (Part IV, Section 22 and 24) in that he failed to aggregate and disclose all donations above €5,078 and return donations above €6,348.

I enclose a copy of the article as published in the Irish Examiner for your convenience.

Yours Sincerely

Anthony Sheridan

FF failed to disclose thousands in donations

By Conor Ryan, Political Correspondent

Monday, May 18, 2009

FIANNA Fáil has failed to disclose to the ethics watchdog tens of thousands of euro in corporate donations.

An Irish Examiner investigation has revealed the party took donations either side of the 2007 general election which were above the declaration threshold and should have been notified to the Standards in Public Office Commission (SIPO) – but were not.

Two of them – from Dublin building firm Durkan New Homes – exceeded the legal limit that a party can accept from a single company in one year.

Under electoral law, a party cannot accept a donation exceeding €6,348.69, or aggregate donations exceeding the same amount, from the same donor in a single year.

However, the party must only disclose to SIPO donations exceeding €5,078.95. Any amounts beneath that threshold remain hidden from public view – allowing parties to take in massive sums without having to declare it.

But businesses are also obliged to declare political donations in their annual reports to the Companies Registration Office.

And a comprehensive investigation of these reports by this paper has revealed more than €110,000 of largely undeclared income for the main political parties – and give a glimpse for the first time into the political system's hidden money.

Company details released under the Freedom of Information Act reveal sums given to Fianna Fáil and the Progressive Democrats were above disclosure limits.

Durkan New Homes donated €7,426 to Fianna Fáil in 2006 and another €15,658 in 2007. Neither sum was disclosed and both were above the legal limit a party can accept.

In a statement, Fianna Fáil maintained it abided by electoral law at all times.


The PDs accepted €6,200 from Ballymore Properties over the latter's financial year, which ran from April 2006 to March 2007. The PDs said its non-disclosure could be excused because the payment in question straddled two years. Similarly, another four donations to Fianna Fáil were above the declaration threshold and stretched over two reporting years – the party did not cite this defence.

The accounts also revealed how the arbitrary nature of these limits, set in electoral legislation, allowed the bulk of money to legitimately sneak under the radar.

For example, Harcourt Developments and an associated company, Aircscape Ltd, gave UAE Dh50,484 (€10,200) to a number of parties which was not declared.

In all, 26 companies detailed donations in their accounts, with the total coming to €113,731 – only a small percentage was declared by the parties.

2

To: Anthony Sheridan <anthony.sheridan@gmail.com>
cc:
From: Jackie Moore/SIPO/USERS/OMBUDSMAN
Date: 22/05/2009 08:27:14
Subject:  Re: Formal complaint

Dear Mr Sheridan,

Thank you for your e-mail which we received yesterday in connection with Fianna Fáil. We will be in touch with you again in this regard.

Yours sincerely

Jacqueline Moore
Standards Commission Secretariat

27 May 2009

Mr Seán Dorgan
General Secretary
Fianna Fáil
Áras de Valera
65-66 Lower Mount Street
Dublin 2

Electoral Act 1997, as amended (the Act)

Dear Mr Dorgan,

I have been asked by the Standards in Public Office Commission to write to you in connection with reports about political donations published in the Irish Examiner on 18 May 2009.

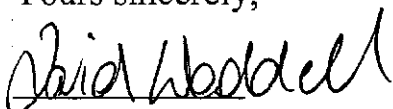
As you are aware, section 23A of the Act places a limit on the donation a political party may receive, namely €6,348.69 in any calendar year from the same person. In December 2006, the Standards Commission published *Guidelines for Political Parties on donations and prohibited donations*, a copy of which issued to you on 20 December 2006, along with a covering letter. These guidelines are legally binding. The covering letter drew your attention to Part 6 of the guidelines which details the procedures the Standards Commission stated political parties should put in place in order to aggregate donations for disclosure purposes and in order to ensure the prescribed maximum limit was not exceeded.

In order to assist the Standards Commission with its enquiries, I would be grateful if you would explain why the following donations were not listed in your Annual Donation Statement for the relevant year, and, if those donations should have been listed in the Annual Donations Statements for the relevant year, indicate what action Fianna Fáil intends to take to ensure compliance with the legislation and the guidelines at this stage.

Year	Company	Amount
2006	Durkan New Homes	€7,426.00
2007	Durkan New Homes	€15,658.00
	Ballymore Properties Ireland Ltd	€6,430.00
	Bridford Properties	€5,500.00
	MP Administration Ltd	€6,000.00
	Mosney Irish Holidays PLC	€6,500.00

I would be grateful if you would let me have your reply at your earliest convenience.

Yours sincerely,



David Waddell
Commission Secretary

Seán Dorgan
General Secretary

Mr. David Waddell
Standards in Public Office Commission
18 Lower Leeson Street
Dublin 2

3rd June 2009

Dear Mr. Waddell,

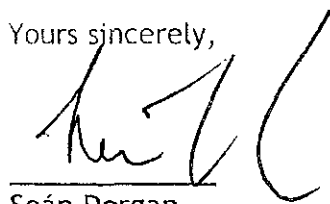
I refer to your letter of 27th May 2009 concerning a report published in the Irish Examiner on 18th May 2009.

Following publication of this article, I initiated an immediate investigation into the claims made by the newspaper.

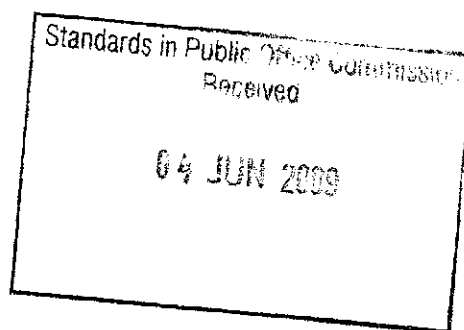
Following such investigation, we are satisfied that the amounts noted in the newspaper article were not disclosed in the relevant Fianna Fáil annual donations statements as they were either below the disclosure threshold in the relevant calendar year, or represented political donations made to individual Fianna Fáil candidates.

I am happy to provide further details on this matter, should you require same.

Yours sincerely,



Seán Dorgan
General Secretary



4 June 2009

Mr Seán Dorgan
General Secretary
Fianna Fáil
65-66 Lower Mount Street
Dublin 2

Electoral Act 1997, as amended

Dear Mr Dorgan,

Thank you for your letter dated 3 June 2009, in connection with a report published in the Irish Examiner on 18 May 2009, and thank you for your offer to provide further details.

I have been asked by the Standards Commission to ask you for further clarification in relation to the breakdown and composition of each individual donation attributed to the various companies in each year and your explanation as to why these donations did not fall to be disclosed. I would be grateful for the following:

Durkan New Homes

A detailed breakdown/composition of the donations listed for 2006 and 2007 respectively, i.e., €7,426.00 and €15,658.00.

Ballymore Properties Ireland Ltd

A detailed breakdown/composition of the donation listed for 2007, i.e., €6,430.00.

MP Administration Ltd

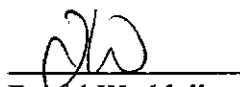
A detailed breakdown/composition of the donation listed for 2007, i.e., €6,000.

Mosney Irish Holidays PLC

A detailed breakdown/composition of the donation listed for 2007, i.e., €6,500.

I look forward to your reply.

Yours sincerely,



David Waddell
Commission Secretary

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FF failed to disclose thousands in donations

FIANNA FÁIL has failed to disclose to the ethics watchdog tens of thousands of euro in corporate donations.

An Irish Examiner investigation has revealed the party took donations either side of the 2007 general election which were above the declaration threshold and should have been notified to the Standards in Public Office Commission (SIPO) – but were not.

Two of them – from Dublin building firm Durkan New Homes – exceeded the legal limit that a party can accept from a single company in one year.

Under electoral law, a party cannot accept a donation exceeding €6,348.69, or aggregate donations exceeding the same amount, from the same donor in a single year.

However, the party must only disclose to SIPO donations exceeding €5,078.95. Any amounts beneath that threshold remain hidden from public view – allowing parties to take in massive sums without having to declare it.

But businesses are also obliged to declare political donations in their annual reports to the Companies Registration Office.

And a comprehensive investigation of these reports by this paper has revealed more than €110,000 of largely undeclared income for the main political parties – and give a glimpse for the first time into the political system's hidden money.

Company details released under the Freedom of Information Act reveal sums given to Fianna Fáil and the Progressive Democrats were above disclosure limits.

Durkan New Homes donated €7,426 to Fianna Fáil in 2006 and another €15,658 in 2007. Neither sum was disclosed and both were above the legal limit a party can accept.

In a statement, Fianna Fáil maintained it abided by electoral law at all times.

The PDs accepted €6,200 from Ballymore Properties over the latter's financial year, which ran from April 2006 to March 2007. The PDs said its non-disclosure could be excused because the payment in question straddled two years. Similarly, another four donations to Fianna Fáil were above the declaration threshold and stretched over two reporting years – the party did not cite this defence.

The accounts also revealed how the arbitrary nature of these limits, set in electoral

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legislation, allowed the bulk of money to legitimately sneak under the radar.

For example, Harcourt Developments and an associated company, Airscape Ltd, gave UAE Dh50,484 (€10,200) to a number of parties which was not declared.

In all, 26 companies detailed donations in their accounts, with the total coming to €113,731 – only a small percentage was declared by the parties.

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Spotlight on FF accounts system

REVELATIONS regarding Fianna Fáil's handling of excessive donations has put the accounting system for its multi-million euro income stream under scrutiny.

Like other parties only a fraction of its expenditure is explained in annual disclosures. Other companies' accounts show the party accepted payments in excess of legal limits and failed to report others it was obliged to do.

Six donations were above the limit where they should be declared to the Standards in Public Office Commission.

Two payments from Durkan New Homes (€15,658 and €7,390) and one from Mosney Irish Holidays (€6,500) breached the amount parties can take from a single company.

The limited accounts published ahead of Fianna Fáil's February Árd Fhels showed it received €2.2 million from the state in 2007 and 2008. Its superdraw fundraiser in 2008 raked in €659,050 and its national constituency collection raised €536,000. During the four-week election campaign of 2007 it spent €3.6m. Regarding the payments revealed today the party insisted it abided by electoral law.

"Fianna Fáil never comments on individual donations or on names of possible donors. We always adhere to best practice in relation to donations. We always ensure full compliance with legislation in this area and with the statutory requirements, as laid down by SIPO," it said.

These incidents are not the first time its accounting has been questioned.

In 2007, the Standards in Public Office Commission spared it an embarrassing prosecution when a branch accepted payments above legal limits. These two cheques, of €6,500 each, were made to its Dublin North East Comhairle Dáil Cheantair Accounting Unit and listed with SIPO.

Party general secretary, Sean Dorgan, said he was not aware of this when he was prepared the declaration statement.

SIPO ordered Mr Dorgan to make sure all branches knew the rules.

Fianna Fáil returned €151.31 to both donors, but as this was not done within 14 days. SIPO could have made a report

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Monday, May 18, 2009 :

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Reform of donations system needs more than lip service

REFORMING the murky world of party political financing is often touted but rarely given serious consideration by elected groups content to keep their accounts secret.

We know much of the money is spent by political organisations in Ireland on top of the €13 million provided to them by the Exchequer each year.

We also know €8m was spent in the brief campaign period ahead of the 2007 General Election.

But we are not told what was the expenditure in the build up to the campaign and what is the outlay by political parties in other years.

Only a fraction of political benefactors are publicised.

Lip service has been paid to transparency and reform but the figures contained in the accounts – from a sample of companies – give an indication of another world of fundraising away from public scrutiny.

The €113,731 pot revealed today is not part of any database and ordinarily is not readily accessible to the public.

The businesses lodged the details with the Companies Registration Office, fulfilling their obligations under the Electoral Act to mark political donations in excess of €5,078 on their annual returns.

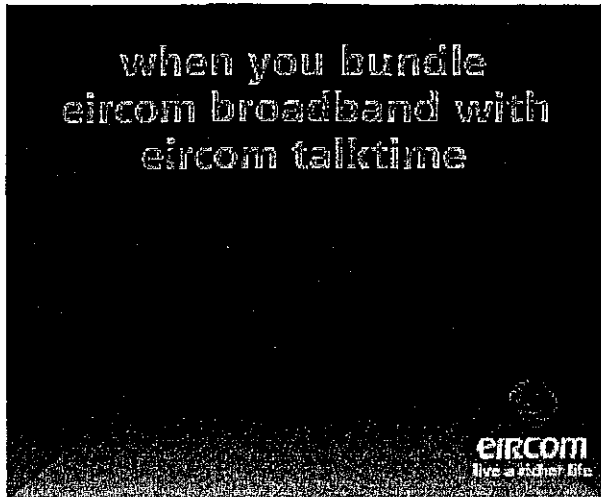
The list is of businesses who made this statement during 2008. These were made available under the Freedom of Information Act, and an application for previous years was denied.

A subsequent trawl of records revealed money given to political parties and elected officials ranging from €150 to €15,658 and totalling more than €113,000.

It covered a period from November 2005 to October 2008, the vast bulk fell 12 months either side of the May 2007 election.

In most cases the companies went above and beyond their requirements and reported smaller donations and the beneficiaries.

In doing so, they helped uncover a practice of political parties accepting sums just below the disclosure threshold to avoid having to declare the identity of their donors.



The comprehensive report was given a low-key launch on the day he announced the spending caps.

In terms of openness and transparency the report observed that the turkeys in the Dáil and Seanad were not going to vote for Christmas by bringing in laws to cap their incomes.

"It seems unlikely that the Oireachtas will choose to undertake a radical deregulation of the field of party and election funding, whether by reducing disclosure requirements, removing expenditure limits or significantly

simplifying the applicable definitions and rules," it said.

THE report said SIPO, or whatever agency takes over from it, should have stronger powers to regulate and punish political parties, even withholding state funding if necessary.

On Friday Mr Gormley's Department of the Environment said it was still considering the lengthy report. And the criticism of the donations system has not been restricted to within Irish borders.

For the 2007 election the Organisation for Security and Co-operation in Europe carried out a study of our practices and procedures.

In its comments on spending limits, reporting and accounts it said get-out clauses written into the 1997 Electoral Act rendered the rules almost obsolete.

The OSCE recommended an expanded and more thorough system for analysing how campaigns are financed and where the money is spent.

"Consideration could be given to amending the 1997 Electoral Act, to extend the reporting period, and once the election is called, to undertake a backward review of accounts," it said.

The report also questioned the perceived double standards in reporting which favour registered political parties over non-governmental groups.

At a recent Oireachtas committee on European Affairs the secretary to the Standards in Public Office Commission, David Waddell, said political parties criticise the lack of probity for groups like Libertas because, until recently, it was not a registered party.

However, he said in other areas the main parties benefited from the cover of legislation.

"[SIPO] suggested citizens were entitled to know how political parties funded their general election campaigns and how they spent their money.

"[It] noted that there was a mismatch between the expenditure disclosed to the commission and the donations disclosed during the previous year.

"It has advised that political parties and third parties should be required to publish audited accounts and furnish such accounts to it as an independent body in order that both sides of the balance sheet can be seen," it said.

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Property developers were largest donors to parties

PROPERTY companies were the standout donors to political parties ahead of their last election campaign, a probe of accounts can reveal.

A sample of annual returns revealed 71% of the payments to six parties came from businesses whose primary interest was property development. Of those, Sean Mulryan's Ballymore Properties and Durkan New Homes accounted for the largest amounts, €29,580 and €23,084 respectively.

These and other construction related operations donated €80,626 either side of the 2007 election. And although Fianna Fáil received the most, parties from across the spectrum also benefited.

Fine Gael said it did not dispute the payments recorded by companies. These were all below the reporting threshold. Where it did not have records, it assumed the money had gone to individuals. But, it said the United Arab Emirates Dirham payments from Harcourt Developments and Aircscape Ltd had been received in euro.

A spokesman said a new fundraising system adopted after 2002 had kept it in line with the Standards in Public Office Commission's (SIPO) requirements.

The Progressive Democrats did not query the substance of one payment, from Ballymore Properties, which appeared to have surpassed the reporting threshold.

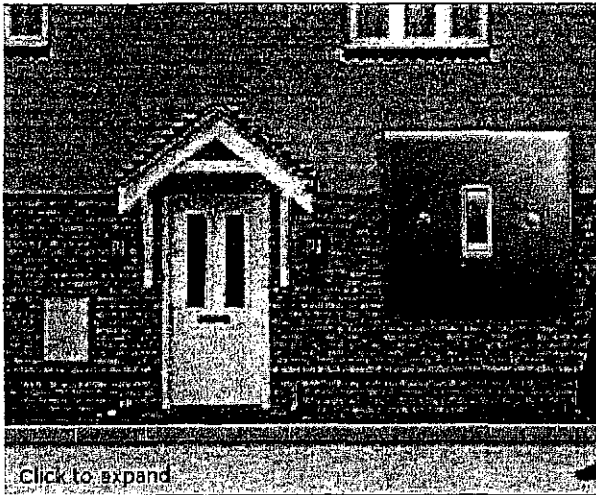
A spokesman said the €6,200 recorded was spread across two reporting years and did not surpass the limits either time.

An apparent excessive payment of €6,700 made by the same company to the Labour Party was queried by its spokesman because a donation of €6,300 was disclosed in its annual return to SIPO.

A spokesman said it had a cheque receipt for €6,300 and it could not account for the remaining €400 recorded on Ballymore's accounts.

Fianna Fáil did not comment on any of its donations. However, in 2005 and prior to that it had declared similar sized donations from many of the same companies in its SIPO disclosures. But in 2006 and 2007 it did not declare them.

In cases where the sums on the company's records were too high but still close to the reporting limits, SIPO said there was a caveat in the legislation



which helped parties sneak under the threshold.

Each party can write off any expense incurred while raising the cash. This can lower the amount so it avoids being reported.

SIPO has asked the political parties to reform the system to demand all their income can be accounted for.

It complained to Ceann Comhairle John O'Donoghue about a lack of transparency which is evidenced by the fact there is no system to allow the donations revealed today, which were documented on annual

returns filed with the Companies Registration Office, to be cross referenced with disclosures to SIPO. According to the office, businesses who make a disclosure are not collated on a database and, for 2008, were only gathered together after a request from the Irish Examiner.

"There was no obligation on the CRO to create this record," it said.

A subsequent Freedom of Information request revealed the names of the companies involved and several others which had declared donations to charitable groups.

The Companies Registration Office denied a request for similar records from 2002 to 2006 because it did not have a corresponding list for those years.

The Irish Examiner was unable to establish how many companies made donation declarations in other years.

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Briefing Note for Commission
Enquiry with Fianna Fáil arising from an article in Irish Examiner

Background

The Irish Examiner claimed on Monday 18 May 2009 (articles attached) that Fianna Fáil had failed to disclose a number of donations received during 2006 and 2007. Some of the donations were also claimed to be in excess of the maximum prescribed limit (€6,348.69). Arising from the article a complaint concerning the matter (also attached) was received from a Mr Anthony Sheridan.

A letter issued to Fianna Fáil on 27 May 2009 seeking clarification as to why 6 donations from 5 different companies were not disclosed in its annual Donation Statement. In a reply dated 3 June Fianna Fáil stated that it was satisfied that the donations referred to in the newspaper article were either below the disclosure threshold in the relevant calendar year or were donations made to individual Fianna Fáil members. A further letter issued to Fianna Fáil on 4 June seeking more information in relation to these donations.

Relevant legislative requirements

- 1) Section 22 of the Electoral Acts provides that a donation includes the **net** value of a contribution to a fund-raising event. The costs of holding a fund-raising event are deducted from the proceeds of the event for the purposes of calculating the net value of each person's contribution to the event. Whereas a political party must disclose the net value of a company's contribution to a fund-raising event, the company itself, must, in accordance with section 26 of the Electoral Acts, provide details of the gross value of its contribution to a fund-raising event in the annual report/return which it is required to furnish to the Companies Registration Office (CRO).
- 2) The Donation Statement furnished by a political party is in respect of the previous calendar year. In some cases returns/reports furnished by a company to the CRO are not in respect of an accounting period as opposed to a particular calendar year.

For each of the above reasons, there can be a difference between the donations disclosed by a political party on its Donation Statement and the corresponding donations disclosed by a company on its annual return/report to the CRO.

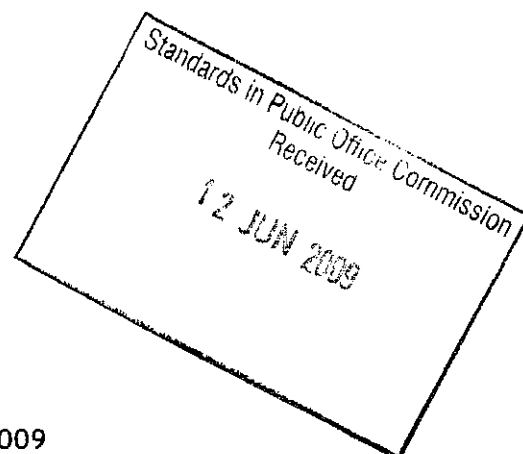
Previous enquiries made by the Standards Commission

In 2005 and 2006, the secretariat cross-checked a number of donations disclosed by political parties against report/returns made by companies to the CRO. Where differences were identified queries were raised with some of the companies concerned and with the relevant political party. It transpired that the differences were due to the different accounting of the value of a contribution to a fund-raising event or to different accounting periods.

In 2008 the secretariat also followed up on an enquiry made by Phoenix Magazine regarding donations made to Fianna Fáil in 2005 by Gannons. It transpired that the donations were contributions made to fund-raising events, the net value of which was below the disclosure threshold (€5,078.95).

Seán Dorgan
General Secretary

Mr. David Waddell
Commission Secretary
Standards in Public Office Commission,
18 Lower Leeson Street,
Dublin 2.



12th June 2009

Re: Donations Query - Irish Examiner Report: 18th May 2009

Dear Mr. Waddell,

I refer to your letter dated 4th June last. Thank you for same.

I set out below, for your consideration, my replies to the specific matters raised in this newspaper article and in your letter:

- **Durkan New Homes - Calendar Year 2006 - €7,426.** According to our records, the Fianna Fáil Party ("the Party") received €10,800 in respect of our annual Galway Races fundraising initiative and €1,800 in respect of the annual Leopardstown raceday event. The net donation margins for each of these events was 39% and 30% respectively, resulting in a net donation of €4,212 and €540 respectively, or €4,752 in total. As this amount was below the donations threshold disclosure limit of €5,078, I was not obliged to disclose same in the Party's donations statement for that year.
- **Durkan New Homes - Calendar Year 2007 - €15,658.** Our records indicate that the Party received €9,000 from Durkan New Homes in 2007 in respect of the Galway Races fundraising initiative. The net contribution from this event for that year was 39% resulting in a net donation of €3,510. As this was below the disclosure threshold of €5,078, it was not disclosed in the Party's donations statement for that year.
 - I note that the Irish Examiner article suggests that €15,658 was donated to Fianna Fáil by Durkan New Homes. We have no record of receiving any amount in excess of €9,000, as detailed above. Following on from the publication of the newspaper article, this office made enquiries with Durkan New Homes on this apparent discrepancy. We were informed by the donor that the balance (of €6,658 (€15,658-€9,000)) represented donations made by the company to Fianna Fáil candidates for their own political purposes. Accordingly, they were not required to be disclosed in the Party's donations statement for that year.
- **Ballymore Properties Ltd - 2007 - €6,430.** Our records indicate that €5,800 was received by the Party from Ballymore Properties Ltd. This amount comprises a

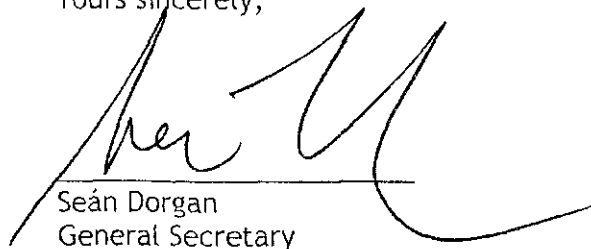
direct donation of €4,800 and a contribution of €1,000 to a fundraising event held by Kildare North CDC at Punchestown racecourse. The net donation contribution resulting from the latter amounted to 25%, or €250. Thus, the total net donation value to the Party, after the deduction of fundraising costs, amounted to €5,050. As this total was below the donation disclosure threshold of €5,078, it was not disclosed in the Party's donations statement for that year.

- I note that the Irish Examiner article suggests that €6,430 was donated to Fianna Fáil by Ballymore Properties Ltd. We have no record of receiving any amount in excess of €5,800 gross, as detailed above. Following on from the publication of the newspaper article, this office made enquiries with Ballymore Properties Ltd on this apparent discrepancy. We were informed by the donor that the balance of €630 (€6,430 - €5,800) represented a donation made to an individual, as opposed to the Party. Accordingly, this amount was not required to be disclosed in the Party's donations statement for that year.
- **MP Administration - 2007 - €6,000;** The Party received a direct donation of €5,000 in the calendar year 2006. In addition, it received €1,000 towards a fundraising event held at Punchestown racecourse during the calendar year 2007. As both donations were below the donations threshold of €5,078 in each respective calendar year they were not disclosed. Please note that your query relates to two separate calendar years.
- **Mosney Holidays plc - 2007 - €6,500;** In March of this year, I disclosed an amount of €5,500, received from this company, in the Party's 2008 donations statement. This represents a direct donation of €5,000 and a contribution of €1,500 to a fundraising event of which the net donation value amounted to €500, or 33%, bringing the total net donation value as disclosed to €5,500.

I trust the above meets with your approval. I would be pleased to discuss any of the above with you should require any further information or clarification.

I look forward to hearing from you.

Yours sincerely,



Seán Dorgan
General Secretary

12 June 2009

Mr Seán Dorgan
General Secretary
Fianna Fáil
65-66 Lower Mount Street
Dublin 2

Electoral Act 1997, as amended

Dear Mr Dorgan,

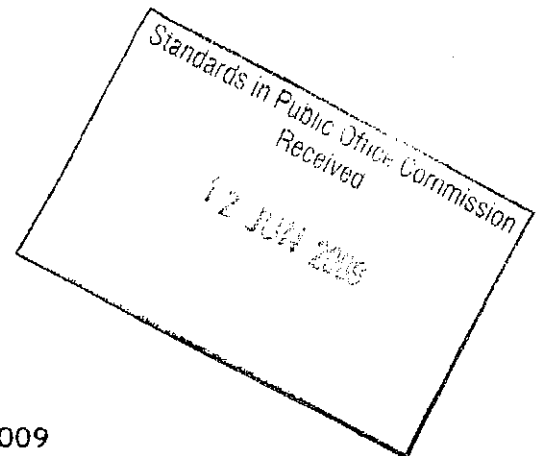
I wish to acknowledge receipt of your letter dated 12 June 2009, in connection with a report published in the Irish Examiner on 18 May 2009.

Yours sincerely



David Waddell
Secretary

Seán Dorgan
General Secretary



Mr. David Waddell
Commission Secretary
Standards in Public Office Commission,
18 Lower Leeson Street,
Dublin 2.

12th June 2009

Re: Donations Query - Irish Examiner Report: 18th May 2009

Dear Mr. Waddell,

I refer to your letter dated 4th June last. Thank you for same.

I set out below, for your consideration, my replies to the specific matters raised in this newspaper article and in your letter:

- Gain of 10%*

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 - I note that the Irish Examiner article suggests that €15,658 was donated to Fianna Fáil by Durkan New Homes. We have no record of receiving any amount in excess of €9,000, as detailed above. Following on from the publication of the newspaper article, this office made enquiries with Durkan New Homes on this apparent discrepancy. We were informed by the donor that the balance (of €6,658 (€15,658-€9,000)) represented donations made by the company to Fianna Fáil candidates for their own political purposes. Accordingly, they were not required to be disclosed in the Party's donations statement for that year.
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Who made the balance of €6,658 with Durkan?

Donada
Michael F. J. -
gave
€1,000
net value.

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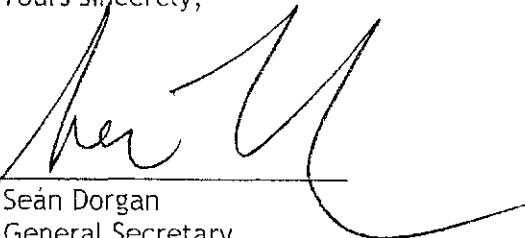
by 26.

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I trust the above meets with your approval. I would be pleased to discuss any of the above with you should require any further information or clarification.

I look forward to hearing from you.

Yours sincerely,


Seán Dorgan
General Secretary

18 June 2009

Mr Seán Dorgan
General Secretary
Fianna Fáil
65-66 Lower Mount Street
Dublin 2

Electoral Act 1997, as amended

Dear Mr Dorgan,

Thank you for your letter, dated 12 June 2009, in connection with a report published in the Irish Examiner, on 18 May 2009, and thank you for the additional details provided.

I have been asked by the Standards Commission to ask you for additional clarification in relation to the breakdown and composition of each individual donation attributed to the various companies in each year and your explanation as to why these donations did not fall to be disclosed. I would be grateful for the following:

Durkan New Homes - Calendar Year 2007

In your letter, dated 12 June 2009, you say that the donor has informed you that the sum of €6,658 represents donations made by the company to Fianna Fáil candidates for their own political purposes. Please now let this Office have a list of the candidates to whom the individual donations were made, the amount of donation to each candidate and the date on which the donations were made to each individual candidate.

I would appreciate it if you could let me have your reply as soon as possible.

Yours sincerely,

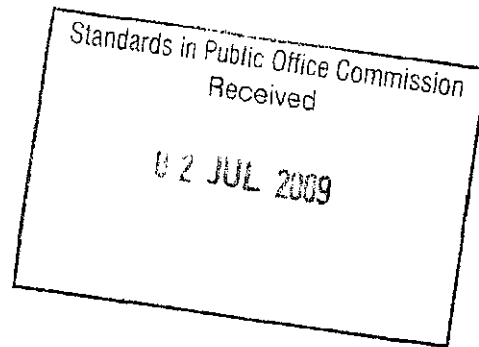
Desmond O'Neill
Commission Secretariat

Burke, David, FF, - phone call

Author: Desmond O'Neill/SIPO/USERS/OMBUDSMAN Date: 30/06 09:27

David Burke of Fianna Fáil phoned to say that they are preparing reply to SIPO letter dated 18 June 2009 seeking clarification re Durkan New Homes donations

Seán Dorgan
General Secretary



Mr Desmond O'Neill
Commission Secretariat
Standards in Public Office Commission
18 Lower Leeson Street
Dublin 2

2nd July 2009

Re: Donations Query - Irish Examiner Report: 18th May 2009

Dear Mr. O'Neill,

I refer to your letter dated 18th June last. Thank you for same. Your letter was in response to my letter of 12th June 2009 setting out my replies to a number of matters raised in an Irish Examiner article of 18th May 2009 and in your letter to me of 4th June 2009.

I have noted your request for additional clarification. I am pleased to provide you with same.

In paragraph 2 of your letter, you have asked for *"additional clarification in relation to the breakdown and composition of each individual donation attributed to the various companies in each year and your explanation as to why these donations did not fall to be disclosed"*. My colleague, David Burke, sought clarification from you in relation to this request, by telephone, earlier this week. I understand that you indicated to him that the only matter you require additional clarification on is in relation to Durkan New Homes for the calendar year 2007, as set out in paragraph 3 of your letter. I am pleased to set out the position in relation to this matter below.

In my letter of 12th June 2009, I outlined that our records indicate that the Party received €9,000 from Durkan New Homes in 2007. This was in respect of the Galway Races fundraising initiative. The net contribution from this event for that year was 39%, thus resulting in a net donation to Fianna Fáil of €3,510. As this donation was below the disclosure threshold of €5,078, it was not disclosed in the Party's donations statement.

On 18th May 2009, the Irish Examiner reported that €15,658 was donated to Fianna Fáil by Durkan New Homes for the calendar year 2007. As we had no record of receiving any amount in excess of €9,000 (as detailed above), we immediately contacted Durkan New Homes (18 May 2009), seeking information on this apparent discrepancy. We were informed by the donor that the company had indeed contributed €9,000 to Fianna Fáil. The company indicated that the balance of €6,658 (€15,658 - €9,000) represented donations made by the company to Fianna Fáil candidates for their own political purposes. We asked for the identities of the Fianna Fáil candidates who had received such donations. This information

was not made available to us. It was on this basis that I wrote to you on 12 June 2009, setting out the position.

In your most recent letter, dated 18th June 2009, you requested that I provide your office with *"a list of the candidates to whom the individual donations were made, the amount of donation to each candidate and the date on which the donations were made to each individual candidate"*.

On receipt of your letter, this office again contacted Durkan New Homes on 22nd June 2009. We brought to their attention your specific request. The company did not make this information available to us.

Fianna Fáil does not have access to information concerning individual donations made by companies/persons to public representatives and/or candidates for election. We became aware, for the first time, of these particular donations when we made contact with Durkan New Homes, immediately following publication of the Irish Examiner article. My understanding is that it is not within our remit to collect such information. In addition, I understand that the Electoral Acts place no obligation on me to seek to collect such information. Obviously, in cases such as this, where you require such information, I am happy to assist in any way that I can in seeking such information.

I regret that I am not in a position to assist you in providing you with the information you require. We have sought, unsuccessfully, the information you require and, if we were in possession of this information, we would, of course, have no hesitation in providing it to you.

I assure you that this office places significant importance in maintaining a positive working relationship with your office. We always make every effort to meet our statutory obligations and also to assist with your enquiries. We will continue to do so.

If you require any additional information or clarification, please do not hesitate to contact me.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Seán Dorgan', with a long horizontal flourish extending to the right.

Seán Dorgan
General Secretary

3 July 2009

Mr Seán Dorgan
General Secretary
Fianna Fáil
65-66 Lower Mount Street
Dublin 2

Electoral Act 1997, as amended

Dear Mr Dorgan,

I wish to acknowledge receipt on 2 July 2009 of your letter dated same, the contents of which have been noted.

Yours sincerely,


Sarah Monaghan
Standards Commission Secretariat

Posted
16.7.09.
Don

16 July 2007.

Company Secretary,
Durkan New Homes Ltd.,
Durkan House,
1 - 3 Sandford Road,
Ranelagh,
Dublin 6.

Re: Electoral Act, 1997, as amended (the Act)

Dear Sir / Madam,

I have been asked by the Standards in Public Office Commission to write to you in connection with reports about political donations published in the Irish Examiner on 18 May 2009. The Irish Examiner reported that donations totalling €15,658.00 had been made to Fianna Fáil by Durkan New Homes Ltd. in 2007.

Given that donations from your company were not included on the annual Donation Statement furnished by Fianna Fáil for 2007, the Standards Commission has raised this matter with the appropriate officer of Fianna Fáil, Mr. Seán Dorgan. Mr. Dorgan has informed the Standards Commission that he is aware of a contribution (of €9000.00) made by the company to Galway Races fund-raising initiative held by Fianna Fáil during 2007. He has confirmed that the **net value** of this contribution was €3,510, which is below the disclosure threshold for political parties. This contribution was not, therefore, required to be disclosed in the party's annual Donation Statement. Mr. Dorgan has informed the Standards Commission that the balance of €6,658 (being €15,658 - €9000) represents donations made by Durkan New Homes Ltd. to Fianna Fáil candidates for their own political purposes. Mr. Dorgan has not been able to establish to whom the donations were made by your company in 2007.

Section 22(2)(c) of the Act defines what constitutes a donation to a political party. It provides that a donation shall be deemed to be made to a political party if it is made:

- to party headquarters;
- to any branch or subsidiary organisation of the party;
- to any candidate of the party at a local election or direct election;
- to any member of the party who is a member of a local authority;
- to any officer, member or agent of the party or of any branch or subsidiary organisation thereof;
- to a TD, Senator or MEP of the party who passes on the donation to the party and receives a written acknowledgement of the donation from the party; or
- to a candidate of the party at a Dáil, Seanad or European election who passes on the donation to the party and receives a written acknowledgement of the donation from the

party.

In order to ensure that Fianna Fáil's Donation Statement for 2007 is accurate and that the party has otherwise complied with the provisions of the legislation, you are requested, pursuant to section 4(4) of the Act, to provide details of the donations made by your company to Fianna Fáil and any of its members during 2007. Please now let this Office have a list of the candidates to whom the individual donations were made, the amount of donation to each candidate and the date on which the donations were made to each individual candidate.

I would appreciate it if you could let me have your reply as soon as possible.

Yours sincerely,

Desmond O'Neill,
Commission Secretariat.



Coimisiún um Chaighdeán in Oifigí Poiblí
Standards in Public Office Commission

Durkan New Homes phone call (27/07/09)

Author: Desmond O'Neill/SIPO/USERS/OMBUDSMAN Date: 12:44 Yesterday

John Noonan of Durkan New Homes phoned. He has a listing of all the donations that company made to FF HQ and also to FF members. Donations to FF members were all under the limit. He is not anxious to supply SIPOC with names of recipients of donations as he is concerned that newspaper may make FOI request to SIPOC and I told him we could not guarantee confidentiality. He agreed to send us an anonymised list of donations and dates and i said that Commission would consider the matter.

Mr. David Waddell
Commission Secretary
Standards in Public Office Commission
18 Lower Leeson Street
Dublin 2

20th July 2009

Dear Mr. Waddell,

I refer to your letter of 3rd July 2009, in reply to mine of 2nd July 2009. Thank you for same.

I would be obliged if you would confirm if you require any additional information or clarification on this matter. If you so do, I would be pleased to assist you in any way that I can.

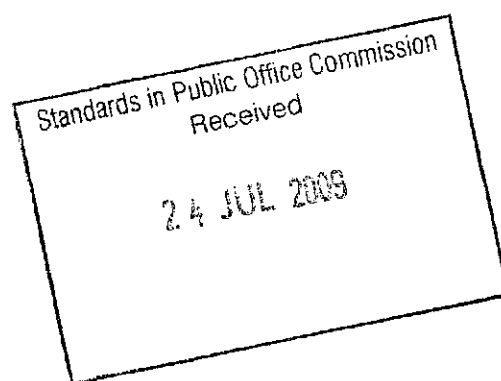
Alternatively, I would be obliged if you would confirm if this matter is now closed.

I look forward to hearing from you.

Yours sincerely,



Seán Dorgan
General Secretary



Posted
28.7.09.

28 July 2009

Mr Seán Dorgan
General Secretary
Fianna Fáil
65-66 Lower Mount Street
Dublin 2

Electoral Act 1997, as amended

Dear Mr Dorgan,

I wish to acknowledge receipt of your letter, dated 20 July 2009. The Standards in Public Office Commission has written to Durkan New Homes Ltd., pursuant to section 4(4) of the Act, asking the company to provide details of the donations made by it to Fianna Fáil and any of its members during 2007.

The Standards in Public Office Commission will be in contact with you in due course.

Yours sincerely,

Desmond O'Neill
Standards Commission Secretariat

Pol. Parties ann DS (2008) FF

NOT
Posted
17.8.09
Dor

2

17 August 2009.

Mr. John Noonan,
Durkan New Homes Ltd.,
Durkan House,
1 - 3 Sandford Road,
Ranelagh,
Dublin 6.

Re: Electoral Act, 1997, as amended (the Act)

Dear Mr. Noonan,

I refer to previous correspondence from this Office seeking clarification of donations made by Durkan New Homes Ltd. to Fianna Fáil candidates for their own political purposes.

You were requested, in the letter dated 17 July 2009, pursuant to section 4(4) of the Act, to provide details of the donations made by your company to Fianna Fáil and any of its members during 2007. It was this Office's understanding, following our telephone conversation on 27 July 2009, that Durkan New Homes Ltd. would let this Office have an anonymised list of the candidates to whom the individual donations were made, the amount of donation to each candidate and the date on which the donations were made to each individual candidate.

I would appreciate it if you could let me have your reply as soon as possible.

Yours sincerely,

Desmond O'Neill,
Commission Secretariat.

Standards in Public Office Commission
Received

17 AUG 2009



Durkan New Homes
Durkan House, 1-3 Sandford Road,
Ranelagh, Dublin 6, Ireland

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F: +353 1 497 3197
E: info@durkan.ie
W: www.durkan.ie

Mr. Desmond O'Neill,
Commission Secretariat,
Standards in Public Office Commission,
18, Lower Leeson Street,
Dublin 2.

13th August 2009

Re: Electoral Act, 1997, as amended (the Act).

Dear Mr. O'Neill,

I refer to your letter of July 16th 2009 and our telephone conversation of July 27th 2009.

As outlined to you in our conversation, I can confirm that Durkan New Homes (DNH) has complied in full with its obligations under the above Act. Specifically, DNH has complied with Section 26 (1) of the Act which provides that particulars of all donations exceeding €5,078.95 made by a company must be disclosed in its annual return. Indeed, as I pointed out in our conversation, I believe DNH has technically overstated the amount donated because we aggregated all donations made to Fianna Fáil with all donations made to members of Fianna Fáil.

Section 22 (2) (c) of the Act defines what constitutes a donation to a political party. It provides that a donation shall be deemed to be made to a political party if it is made:

- to party headquarters;
- to any branch or subsidiary organisation of the party;
- to any candidate of the party at a local election or direct election;
- to any member of the party who is a member of a local authority;
- to any officer, member or agent of the party or of any branch or subsidiary organisation thereof;
- to a TD, Senator or MEP of the party **who passes on the donation to the party and receives a written acknowledgement of the donation from the party; or**
- to a candidate of the party at a Dáil, Seanad or European election **who passes on the donation to the party and receives a written acknowledgement of the donation from the party.**

In DNH's efforts to comply fully with our obligations under the Act, we have aggregated donations made to party headquarters with donations made to candidates of the party at Dáil, Seanad or European Elections.

Durkan New Homes
Registered in Ireland.
Company Registration No. 160588.

Contd.../

Directors:
W. Durkan (Chairman), N. Durkan, W.J. Durkan,
J. Noonan & J. Kelly.



...Contd.



It is clear that in this instance that the discrepancy between our donations of €15,658 to Fianna Fáil and the lower amount that Fianna Fáil reported to you is due to the fact that the candidates of the party did not pass on the donation to the party. This discrepancy arises due to the way that the legislation is drafted. It is also fully understandable why such a discrepancy exists since, at the time of making a donation to a candidate of the party at an election, we have no way of knowing whether the candidate will pass the donation on to the party.

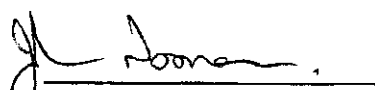
Having outlined fully above how I believe the discrepancy between what DNH returned in our annual return in 2007 and what Fianna Fáil returned on it's annual donation statement, I believe that should be the end of the matter.

DNH has also clearly illustrated how we are in full compliance with our obligations under the Act.

In addition to complying in full with the Act, DNH will now provide a list of individual donations to candidates of the party at elections.

Party Member 1	€750	January 2007
Party Member 2	€600	February 2007
Party Member 3	€500	March 2007
Party Member 4	€500	March 2007
Party Member 5	€500	April 2007
Party Member 6	€600	May 2007
Party Member 7	€600	May 2007
Party Member 8	€600	May 2007
Party Member 9	€600	May 2007
Party Member 10	€600	May 2007
Party Member 11	€350	December 2007

Yours sincerely,


John Noonan,
Financial Director.

Pasted
18.8.09
DPM

17 August 2009.

Mr. John Noonan,
Financial Director
Durkan New Homes Ltd.,
Durkan House,
1 - 3 Sandford Road,
Ranelagh,
Dublin 6.

Re: Electoral Act, 1997, as amended (the Act)

Dear Mr. Noonan,

Thank you for your letter, dated 13 August 2009, in response to correspondence from this Office seeking clarification of donations made by Durkan New Homes Ltd. to Fianna Fáil candidates for their own political purposes.

Yours sincerely,

Desmond O'Neill,
Commission Secretariat.

Briefing Note for Commission Meeting 14 September 2009
Enquiry with Fianna Fáil arising from an article in Irish Examiner re donations

Background

The Irish Examiner claimed on Monday 18 May 2009 that Fianna Fáil had failed to disclose a number of donations received during 2006 and 2007. Some of the donations were also claimed to be in excess of the maximum prescribed limit (€6,348.69). Arising from the article a complaint concerning the matter was received from a Mr Anthony Sheridan.

Enquiries made

A letter issued to Fianna Fáil (FF) on 27 May 2009 seeking clarification. In a reply dated 3 June FF stated that it was satisfied that the donations referred to in the newspaper article were either below the disclosure threshold in the relevant calendar year or were donations made to individual Fianna Fáil members. A further letter issued to FF on 4 June seeking more information. Further correspondence was exchanged in relation to donations (of €15,658) made by Durkan New Homes. FF explained that €9,000 of this was received in respect of the Galway Races event and the net contribution amounted to €3,510 (being 39%) and was below the disclosure threshold. The balance of €6,658 was, according to FF, donations made by Durkans to individual FF candidates and these were not required to be disclosed in the FF Party donations statement. Enquiries were then made of Durkan New Homes and the company responded on 13 August 2009 (copy attached). Durkans say that the donations were made to 11 different FF Party candidates/members in amounts varying from €300 to €750 in relation to these donations.

Conclusion

If the Commission is satisfied, it is proposed to write to the parties concerned indicating that there was no failure to comply with the Electoral Act, 1997 (as amended) in this case.

Posted
15.9.09.
Don

14 September 2009.

Mr. John Noonan,
Financial Director
Durkan New Homes Ltd.,
Durkan House,
1 - 3 Sandford Road,
Ranelagh,
Dublin 6.

Re: Electoral Act, 1997, as amended (the Act)

Dear Mr. Noonan,

Thank you for your letter, dated 13 August 2009, in response to correspondence from this Office seeking clarification of donations made by Durkan New Homes Ltd. to Fianna Fáil candidates for their own political purposes.

The Commission considered your response at its meeting today. In light of your explanations the Commission is satisfied that there was no failure to comply with the provisions of the Electoral Act, 1997 (as amended). There will be no further action in this case.

Yours sincerely,

Desmond O'Neill,
Commission Secretariat.

Posted
15.9.09
DOR

14 September 2009

Mr Seán Dorgan
General Secretary
Fianna Fáil
65-66 Lower Mount Street
Dublin 2

Electoral Act 1997, as amended

Dear Mr Dorgan,

I refer to previous correspondence in relation to donations made by Durkan New Homes Ltd. to Fianna Fáil and a report published in the Irish Examiner, on 18 May 2009.

The Commission considered the response from Durkan New Homes Ltd. at its meeting today. In light of their explanations the Commission is satisfied that there was no failure to comply with the provisions of the Electoral Act, 1997 (as amended). There will be no further action in this case.

Yours sincerely,

Desmond O'Neill
Commission Secretariat

Posted
15.9.09
DEN

15 September 2009.

Mr. Anthony Sheridan
1 Carraig Eoin
Cobh
Co. Cork.

Re: Electoral Act, 1997, as amended (the Act)

Dear Mr. Sheridan,

Thank you for your correspondence, dated 21 May 2009, in relation to a report published in the Irish Examiner, on 18 May 2009 and donations made by Durkan New Homes Ltd. to Fianna Fáil. The Standards in Public Office Commission has completed its investigation into this matter and has considered the responses from Fianna Fáil and Durkan New Homes Ltd.

The Commission considered the responses at its meeting yesterday. In light of the explanations furnished the Commission is satisfied that there was no failure to comply with the provisions of the Electoral Act, 1997 (as amended). There will be no further action in this case.

Yours sincerely,

Desmond O'Neill,
Commission Secretariat.

From: SWITCH/OMB/USERS/OMBUDSMAN on 16/09/2009 14:08

To: Desmond O'Neill/SIPO/USERS/OMBUDSMAN@OMBUDSMANOFFICE

cc:

While You Were Out

Contact:

Anthony Sheridan

of:

Phone:

021 4813833

FAX:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Telephoned | <input type="checkbox"/> Will Return |
| <input checked="" type="checkbox"/> Please Call | <input type="checkbox"/> Left Package |
| <input type="checkbox"/> Will Call Again | <input type="checkbox"/> Please See Me |
| <input type="checkbox"/> Returned Call | <input type="checkbox"/> Urgent |
| <input type="checkbox"/> Was In | |

Message:

Spoke to Mr. Sheridan. He wants sight of the explanations furnished by FF and Durkans. Advised him to submit an FOI request for the explanations furnished by Durkan New Homes Ltd and FF. He asked why we were insisting that he put in FOI request. I explained that release under FOI was release to the World and that release under FOI meant that no legal civil action could be taken against SIPOC arising out of release of records. He seemed satisfied with this.

While You Were Out

Contact:

Anthony Sheridan

of:

Re: Complaint to SIPOC

Phone:

FAX:

021-4813833

- | | |
|---|--|
| <input checked="" type="checkbox"/> Telephoned | <input type="checkbox"/> Will Return |
| <input checked="" type="checkbox"/> Please Call | <input type="checkbox"/> Left Package |
| <input type="checkbox"/> Will Call Again | <input type="checkbox"/> Please See Me |
| <input type="checkbox"/> Returned Call | <input type="checkbox"/> Urgent |
| <input type="checkbox"/> Was In | |

Message:

Spoke to Mr. Sheridan. He wanted to know were SIPOC satisfied that Seán Dorgan had correctly made returns in question in his complaint. I said that Commission was satisfied that there had been no breach of electoral act. He said he had already submitted his FOI request.