

INTERVIEW CONTRACTOR # 1

Station: Bus Éireann
Programme: Interview with Contractor # 1
Date: Sunday 13th April 2014
Duration: 61 minutes

Interview with Contractor # 1

Transcribed Sunday 13th April 2014, Contractor # 1 interview with BÉ Investigator, and others.

BÉ Investigator: Contractor # 1 is it?

Contractor # 1: It is yeah, how are you.

BÉ Investigator: How are you doing?

Contractor # 1: How's it going?

BÉ Investigator: BÉ Investigator.

Contractor # 1: How are you BÉ Investigator.

BÉ Investigator: Eh Paul mentioned there was someone else coming in with you, is there?

Contractor # 1: Paul who? No.

BÉ Investigator: No, you're on your own?

Contractor # 1: I'm on my own at the moment yeah.

BÉ Investigator: Right, well did you say someone else was going to come in with you?

Contractor # 1: No, no.

BÉ Investigator: All right, that's grand. Ok let's just (inaudible) do you want a quick tea or anything?

Contractor # 1: No I'm grand.

A lot of scrambled stuff.

Contractor # 1: I don't know whether I do need somebody with me.

BÉ Investigator: . . . It's not illegal . . . what do you call it . . . and we have no power from that point of view. . . . Contractor # 1 that's Solicitor from our Solicitors . . . and BÉ

Investigator. BÉ Investigator is our Accountant. Have a seat. Do you want a drop of water or anything like that?

Contractor # 1: I probably will in a few minutes.

BÉ Investigator: I'll get you one.

???: Any problems getting in or anything no?

Contractor # 1: Well I was panicking right round me head out there, there's a fella running round with a camera out there.

???: I don't think that's for us. . . . I don't think they're expecting a strike.

BÉ Investigator: No, but I have had reporters onto me.

???: Oh really yeah?

04:21 to 04:23

Contractor # 1: Yeah, so maybe I am being paranoid. And I don't even know my legal, whether I should have someone legally sitting here with me. Because you have somebody.

Solicitor ???: Yeah but this is really eh, so any report can be confidential to Bus Éireann, if you have your own solicitor there. I mean that's my only function. So if you do up a report, you can say my Solicitor was there. So we prepared it just in case. I mean I don't, I'm not representing Bus Éireann.

Contractor # 1: Yes you are.

Solicitor ???: Ha ha ha ha.

Contractor # 1: And you're going to, I don't even know whether I'm going to be able to comment or.

BÉ Investigator: Well look it, let me explain what this is about first of all, right. I don't know what your conversation was out. Maybe I shouldn't have left the room. Anyway let me explain Contractor # 1 what this is about first of all, right, and then you can make up your mind as to whether you want to comment or do anything like that. So it's entirely up to yourself, right. First of all thanks for coming in, right. I think we have the wrong address, we had originally, I think, so. Anyway where this is coming from is that in and about, I think it was about four weeks ago now, Tim Doyle sent in an affidavit which is from you, it's not signed and it's not, and so on.

Contractor # 1: How do you know it's me then?

BÉ Investigator: Because it says it, it says Contractor # 1. Now it's not signed, but it does clearly say it's the affidavit of Contractor # 1. No I'm assuming, that could be your father as well.

Contractor # 1: No it's not.

BÉ Investigator: But anyway that's how we know, all right. So he sent that into the Minister for Transport, right, about four weeks ago, who subsequently sent it into the Department of Education. And on foot of that, it was sent onto us for investigation. Now the way it came in was by e-mail, right. And it was what they call in a redacted format. Which means that all of the names, including your own, was blanked out. However, when you sent something like that on e-mail, it's just as easy to do that.

Contractor # 1: To just flip it over, yeah.

BÉ Investigator: It makes no difference, so we therefore have been conducting an investigation on the basis of the un-redacted one, all right. So the investigation, if you like, for what it's worth, is I have asked everybody who has been named in this, to come in and to comment, if they so wish, or not comment. Just to say that what did they say to the, I think there are thirty nine sections in this. I've only spoke to people who are named in it. I only spoke to them in relation to the bit that related to them. In other words I didn't, and I haven't sent out this, or given this to anybody, okay. Although you could argue it's in the public domain at this stage, once Tim Doyle sent it in like that. So at this stage, we've spoken to everybody, initially. And what we're doing, as I said, is trying to assess the situation as to taking onboard people's comments. So that's exactly what I was proposing to do here today with you, to go through the thing, and if you had a comment or not. If you choose not to comment, that's entirely up to yourself. It isn't a legal process. And you're here of your own free will, but what I wanted to do was to give you the opportunity to comment on this, if you want, right, ok. So that's the background. What we will be doing on foot of this, is producing a report, which will go back into the Department of Education, whether that goes back any further than that, I don't know, it will be up to them. But that's what we have to do, in order to complete the investigation. So that's about the size of it. Have you any questions in relation to that, or do you want to make any comment at this point.

Contractor # 1: No, not really no.

BÉ Investigator: All right. Well look if I, I suppose if I go and if I read the first one that says, the first point here that, which is I'm a Bus Operator and Taxi Driver trading under my own name. I make this affidavit on behalf of the Defendant and I'm authorised to do so. I make this affidavit from facts, within my own knowledge, save for otherwise appears. Such statements will be made to my own acts and deeds are true and accurate, and also relating to the deeds and actions of others, I also believe to be true. Now, if you want to make any comment in relation to that or not, you may indicate as to how we're going to progress with the meeting.

Contractor # 1: Hmm . . . [silence]

BÉ Investigator: Just as a matter, just for information, (a Dublin Address), that's not the right address? Or is it the right address?

Contractor # 1: That's the right address yeah.

BÉ Investigator: It is the right address.

09:14 to 09:20

Contractor # 1: Hmm . . . so are you going to go through the whole affidavit now, and get me to say whether this is true or that's true or?

BÉ Investigator: Well the only way I can do this, is that what's in this there's a number of allegations, right. I put the allegations to the people where they're named, and have had their comments. And I thought that it was only fair and reasonable that we could do the same with you. Now I can, we don't have to do it that way, right. It is one way of proceeding, and it's the way I proceeded previously. There are thirty nine of them Contractor # 1, right, and we can go through it, but there are some serious allegations within it. There are a number of people who, as I said they would help the level and nature of the allegation has been very upsetting to some of them, when it was put to them. But I, there's no other way that we can, like investigate this, without putting it to you. However, if you want to make a statement in relation, presumably you know the content of this pretty much anyway.

10:16 to 12:15

Contractor # 1: Yeah I read it yesterday.

BÉ Investigator: Yeah.

Contractor # 1: And I would say 98% of it is true. And there's even more that could be alleged, if that's the right word I'm using. And it's after taking three years just to get to this stage. Now people approached me. Tim Doyle, Contractor # 4, Brian Lynch, how, where they got me from I didn't know, and they slowly got the picture that I [inaudible]. And I, obviously I was very angry at losing me contract the way I did.

BÉ Investigator: Yeah.

Contractor # 1: And I seen the way operators are being treated out there. And how intimidated they are. Even now here, I actually feel intimidated.

BÉ Investigator: I mean we're not . . .

Contractor # 1: You know, because of the, I'm not legally educated, like this man there, to understand the first paragraph you've read out there, right.

BÉ Investigator: Yeah.

Contractor # 1: I'm just an ordinary Joe Soap Operator, I was ten years doing me schooling, no problems whatsoever with vehicles, the parents, the children, 100%. I actually got commendations sent in by parents. I had no problems whatsoever. But I was totally on eggshells, every time I worked. And I've seen with other operators, they're on eggshells coming near the end of the, the school

year, whatever it is, they're afraid to talk to each other, afraid to talk to, because of the, what's the word, I wouldn't even think, you're construed to do things, you're, it's just slowly the relationship is built up, and you're dragged into it. And then all of a sudden you're getting phone calls from this dude, you know that, it's all in that. Like I haven't exaggerated, if anything I've held back a hell of a lot.

BÉ Investigator: And when you say that there is other stuff out there. Is that what you're talking about other stuff from yourself, or is that what you mean by that? Maybe that there's more?

Contractor # 1: Yeah.

BÉ Investigator: I mean the only way that we can really address it, I mean there are some specific things in this, right. You know, making a statement that, I can understand first of all that, I know, I mean I'm no legal expert either, right, we went to a Solicitor and [inaudible] be that as it may. What we're trying to do is just to make it as easy as possible. I'm not trying to use, I'm not trying to intimidate or use any big words, or anything else like that, I'm just trying to get through this, right. I'm trying to talk to you as an individual, rather than anything else, the fact that there's three of us, okay I accept that, but that's just the way it has been, right. Notwithstanding all that, there is an onus on us to carry out things in a particular way, and that's why the investigation has to be carried out this way. So if you are of the opinion that 98% of what's in here is correct, I mean the only way that we can sort of test that in some way, is to go through some of the specific allegations and to ask you for the detail around it. Other than that, because to say that it's 98% correct is a sweeping, it is a sweeping statement. Because there's a lot of very specific statements within it, and allegations, that other people would not accept to be true. And I have to put that to you, that other people do not accept that this is the truth, all right, so obviously both, two sides of that argument cannot be correct. Either it is truthful or it's not truthful. So while I accept you're saying to me that you believe to be true, there are other people who are equally adamant that they're saying they believe it not to be true. So the difficulty that we have, is that the only way we can test that out, is to give you the opportunity to speak specifically in relation to this affidavit. Now if you're willing to do that, that's fine. If you're not, that's fine too. But it will be what it is.

14:42 to 16:23

Contractor # 1: Yeah, you see, what I'm thinking of is, is the onus on me to prove every single thing in that?

BÉ Investigator: No. You're not being asked to prove anything.

Contractor # 1: Is there then a comeback that I may be, you know, that I'll get myself legally in trouble for allegations that, you know, it is a very hard case to prove.

BÉ Investigator: Yeah.

Contractor # 1: And, you know what, there's a lot of people out there knows that's true. And it's general knowledge in the . . .

BÉ Investigator: I don't accept that for, I don't accept that, but I accept what you're saying that that's your, it's your entitlement to say that.

Contractor # 1: Yeah, yeah.

BÉ Investigator: I don't accept it that it's true, but as I haven't come across anybody else who is saying that it is true. Certainly none of the people who have been in this, are saying that this is true.

Contractor # 1: Well the people that have been in here with you, right, I haven't got a school run now, right.

BÉ Investigator: Yeah.

Contractor # 1: Right, I've nothing to lose, all right. My wife had a stroke four months ago because of the stress of financial. I lost a son six weeks ago, right.

BÉ Investigator: Yeah I understand.

Contractor # 1: And, it's been three years of hell, just trying, I was hitting blank walls, nobody answer. People ran away from me, because they were terrified of what I was saying, and the people that ran away from me, were the people with school runs. That's their livelihood. I couldn't blame them.

BÉ Investigator: Hmm.

Contractor # 1: They're going to lose their school run if there was any . . .

BÉ Investigator: Well that's your belief. And I accept that, right. But that's not how it works.

Contractor # 1: But that's, yeah I know that's not how it's sup, it works.

BÉ Investigator: No whether it's supposed to or not, that isn't how it works.

Contractor # 1: I've seen it. I've seen the Operators losing runs.

BÉ Investigator: Yes I know, and people do, and they will continue to lose runs. And that's just, that is the nature of the business. And stuff is tendered out, someone loses, and someone else gets it. No one will ever, there's nobody has a right to . . .

Contractor # 1: I'm not saying, I'm not saying, because from where you're coming BÉ Investigator, you don't mind me calling you BÉ Investigator?

BÉ Investigator: No you're fine.

16:44 to 18:03

Contractor # 1: I might as well go, because it's eh, what you're saying is correct, right, and I believe what you're saying, and I know that's the way you have the company set up. But it's very easily to go between the cracks, and I've seen one chap kicked up over not getting his school run, and he made a phone call in here to Bus Éireann, accused them of irregularities, whatever. Met with an Auditor the next, a week later, had his school run given to him, got his school run, because he just made an accusation, right. He had his school run given to him, and they went the full year, he changed ownership of the vehicle, and he was told that's why he was losing his school run now, because he didn't, he did notify them that he changed the vehicle, but they got him legally, and then he was gone. And there is, I've actually seen people, I've listened to people discussing how they're getting rid of Contractors.

BÉ Investigator: Well that's one of the allegations that you have in the affidavit yeah.

Contractor # 1: Yeah.

BÉ Investigator: Yeah, as I said people would not accept that that's the truth.

Contractor # 1: I know. You see now I've came in here to talk to you, kind of off the cuff. And I can already see that I shouldn't really, because I really should have some kind of legal eh . . .

BÉ Investigator: This isn't a legal forum, right. I want to put your mind at rest now.

Contractor # 1: But I'm discussing everything that's in that. And . . .

BÉ Investigator: No, I'm only making the point that what you're saying to me there, right, is something that's contained within it. That's the only point I'm making. And I'm trying to say to you that other people wouldn't accept that to be the truth. I have to put that to you, because I've already put it to them, right. I'm just giving you what the response was. Not my response, but the response from the people that are facing that allegation. If you don't want to discuss the details of that, that's fine, right. We're not, I'm not trying to force you into anything, and there's no legal, this isn't a legal forum, right, this is an initial investigation. You asked me another question there, about could this leave you open to any legal process, and that. I don't honestly know the answer, right.

Contractor # 1: [Sighs heavily].

BÉ Investigator: But what has happened, and what I can say with a reasonable degree of certainty, is that this document is now out in the public domain, to some extent. Because it has gone around a number of public departments, right. It was put in, allegedly in this form, redacted, with no detail, but the reality is that within seconds of opening it up, you can see that it wasn't. So people who are named within it, might well have a different view than what I have, right.

Contractor # 1: Hmm.

BÉ Investigator: So that's, I'm answering you truthfully and honestly about that. I can't say whether they won't take . . .

Contractor # 1: So it's going to be he said, and she said and . . .

BÉ Investigator: Well it isn't so much that, because it isn't even that, it's here, even though it's unsigned, that you didn't sign it, the fact that it was put out there, the people who are named within it, might be taken a different view. I'm only investigating it from the point of view of the company, looking at it. Other people might take a view that they're actually, their good name has been taken, and other things, and if they want to take a, a what do you call it, a . . .

Contractor # 1: Liable case against me?

BÉ Investigator: Whatever, I don't, I wouldn't, I didn't want to use the word, between liable, defamatory and all the others. I'm just saying to you that that's a possibility, because it's now out in the public domain. It's not part of the, do you see if this was part of a Court Case, I think it would have, it would have some sort of privilege, wouldn't it?

Solicitor ???: Yeah.

BÉ Investigator: But I don't think it does, as a result of the way it has been put out into the public domain, right. So . . .

Contractor # 1: It's a bit of a mess then, isn't it?

BÉ Investigator: It is a little bit, in some respects. But, and I'm not, and I just want to reassure you, where I'm coming from, I'm only investigating this because there are specific allegations made against the company. And we have been asked to investigate it, on foot of the fact of the way it was put in there, right. And I don't have any choice but to do that. It's not as though I'm, I didn't look for this either. I'm not looking for to, I didn't say all this, start an investigation, see what we can throw out. This was brought into us specifically with the allegations in there that you just, we can't left unanswered. We have to ask the questions. And that's the position, right. It isn't, eh we will make a report, as I said you at the outset. But this isn't a legal process. Because I'm not authorised to undertake a legal process. So that's the, I'm just giving you the background again. But I am concerned Contractor # 1, to be honest, that, like it's obvious to me that your beliefs are very clear, on this right, and that I'm not going to convince you of anything different, and I'm not here to try and convince you of anything different, right. But by the same token, I mean when you say something, when you put your belief about how the company operates, and the rest of it, I have to give you what my beliefs

are around that as well. And they are, obviously they're at odds, they are going to be at odds. But that's not because I'm trying to move you off anything, I'm not trying to walk you into anything. But I'm just saying, I won't accept, and I find it difficult to accept, some of the stuff. I'm not saying, I haven't made up my mind in relation to any of this, because the only way we can do that is by investigating it fully. And this is just the initial part of that. So . . .

22:35 to 24:14

Contractor # 1: Well I read that again last night, for the first time in a long time, and eh I couldn't, you know, there was probably one line, one line in it, that I could have said was eh, I didn't say that, you know what I mean, one or two lines.

BÉ Investigator: Yeah.

Contractor # 1: And, it's eh, it's even when I, like I came in here and I, my wife said to me, you're going in, what are you worried about? Because obviously I was worried coming in. She says, you haven't told any lies, you know, so. I didn't go near anybody for about six to seven months after I lost my school run, and I was trying to battle on, financially. And then I got a phone call from an Operator, asking how I lost my school run, and I said, Jesus I have to do something, I can't just sit here and take this. I have to be able to say something to somebody. Because I really was going, getting very stressed about it. And eh, then one thing led to another, and then the Brian Lynch's of this world and Tim Doyle's got wind of me, and they came in for their own interests. We'll sort this out, and we, you know so. That was just to get to somebody in Bus Éireann to sit down and talk to me.

BÉ Investigator: Yeah. But I mean that, none of that has actually, that didn't move that particular agenda on at all, because none of that actually was brought to the attention of Bus Éireann, until now, you know. Em, there's a, look for me there's a couple of key things in this, right and the whole. There's some specific allegations about people allegedly taking money. Having holidays paid for them. That there's beliefs around Credit Card statements, records of airfares paid, handbags, eh I'm sure there was another one, flights paid for, reference here again.

25:15 to 28:54

Contractor # 1: BÉ Investigator I'm waiting for you to say something that I didn't, that is untrue.

BÉ Investigator: Well there's one here that says right, at thirty one it says, I say that Contractor # 2 attended most of the Inspectors Functions in their home, but was not part of our close group that paid for holidays.

25:33

Contractor # 1: I don't, well that's probably, our close group, I don't know what our close group is?

BÉ Investigator: Well that's what it says.

Contractor # 1: Yeah, yeah, I don't know what our . . .

BÉ Investigator: If that's indicating to me, that as part of affidavit, you're saying is you were part of the group that paid for holidays.

25:45

Contractor # 1: No our close group, I actually, our close group, and there's one near the end of it, where it says they were waiting for a cash payment . I never said that either.

BÉ Investigator: Em, I haven't . . .

26:00

Contractor # 1: It's eh, if you give me a look. That did, actually my partner did say that to me last night, the our close group, but there was [searching document] . . .

BÉ Investigator: I don't recall that particular , could it be the second last one? Number thirty eight is it? Because I don't remember seeing anything about cash myself.

Contractor # 1: [Still searching.]

BÉ Investigator: Well look on that one . . .

Contractor # 1: Ah yeah, yeah there it is, I have it.

BÉ Investigator: Twenty eight.

27:27

Contractor # 1: Yeah, I know that they knew that I did not pay towards BÉ Employee's # 2 holiday. BÉ Employee # 2 at the meeting told me that there was a good chance that the routes that I ran would be going out to tender. BÉ Employee # 2 indicated this to me on their way, I was being punished, and was giving me a chance to bribe them with a cash payment. I never said that.

BÉ Investigator: Okay.

27:46

Contractor # 1: BÉ Employee # 2 is too clever to do anything like that, in that way.

BÉ Investigator: Okay. But you never said that, is what you're telling me.

Contractor # 1: Yeah.

BÉ Investigator: All right. Just in relation, I just want to ask you about the close group, is that what you're saying, that the close group, but did you ever, were you ever part of someone's, did you ever make payments?

28:12

Contractor # 1: No, no. Not cash payment, I never made cash payments.

BÉ Investigator: Well did you make payment in some other way?

28:31

Contractor # 1: Yeah, I provided a service, practically provided a taxi service for BÉ Employee # 2. I collected furniture, Jesus, I ran it half way round the country for BÉ Employee # 2.

BÉ Investigator: Hmm, okay. And you're saying that you never got paid for that?

28:36

Contractor # 1: Never, never.

BÉ Investigator: Ok. Just in relation to the other one, and again, it's up to yourself, as to whether you want to answer or not. The last one that, no I asked you, you didn't see it. It was just in relation to the Credit Card statements, I thought I had read that you had seen them, but they said that they had copies of the Credit Card statements, and a record of the airfare they paid for BÉ Employee # 2. But it doesn't actually, I was going to ask you did you see it, but it doesn't say that you saw it.

Contractor # 1: Ah Yeah.

BÉ Investigator: Did you meet with Journalist yourself?

Contractor # 1: Did I meet with Journalist?

BÉ Investigator: Journalist of Prime Time?

Contractor # 1: Yeah.

BÉ Investigator: You did. That was what, around 2011, it would have been?

Contractor # 1: Yeah.

29:40 to 32:07

BÉ Investigator: And that eh, when BÉ Employee # 2, this says that BÉ Employee # 2 sent word back from Spain that BÉ Employee # 2 had lost a (gift), and a collection was made for BÉ Employee # 2 , did you, were you involved in that at all?

29:51

Contractor # 1: I did get a message saying that there was a collection to be made, BÉ Employee # 2 had been mugged in Spain, or robbed or lost a (gift), whatever the story was.

BÉ Investigator: But were you involved in anything or aware of a collection being made?

30:03

Contractor # 1: I was aware of a collection being made yeah.

BÉ Investigator: You were, but were you involved in it though?

30:07

Contractor # 1: I'd rather not comment, in case I . . .

BÉ Investigator: Okay, all right, em, I'm just going through it . . . There was one at twenty eight where, that's one where you said that BÉ Employee # 2 was, where you didn't say that you were given a chance to bribe BÉ Employee # 2 with a cash payment. At the beginning of that is said that in 2010 there was a trip to Alicante again, and this time I refused to contribute to that trip, as I just did not have the cash, and I felt I had enough of backhanders. I refused to contribute.

31:01

Contractor # 1: To be honest with you I was fed up running around the place. I was fed up. Phone calls for this and phone calls for that. And I thought, right to run me own business, and to get on with it, it was just getting out of hand, and I said, my actual response was eh, I think I said I can't afford to be good natured, I'm not having any more of this, something like that.

BÉ Investigator: Hmm, but it's, you know I'm not eh, just from the point of view, like, you said that you never made any contributions to it at all. And I take

that for what it is. But this is giving the indication that you had previously given contributions to a trip. I'm just wondering [noisy] did you ever . . .

31:48

Contractor # 1: I never, I, I never bribed anybody, okay.

BÉ Investigator: Hmm, hmm.

31:53

Contractor # 1: Okay. And everything was good and done kind of, of a nod and a wink kind of favour, give me a dig out, eh, . . .

BÉ Investigator: So there was no question of cash?

32:07

Contractor # 1: No.

BÉ Investigator: No, no. Just one other specific one, I suppose, that em, in relation to a date, it's an unknown date. I was made pay for jewellery for BÉ Employee # 2. I got a phone call to meet with BÉ Employee # 2 in the City Centre, and I was told why I had to attend. They took me to a Jewellers Shop. I felt pressurised to buy a Bronze Racehorse from the Jewellers Shop, R & C McCormack's, at 51 Grafton Street, Dublin. This cost about a hundred . . .

Contractor # 1: 51 Grafton Street, Dublin?

BÉ Investigator: Yeah.

Contractor # 1: It was Phibsboro.

BÉ Investigator: Ok, this cost about €120 and I felt that if I did not buy it, that I would lose my contract. A Bronze Racehorse, what . . .

33:08 to 34:22

Contractor # 1: It was a bronze. I actually bought a, the irony of it, I actually bronze, eh, you know the hand with the child in it that's outside the Board of Education and Science, I bought this, you know, and I was after having one of many cups of coffee over in the Cafe across the road. And I went over to pick it up, and they came over, and, it's, you'd have to get it into context, because that just sounds absolutely ridiculous, the way that's coming across here, jewellery, it wasn't jewellery, it was a bronze statute about this height of a jockey on a horse.

BÉ Investigator: Right.

Contractor # 1: And it was, in so many words, it was put to you, I love that, I, do you know, you know, whatever.

BÉ Investigator: And this was in Phibsboro.

Contractor # 1: Yeah.

BÉ Investigator: Ok.

Contractor # 1: And it wasn't jewellery it was an ornament of . . .

BÉ Investigator: Right, ok.

Contractor # 1: I used to drive off down the road saying to myself, what am I doing?

BÉ Investigator: Just on the one after it, I was also ordered to attend at meetings for breakfast and lunch, quite regularly, and at my expense. [noise interference] I had no choice but to . . . I felt violated . . . consequences? . . . How often did . . . ?

35:08 to 37:15

Contractor # 1: It used to depend on what time of year it was. It used to be, depend upon, coming near the end of the school year, or at the start of the school year, which are the busiest times. That if they had Leaving Cert's to look after, I'd plod around with tickets here, and the likes, and, it was kind of they often discussed with the Operators what they were doing for them, and it was kind of . . .

BÉ Investigator: Where would these meetings take place, lunches, breakfasts, where would they take place?

35:49

Contractor # 1: They would have been Phibsboro, the one on the . . .

BÉ Investigator: Shopping Centre?

Contractor # 1: Across from the Shopping Centre, the one eh . . . I can never remember.

BÉ Investigator: McDonalds?

Contractor # 1: No no no, it's not McDonalds, it's a proper Cafe.

BÉ Investigator: Yeah I know the one.

36:09

Contractor # 1: I literally would come out of there, beads of sweat rolling down me forehead, because I was always thinking, you know, it actually was a bit odd, to be honest. And you know, you'd be, and it was even the same with the, you'd be invited to a function at the house, sixteen, seventeen Operators would be there, and not one of them genuinely wanted to be there, I know that. But you were invited, and say, well I won't pick anybody's name out, but so and so, and so and so didn't turn up. Well he won't be invited again, I'll sort him, you know what I mean. And people were arriving and staying, and just staying for a couple of hours, and getting out. It was actually an absolute joke. And that was, that was the general atmosphere at most times, do you know.

Contractor # 1: I think em, that's probably, more of the bigger ones, right I mean what you were referring to earlier you cover under five, six and seven, or eight. Eight is the one where, I say that, sorry beg your pardon. I say that the undercurrent of intimidation and the extraction of free taxi services from me, started in around 2004/2005. It was after I had my bank loan for the AT Taxi, BÉ Employee # 2 asked me to drive my taxi and taking measurements of the miles from my house so the customer of special needs to the school that person would be attending. This was not part of my contract. It was a job that should have been done by BÉ Employee # 2 on behalf of Bus Éireann. And presumably their time and cost of motoring expenses were charged to the Department of Education. BÉ Employee # 2 started by asking me to do that as a personal favour for them, as there was something that was supposed to do, but wouldn't give an excuse as to why they could not. BÉ Employee #2 would say that if their partner was sick or that BÉ Employee #2 had to go to the hospital. From 2004 and 2005 was . . .

38:30 to 39:16

Contractor # 1: That was regular. That was, it started off, are you in the Ballyboughal Area? Are you in this area? Yeah, yeah, there's such and such address you could get. And I couldn't get it on me GPS. I couldn't even do it on me GPS the mileage. But could you mile it for me and give me a feedback on it. And I kind of says yeah no problem, I'll do that for you. And then I would literally go and do the mileage. And eh, that happened quite often.

BÉ Investigator: Four or five times or more?

39:04

Contractor # 1: Ah more than that, more than that. And actually, now at one stage I said I'll do it on the GPS, and I could nearly do A to B the mileage and the time and how long it would take.

BÉ Investigator: And when you say more than four to five, are you talking about a dozen times or more, or?

Contractor # 1: Ah more, easily more.

BÉ Investigator: Like dozens of times? Like just over a . . .

Contractor # 1: You're talking about over quite a few years there BÉ Investigator.

BÉ Investigator: From 2004 onwards.

Contractor # 1: Yeah I would say so yeah.

BÉ Investigator: Okay.

39:44 to 39:52

Contractor # 1: And they would be, it would be Balbriggan to Swords, it would be Donabate to Beaumont.

BÉ Investigator: Okay, all right. Now em [inaudible] it's going backwards rather than front. Every Christmas the school transport always got a supply of wine and gifts.

Contractor # 1: Yeah well that's . . .

Contractor # 1: Then Inspectors did their rounds of some of the bigger bus operators, by calling to their offices and expect a Christmas envelope would be handed out with cash payments. [inaudible] I say that Contractor # 2 attended most of the BÉ Employee # 2 Functions in their home, but was not part of our close group that paid for holidays. I heard from somebody that Contractor # 2, who had been given my contract, had at one time paid up €900 for a (gift) for the BÉ Employee # 2. It wasn't that that they were given this (gift) by an Operator.

Contractor # 1: Yeah, BÉ Employee # 2 actually told me that.

BÉ Investigator: Did BÉ Employee # 2 specify the Operator? Or did you see the (gift)?

41:04 to 42:26

Contractor # 1: Yes I did.

BÉ Investigator: What sort of (gift)?

Contractor # 1: It was, now a (gift) to me would be . . .

BÉ Investigator: Was it big, small?

Contractor # 1: Ah no, it was a (gift) with different colours, and it was an expensive (gift), so I was told. And BÉ Employee # 2 actually told me that themselves, by the way.

BÉ Investigator: Themselves?

Contractor # 1: Yeah.

BÉ Investigator: And third the sentence that says I heard from somebody that Contractor # 2 who has been given a contract, had at one time paid €900 for a gift of a (gift). The implication here is that it's the same (gift). And is that . . .

Contractor # 1: Yes, but that was what I was led to believe.

BÉ Investigator: Ok. But you were not given any evidence in terms of, BÉ Employee # 2 just, what you're evidence or what you're saying is that the (gift) that you saw, you were allegedly told by BÉ Employee # 2, that they had been given it by an Operator.

Contractor # 1: Yes.

BÉ Investigator: But BÉ Employee # 2 didn't specify that it was a particular Operator? BÉ Employee # 2 didn't say it was Contractor # 2?

Contractor # 1: Oh yeah.

BÉ Investigator: BÉ Employee # 2 did tell you.

Contractor # 1: Ah BÉ Employee # 2 did say that yeah, or BÉ Employee # 2, BÉ Employee # 2 would tell me many things what Contractor # 2 would treat BÉ Employee # 2 to yeah.

BÉ Investigator: Ok.

Contractor # 1: This is what I really should have a Solicitor sitting beside me, you know.

BÉ Investigator: Well no, I mean you're not implicating yourself in any of this, that I can see. No what I am trying to do is get sense of what it is.

Contractor # 1: The picture yeah.

BÉ Investigator: Like for instance, it's clear enough you're saying that, at twenty seven, that you didn't say that. And that's clear, right, that's from my point of view, that's very clear. So I'm only trying to get a picture. Is there any other that I need to put in there, just to ask?

43:05 to 43:09

Contractor # 1: BÉ Investigator can you tell me why I lost my school run? Have you asked that question why did I lose my school run?

BÉ Investigator: Yeah, I mean to be fair Contractor # 1 I think a lot of people lost their school runs, simply because in 2011 and it's all well, from 2010 into 2011, the Department made the decision that 25% of all routes . . .

Contractor # 1: I know that, I know that.

BÉ Investigator: . . . were to be tendered out. And it was arbitrary. And I can tell you, hand on heart, as I sit here, and I'll look you straight in your face, and I'll tell you that neither BÉ Employee # 2 nor BÉ Employee # 2 had anything to do with the selection of those routes, neither one of them.

Contractor # 1: I seen it BÉ Investigator. And not, maybe in 2011, maybe in 2011 [mobile rings] right, but before that.

BÉ Investigator: Well that was the, 2011 was when . . .

Contractor # 1: Yes but . . .

BÉ Investigator: . . . and that was part of it, it was simply put out to tender, and [??noise??] I think it was probably, it was going to be, you mentioned who got it.

44:11 to 45:15

Contractor # 1: Contractor # 2 got it. And I asked why, and I actually, Contractor # 2 rang me up and said you can do the run. And Contractor # 2 paid me for half the run. And I was driving me own run that I was doing for eleven years, now I was driving it as a Driver, instead of a Contractor. And there was no, there was no even, maybe there is now, but there was no documentation signed in. I wasn't brought in to sign the white contract.

BÉ Investigator: Yeah because . . .

Contractor # 1: And I can understand how sure you are when you said to me that there was no way BÉ Employee # 1 had any input. You know that was maybe the new procedure that came in there for the tendering.

BÉ Investigator: That was the first time they were tendered out in that way.

Contractor # 1: Yeah, well I seen a hell of a lot beforehand. And just, talking and discussions over personal, one guy knew Ex BÉ Employee and came in through Ex BÉ Employee and got his Contract.

BÉ Investigator: Ah yeah you're going back a good few years where people were . . .

Contractor # 1: But it's people that new people that new people.

BÉ Investigator: Yeah well that was, I mean, that was you say yourself, one of the reasons that you you got the contract yourself wasn't it, your Contractor # 5 giving your name through to, isn't that what you're saying?

Contractor # 1: That's correct yeah.

BÉ Investigator: That was a lot of business was done like that, referrals, and there's nothing wrong with referrals.

45:40 to 45:49

Contractor # 1: Yeah no, there's nothing wrong with referrals. But eh, not referrals to eh, like I can see you're adamant that it wasn't a referral that lost my contract.

BÉ Investigator: Well no, you asked me a straight question, I'll give you a straight answer. How did you lose the contract. It goes through a tendering process, that had nothing to do, and basically, there was a number of them gone. And I know, I mean it might seem cold, and that, right, but there was a lot of people, 25%, a lot of people lost their contracts, it is tough, and I do appreciate that, and I'm not for one moment trying to gloss over that, right. But that was simply, there's this so-called value for money, right, exercise that's done. Where he has to show that you go to the market, you test the market for the best possible price, which is what tendering is. And that's, we do every single contract that we have in this company is done that way. Every single contract. There is no contract awarded now that isn't tested for value for money.

46:33 to 47:15

Contractor # 1: Well then either people get the impression that they had control over it?

BÉ Investigator: Which is a possibility.

Contractor # 1: Right, well they definitely gave the impression they had control over it, and I definitely did see, the Former Contractor incidence, I definitely did see, and been told what the fuck, I want Former Contractor out. And I definitely did see the poor Former Contractor, and the poor Former Contractor, I said it to Former Contractor. I said Former Contractor this is wrong. And like Former Contractor was terrified. Former Contractor was terrified to kick up about it, and Former Contractor was terrified to go against, because Former Contractor . . .

BÉ Investigator: I saw the name mentioned here, but I can't in terms of what the context of it.

Contractor # 1: Former Contractor a lovely person, for Former Contractor to be treated the way Former Contractor was.

BÉ Investigator: Former Contractor's name is mentioned somewhere in here, isn't it?

Contractor # 1: Yes.

Contractor # 1: What was the, just wait a moment so I can find it to remind myself of it. I can't find it now. Oh here it is. I say that the, hold on, That's Former Contractor finished. That's Former Contractor gone. I'm just going in, in the middle of it. Former Contractor better watch it. I found it hard to pinpoint reasons and show respect for that. [inaudible] Former Contractor [inaudible] and was out within six weeks and Former Contractor's contract wasn't renewed. Came in towards the end of term, and did not get it the following year. So Former Contractor came in, yeah Former Contractor came for a, when something, a contract when something, because someone else had dropped out, or when something had happened. Former Contractor got the contract for the last six week.

48:08 to 48:44

Contractor # 1: BÉ Investigator, do you see at the start of it, where I told you BÉ Employee # 2 said to me, that there is a blocking list.

BÉ Investigator: I saw that.

48:16

Contractor # 1: Right. Now that was no exaggeration. I can remember this as clear as day, that there's a Blocking List in Bus Éireann. And if ever you didn't want someone to get a contract, just give me their name, I'll put it in there, and that will block it.

BÉ Investigator: There's no such thing as a Blocking List. I can tell you that now. There's no such thing as a block.

Contractor # 1: Yeah but this was what I'm being told.

BÉ Investigator: Yeah by who?

Contractor # 1: By BÉ Employee # 2.

BÉ Investigator: All right, I'll accept what you're saying, I accept what you're saying yeah.

48:43

Contractor # 1: BÉ Investigator I'm not telling you lies.

BÉ Investigator: Let me put something to you, right. Let's presume for a minute that there is a Blocking List. Let's just assume that for a minute.

Contractor # 1: Right.

BÉ Investigator: And let's assume, and I'm not saying for a moment if this is true, not for a minute is it true, but let's assume that Former Contractor, somehow or other found Former Contractor name onto this so-called blocking list. In this year, right, Former Contractor gets the contract for the six weeks, right. And at the end of that six weeks, that contract, along with a range of other contracts, right, is put out to tender, which is what did happen in this, right. And a number of people come in, including Former Contractor, and they tender for it, let's say, and I have no idea whether the tendered for that or not, right, but let's say Former Contractor did. The people who made the decisions about the tender, have nothing to do with BÉ Employee # 2 or BÉ Employee # 1. They don't do the tenders. So if Former Contractor comes in, and was on this so-called blacklist, or whatever it was called, what was the name it was called?

Contractor # 1: Blocking list.

BÉ Investigator: A blocking list. If Former Contractor was on it, it would be completely useless, because the people who were making the decisions are not the ones that if they did have a blocking list, they wouldn't made any difference to it. And that's the bit that I'm, look I'm saying that now, I'm not trying to refute this or what you're saying, I'm simply saying that's the way it works, right.

Contractor # 1: Yeah.

BÉ Investigator: We have, the people, even if people say they have the power they have, even if they did say that, even if we were to believe that, right. The fact is they don't. The reality is they do not. Somebody else makes the decisions in relation to how the tendering is done. And it's all above board. It's an open and transparent process. And it's open to anyone who puts a tender in, to come in and ask the questions as to where was I on that tender? Why didn't I get it. Why did he get it and why did I not? And the reasons are there's a marking score on it there, by price, by, you know it's all open and above board. And that's just a fact. Now you can have your own views on it, as to how you believe it works, or how other people say it, but that is the reality. I'm just, and that's the bit I have to try and get my head around. Because despite what you're, what's being said here, I know the other thing to be. Because I oversee it, effectively I oversee it, because as the BÉ Investigator I have to be able to stand over . . .

51:03 to 53:07

Contractor # 1: But BÉ Investigator, no disrespect to you, right, and I can understand what you're saying, and you're saying that a system is there. But it was verbally said to me, I was asked, by BÉ Employee # 2, how did, Former Contractor after getting a run down the CRC, how did Former Contractor get that? Obviously because of the way you were saying, the . . .

BÉ Investigator: Obviously somebody else lost it.

Contractor # 1: Now there was a problem with the child end of it, there was a big kick up over the child, whatever.

BÉ Investigator: Whatever it was yeah.

Contractor # 1: Whatever it was. And the child was waiting a long time and next thing they had to, and Former Contractor . . .

BÉ Investigator: They had to bring somebody else in yeah. And Former Contractor got it.

Contractor # 1: Former Contractor was doing it three weeks, and Former Contractor asked me could I cover a run for Former Contractor, right.

BÉ Investigator: Hmm.

51:54

Contractor # 1: And I swapped the driver around, and I jumped onto Former Contractor bus. Former Contractor thought it was ok because all my details were in the system, and everything was ok. Former Contractor did their run, and the BÉ Employee # 2 was waiting when I came in. BÉ Employee # 2 was in there from ten to eight, there was bad traffic therefore it was twenty past nine when I came into the yard. Hmm, this is not your bus Contractor # 1. I said no, it's Former Contractor, Former Contractor asked me to change over. I have Former Contractor BÉ Employee # 2 said. And that was BÉ Employee's # 2 exact words BÉ Investigator, right. Former Contractor was tendering nearly ten years trying to get into the CRC. And Former Contractor was only in for six weeks. Now I know you're saying the way the tendering process goes, and Former Contractor didn't get it, and whatever. And I do understand the way you're protecting your system and the company, but there was definitely something wrong there. And I know that 100%. And other people probably had an interest on what's on it. I'm kind of, I'm starting to feel bad now that I came in, because I think, you're kind of thinking that, you're making it that a lot of this is I'm paranoid and that I'm making this up or?

BÉ Investigator: No no, I'm just trying to get an understanding of it. Look, I'm listening to what you're saying, right. I'll have another look at it, to satisfy myself about what happened there, right, if it's any benefit to you. I'm listening to what you're saying. I'll look at that very closely, at the time that particular contract was awarded, how it was and how it was not, and how it went forward. I'll look at that again, as a result of what you're saying to me. That's the whole point, I need to know what's going on. I need to make an assessment of what these allegations are, and how truthful or otherwise they are, not whatever they are, they are, they're not, right. We have to get to the bottom of it. So I'm not making any . . .

Contractor # 1: I though the impression I was getting there was that you were kind of saying, he's a bit of a bleeding header here, you know.

BÉ Investigator: No, the point I was trying to make to you was that, if Former Contractor came out, right, if Former Contractor lost the contract. The contract was put out to tender, the point I was making was Former Contractor had as much chance as anybody else. And BÉ Employee # 2 nor anybody else . . .

Contractor # 1: Will you check, would you check one thing while you're checking that? Will you check on that, would you check was my one put out to tender?

BÉ Investigator: It was, as far as I know. Sure your one, wasn't it what's his name that got it, Contractor # 3 [inaudible] got it?

Contractor # 1: No, Contractor # 2.

BÉ Investigator: Contractor # 2, I beg your pardon.

Contractor # 1: Yeah, it wasn't even signed up for when I was on. When I was covering it was never . . .

BÉ Investigator: I know that, yeah I know that, that was different, didn't Contractor # 2 bring you in as a, what do you call it, as a subcontractor effectively, or as a driver for Contractor # 2? It was Contractor # 2's contract, and you were the driver on Contractor # 2's contract. So the contract was awarded directly, as far as I know. But I can look and check that too. Em, but anyway no, that's useful, because anything that helps us get down to what the net points are, and anything, if there's stuff in this, particularly as you've said, that you haven't said it, you didn't say it in that way, or you didn't say it at all, that's useful as well. At least we'll know what we're dealing with, right. And it will help to form the report. And I might be back at some point, we'll be doing an initial report, and I may probably talk to people again. I want to try and finalise it as quickly as we can, but at the same time I might have to go back to the, in light of what, I'll be giving everybody the same opportunity, right. What I said was I called out what was said about them, what was said about their name was mentioned, and asked them, each and every one of them, the same thing, that they were free to comment or not, that's up to them.

Contractor # 1: But people have spoke to me that have spoke to you.

BÉ Investigator: Yeah.

Contractor # 1: And they said no comment, because they're afraid because they're going to lose their school run.

BÉ Investigator: People or a person?

Contractor # 1: Well one person.

BÉ Investigator: I'm aware of it. Maybe that if it's the same person, they had indicated at the moment they came, that they had been speaking to you that day.

Contractor # 1: Yeah.

BÉ Investigator: And I didn't I purposely didn't, because I'm in a position where I'm conducting like a formal investigation. And I can't step outside of that to have conversations with people, right.

Contractor # 1: I know what you mean. I understand that.

BÉ Investigator: Much as I'd like to.

Contractor # 1: Yeah, I understand.

BÉ Investigator: That's not saying I won't talk to people, but . . .

Contractor # 1: I know you can't be leaving yourself open.

BÉ Investigator: . . . there's a way, I can't hold the investigation in a form and informal way at the same time Contractor # 1, you know.

Contractor # 1: Yeah, I understand. I'd love to talk to you on an informal basis, when it's all over, and then you might, I might be able to say things in a different light.

BÉ Investigator: Yeah, we will see how that goes. Anyway I think I've probably covered as much as I need to at this stage. I don't have any, unless there's anything that you can think of? Contractor # 1 is there anything that you want to cover over, or say, or make any comment?

Contractor # 1: Probably a hell of a lot, but I'd really have to think about it at the moment.

BÉ Investigator: Yeah, no well that's fine. Look we're not done with it, obviously it has a process to get through, right. There'll be some, I'll be trying to get together an initial report. I might actually like contact the people again, and I have both your phone number now, and your address, so you're all right . . .

Contractor # 1: And me e-mail yeah.

BÉ Investigator: Yeah I might come back to you, and have a chat, and see what happens.

57:37 to 58:26

Contractor # 1: And BÉ Investigator, because it, I honestly believe a lot of the Operators are under pressure, at certain times, to do certain things. And I know you can't see, the new system that's in there now, but it mightn't have been like that all way up to 2011, and since I've lost mine, and then you know.

BÉ Investigator: So what you're saying that you believe that it may have been the case prior to 2011, but you're probably accepting the fact that it's not the case now, or it's not . . .

Contractor # 1: Well you see I'm not in there now and seeing, right, so even the way you take onboard what I was saying there, it was like that's impossible to happen.

BÉ Investigator: Ah no, I'm not saying . . .

58:23

Contractor # 1: But I actually seen it happen, and I, and it was verbally said to me it can happen. And, well actually said to me.

BÉ Investigator: Well look, the situation at the moment is that it's a fairly robust system, but look it, thanks for coming in. I do appreciate you taking the time, right, I do appreciate it.

Contractor # 1: Thanks very much.

[Two people walking along to exit. Very noisy.]

Contractor # 1: To be honest with you, I'm not trying to say that any Operator, or more of the, more of the . . .

BÉ Investigator: Yeah.

Contractor # 1: It might have been just the atmosphere of the times and they way they were or whatever, but I seen the way you looked at me when I said something, and it was like, don't be so silly, that couldn't have happened.

BÉ Investigator: It's not so much that. It's that . . .

Contractor # 1: You really believe your system is paper tight.

BÉ Investigator: I'm pretty convinced that the system is right. And not I wouldn't naive, I'm around a long time, I've seen most things. I didn't come down in the last shower, right.

1:00.28 to 1:01:05

Contractor # 1: Well I'm not down here to tell lies. Just to get me in here, I'm not sleeping now, just thinking about all this, and the stress and the whole lot. But just to get me in here and sit there. I've wanted to do that from day one. But I couldn't, there was, I couldn't get to a person like yourself or I couldn't see a way of getting past the School Transport Office. So I met Former Contractor and I just gave up on it. And then one day I said I'll have to say something. And maybe I'm talking too much now, I'm going on a bit, but it was just . . .

BÉ Investigator: I can imagine what you've been through. Irrespective of any, whether everything you said is true, or nothing that you said is true, right, no matter what way you believe it. What I'm saying to you is that I can understand that when you have a contract, and it's your livelihood and everything else, I can understand that, right. And you've lost all of that, for whatever reasons.

Contractor # 1: Yeah.

BÉ Investigator: That it's for this that or the other. That it was for good reasons, that it was that it was for the system, whether it was for this that or the other. If you lose your contract, that's a huge thing to happen, and I understand that, right. So it doesn't really matter to me, from that point of view I can understand where you are coming from, ok, and I really [inaudible].

Contractor # 1: No if could . . . [inaudible] . . .

BÉ Investigator: But no I really mean that [inaudible]

Contractor # 1: No not as much [inaudible]

BÉ Investigator: Well I mean I'd still argue with you it was the tender process, that was the reason that you lost, it was a tender, right.

Contractor # 1: That's the way it was shown to you.

BÉ Investigator: Yeah, well that's the way, that's what the records will show as well.

Contractor # 1: Yeah that's what the records will show.

BÉ Investigator: But the point that I'm trying to make to you is that if you believe that or don't believe it, I think it would have been a difficult, a very difficult position for you to lose the contract under any circumstances, right. So anyway we'll agree to differ on that.

Contractor # 1: We will. All right BÉ Investigator.

BÉ Investigator: All right, so that's not to say that I don't accept that they're genuinely held views by you, right. Don't get me wrong on that. Just because I am standing over what I believe.

Contractor # 1: You've got to stand over your company, I can understand that.

BÉ Investigator: I know but I mean . . .

Contractor # 1: But if you can pick holes, like you're going to pick holes in whatever I said in there. And I see you can already do that with the tendering process.

BÉ Investigator: Yeah.

Contractor # 1: But . . .

BÉ Investigator: Yeah, there's only, look it's not about picking holes in it. It's about trying to get the truth.

Contractor # 1: Yes the truth right.

BÉ Investigator: That's what it's about. I'm not trying to pick holes in it.

Contractor # 1: And that was the only reason I came in here. If I was telling any kind, the two or three lines that I told you I didn't say, they was genuine, and . . .

BÉ Investigator: No I appreciate you being up front and saying that. I do appreciate it. It makes my life a little bit easier in terms of that's not something that you're pretending to stand over, right. So look we'll try and work through it and we'll stay in touch.

Contractor # 1: Right BÉ Investigator, right thank you.

BÉ Investigator: Good to meet you.