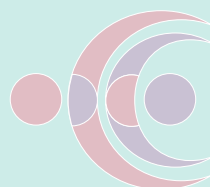


Appendices



Office of the Director
of Corporate Enforcement

*Oifig an Stiúirthóra um
Fhorfheidhmiú Corparáideach*

Appendix 1.1.1

Publications issued by the ODCE in 2006

Title	Subject	Date of Issue
	Interim Review of ODCE Activity in 2005	January 2006
Information Notice I/2006/1	Section 56 Reports: Insolvent Companies in Liquidation, January to December 2005	February 2006
Consultation Paper C/2006/1	Draft ODCE Guidance on Audit Committees	April 2006
	ODCE Annual Report for 2005	May 2006
Decision Notice D/2006/1	ODCE Guidance on Audit Committees	November 2006
Consultation Paper C/2006/2	Draft ODCE Guidance on the Governance of Apartment Owners' Management Companies	December 2006
Information Notice I/2006/2	Investment Funds, Companies and Miscellaneous Provisions Act 2006	December 2006
Decision Notice D/2006/2	Revised Guidance on the Duty of Auditors to Report Suspected Indictable Offences to the Director of Corporate Enforcement	December 2006

Appendix 1.2.1

List of ODCE Presentations in 2006

Date	Promoter	Event Type	Subject	Venue	Audience (approx.)	Speaker
30/01/06	South East Enterprise Programme Platform	Presentation	Corporate Health Check	Waterford IT Carriganore Campus	20	Kevin Prendergast
30/01/06	An Garda Síochána	Detective Training Course	Role of the ODCE	Harcourt Square	30	D/Sgt G Walsh
22/02/06	Law Society	Presentation	Role and Powers of the ODCE	Blackhall Place	220	Adrian Brennan
23/02/06	Health Service Executive	Presentation	Corporate Health Check	Swords	30	Adrian Brennan
23/02/06	An Garda Síochána	Detective Training Course	Role of the ODCE	Garda HQ, Phoenix Park	25	D/Sgt G Walsh
06/03/06	Dublin Institute of Technology	Presentation	Role of the ODCE	CRO	20	Kevin Prendergast
16/03/06	European Insurance Forum	Conference	Corporate Governance – Views from the ODCE	Four Seasons Hotel, Dublin	250	Paul Appleby
28/03/06	Jordan Publishing Ltd.	Conference	Developments in Enforcement Activity and Policy	Burlington Hotel, Dublin	100	Paul Appleby
06/04/06	Cross Border Enterprise Development Programme	Presentation	Corporate Health Check	Ballybofey, Castlefinn, Donegal	5	Kevin Prendergast
07/04/06	Law Society	Presentation	Role and Powers of the ODCE	Blackhall Place	100	Adrian Brennan

Appendix 1.2.1 (continued)

List of ODCE Presentations in 2006

Date	Promoter	Event Type	Subject	Venue	Audience (approx.)	Speaker
23-26/ 04/06	International Association of Insolvency Regulators	Conference	Corporate Insolvency Developments in Ireland	Mexico City	50	Paul Appleby/ Adrian Brennan
06/05/06	Trinity College Dublin	Conference	Corporate Enforcement – The Last Two Years	Trinity College Dublin	100	Paul Appleby
10/05/06	Department of Enterprise Trade and Employment	Presentation	Role of the ODCE	Earlsfort Centre	15	Kevin Prendergast and Ann Keating
10/05/06	Law Society of Ireland	Presentation (x 2)	Role of the ODCE	Law Society of Ireland	120	Adrian Brennan
11/05/06	Chambers Ireland	Conference	N/A	Croke Park, National Business Forum	100	Kevin Prendergast and Cyril Houlihan
11/05/06	An Garda Síochána	Detective Training Course	Role of the ODCE	Garda HQ, Phoenix Park	25	D/Sgt G Walsh
26/05/06	Enterprise Start Programme	Presentation	Corporate Health Check	Letterkenny IT	15	Kevin Prendergast
31/05/06	Dublin Hospitals Chief Executives	Presentation	Corporate Governance in a Hospital Environment	Berkeley Court Hotel	35	Kevin Prendergast
06/06/06	Companies Registration Office	Presentation	Role of the ODCE	CRO, Parnell Square, Dublin	20	Kevin Prendergast

Appendix 1.2.1 (continued)

List of ODCE Presentations in 2006

Date	Promoter	Event Type	Subject	Venue	Audience (approx.)	Speaker
25/07/06	Dept. of Justice, Equality and Law Reform	Presentation	Corporate Health Check	Department Offices, Killarney	7	Kevin Prendergast
31/08/06	Northern Area Regional Drugs Task Force	Presentation	Corporate Health Check	Swords	30	Adrian Brennan
07/09/06	An Garda Síochána	Detective Training Course	Role of the ODCE	Garda HQ, Phoenix Park	25	D/Sgt G Walsh
14/09/06	City and County Enterprise Boards CEOs Network	Presentation	ODCE – Opportunities for CEBs	Bettystown, Co. Meath	25	Kevin Prendergast
19/09/06	Ennis CEB	Presentation	Corporate Governance and the CEB Structure	Ennis, Co. Clare	8	Kevin Prendergast
21/09/06	Irish Institute of Credit Management	Seminar	The ODCE and Creditors	Red Cow Moran's Hotel, Dublin	80	Paul Appleby
25/09/06	Law Society of Ireland	Presentation (x 2)	Role of the ODCE	Blackhall Place, Dublin 7	220	Adrian Brennan
26/09/06	CCAB-I Insolvency	Presentation	ODCE and Insolvency	Guinness Hop Store, Dublin	100	Eamonn McHale
02/10/06	An Garda Síochána	Detective Training	Role of the ODCE	Harcourt Square	30	D/Sgt G Walsh

Appendix 1.2.1 (continued)

List of ODCE Presentations in 2006

Date	Promoter	Event Type	Subject	Venue	Audience (approx.)	Speaker
09/10/06	Knockmay Resource Centre	Presentation	Voluntary Groups and Corporate Compliance	Knockmay, Co. Laois	8	Kevin Prendergast
10/10/06	Matheson Ormsby Prentice	Presentation	An ODCE Perspective on Corporate Compliance	Matheson Ormsby Prentice Offices, Harcourt Road, Dublin	60	Kevin Prendergast
11/10/06	Institute of Chartered Secretaries and Administrators	Annual Conference	Update on the ODCE for 2006	Hilton Hotel, Dublin	200	Paul Appleby
16/10/06	UCD Masters of Accounting	Presentation	The Role of the ODCE	Carysfort College, Dublin	115	Kevin Prendergast
26/10/06	Law Society of Ireland	Presentation (x 2)	Role of the ODCE	Blackhall Place, Dublin 7	220	Adrian Brennan
07/11/06	Fingal CEB	Presentation	Corporate Governance and the CEB Structure	Swords, Co. Dublin	12	Kevin Prendergast
15/11/06	Public Affairs Ireland	Conference	Public Authorities and Good Corporate Governance	Conrad Hotel, Dublin	250	Paul Appleby
21/11/06	An Garda Síochána	Detective Training Course	Role of the ODCE	Garda HQ, Phoenix Park	25	D/Inspector E Keogh

Appendix 1.2.1 (continued)

List of ODCE Presentations in 2006

Date	Promoter	Event Type	Subject	Venue	Audience (approx.)	Speaker
22/11/06	Wicklow CEB	Presentation	Corporate Health Check for Directors of Private Limited Companies	Ramada Hotel, Bray, Co. Wicklow	55	Kevin Prendergast
28/11/06	Law Society of Ireland	Presentation	Role of the ODCE	Court Chambers, Cork	70	Adrian Brennan
05/12/06	Longford CEB	Seminar	Corporate Health Check	Longford Arms Hotel, Longford	17	Kevin Prendergast
14/12/06	Carlow CEB	Presentation	Corporate Health Check	Seven Oaks Hotel, Carlow	50	Kevin Prendergast

Appendix 1.2.2

List of ODCE Press Statements – 2006

Date	Subject
06/01/06	Publication of ODCE Interim Review of Activity in 2005
19/01/06	First ODCE Conviction Secured for Falsely Representing Company Financial Statements as having been audited
09/03/06	Disqualification for nine years of Mr Padraig Collery in consequence of the findings made by High Court Inspectors in their Report on Ansbacher (Cayman) Ltd.
02/05/06	Eurofood IFSC Ltd. – Director welcomes decision of the European Court of Justice
31/05/06	Publication of ODCE Annual Report for 2005
31/08/06	Disqualification Proceedings against Messrs. Michael and Thomas Bailey
24/11/06	Launch of ODCE Guidance on Audit Committees
12/12/06	Launch of ODCE Consultation Paper on the Governance of Property Management Companies

Appendix 2.1.1

Breakdown of New Investigation Cases in 2006 by Source⁴⁷

Source of New Investigation Cases	Total 2005	Total 2006
Voluntary Reports		
- Public Complaints	284	344
- Reports from State Authorities	6	4
- Reports from non-State Authorities	15	3
- Reports in the Public Domain	0	1
Other Detections	37	54
Total Voluntary Reports	342	406
Mandatory Reports		
- Indictable Reports from Auditors	363	268
- Reports from the CRO	17	12
- Reports from Liquidators	3	7
- Indictable Reports from Professional Bodies	7	10
Total Mandatory Reports	390	297
TOTAL REPORTS	732	703

⁴⁷ All figures in this Appendix exclude annual return defaults for the comparability reasons outlined in Goal 2 of this Report. Accordingly, some of the figures shown above for 2005 differ from those in the ODCE's Annual Report for 2005.

Appendix 2.2.1

Mandatory Reports – Character of Possible Company Law Defaults⁴⁸

Types of Indicated Default	Total 2005	Total 2006
Directors' Loan Infringements	342	268
Failure to Keep Proper Books of Account	64	38
Non-holding of Extraordinary General Meetings	16	9
Non-Qualification for Appointment as Auditor	5	5
Falsification of Documents	4	4
Non-holding of Annual General Meetings	0	4
No Director Resident in the State	16	2
False Statements to Auditors	5	1
Directors' Interests and Shares Infringements	9	0
Resignation Of Auditor	7	0
Other	20	14
Total Defaults in Mandatory Reports	488	345

⁴⁸ All figures in this Appendix exclude annual return defaults for the comparability reasons outlined in Goal 2 of this Report. Accordingly, some of the figures shown above for 2005 differ from those in the ODCE's Annual Report for 2005.

Appendix 2.2.2

Voluntary and Other Reports – Character of Issues Involved⁴⁹

Types of Indicated Issues	Total 2005	Total 2006
Reckless/Fraudulent/Insolvent Trading	62	85
Trading while struck off the Companies Register	26	43
Shareholder Issues	28	41
Debt Issues	61	40
Director Issues	26	39
Annual/Extraordinary General Meetings	12	22
Forgery/False information	27	11
Auditor issues	7	8
Liquidated Companies	8	1
Unclear/Other Issues	85	116
Total	342	406

⁴⁹ All figures in this Appendix exclude annual return defaults for the comparability reasons outlined in Goal 2 of this Report. Accordingly, some of the figures shown above for 2005 differ from those in the ODCE's Annual Report for 2005.

Appendix 2.2.3

Throughput of Cases at Detection Stage in 2006⁵⁰

Assessment of Cases	Total 2005	Total 2006
Cases on hands at 1 January 2006	499	607
New Cases	732	703
Cases Concluded at Assessment Stage	470	913
Cases for Further Consideration by the ODCE	154	130
Cases on hands at 31 December 2006	607	267

⁵⁰ All figures in this Appendix exclude annual return defaults for the comparability reasons outlined in Goal 2 of this Report. Accordingly, some of the figures shown above for 2005 differ from those in the ODCE's Annual Report for 2005.

Appendix 2.2.4

Cases Concluded at Detection Stage by Primary Manner of Disposal

Decisions at Detection Stage	Voluntary Reports	Mandatory Reports	Total 2006
Insufficient Evidence of Default	173	-	173
Default Appropriate for Civil Action	66	-	66
Cases Concluded by Remedy of Default/Warning	63	531	594
Matters not directly relevant to the ODCE	36	0	36
Other	44	0	44
Total Cases Closed	382	531	913
Cases Referred for Possible Enforcement	63	53	116
Cases Referred for Insolvency Examination	6	8	14
Cases Referred for further Consideration	69	61	130

Appendix 3.1

Overview of ODCE Proceedings in 2005 and 2006

Proceedings by Case Type	2005		2006	
Investigative				
• Successful	1		-	
• Unsuccessful	-		-	
• Ongoing	-		-	
Sub-Total		1		-
Civil Enforcement				
• Successful	10		9	
• Unsuccessful	1		-	
• Settled	1		3	
• Ongoing	20		20	
Sub-Total		32		32
Criminal Enforcement				
• Successful	19		25	
• Unsuccessful	-		2	
• Ongoing	9		1	
Sub-Total		28		28
Judicial Review and Others				
• Successful	2		6	
• Unsuccessful	1		1	
• Ongoing	5		2	
Sub-Total		8		9
All Proceedings				
• Successful	32		40	
• Unsuccessful	2		3	
• Settled	1		3	
• Ongoing	34		23	
Total		69		69

Appendix 3.2

Breakdown of Legal Proceedings in 2006 involving the Director

Type	Subject Matter	Section/Act etc. ⁵¹	Case Nos.	Case Status/Result
Superior Courts				
Appeal by ODCE	Disqualification of company directors	S. 160, 1990	1	Ongoing
Application by Respondent	Termination of ODCE Disqualification Proceedings	S. 160, 1990	1	Refused
Application by ODCE	Access to Inspectors' Papers	S. 12, 1990	1	Refused
Application by ODCE	Access to Bank Papers	S. 160, 1990	1	Granted
Application by ODCE	Disqualification of company directors	S. 160, 1990	27	Ten disqualifications and two restrictions (in seven cases) Settled (three cases) Ongoing (17 cases)
Application by ODCE	Vacation of High Court Order joining ODCE to restriction proceedings relating to liquidator's costs	S. 150, 1990	1	No Order made against the Director
Application by Respondent	Discovery sought from ODCE in liquidator's restriction proceedings	Order 31, Rule 29 of RSC	1	Application struck out
Application by ODCE	Compliance with obligation to deliver liquidator's report to the ODCE	S. 371, 1963	3	Granted (1) Ongoing (2)

⁵¹ The Acts referred to are the Companies Acts 1963 and 1990 and Council Regulation (EC) No. 1346/2000 of 29 May 2000. 'RSC' is the Rules of the Superior Courts.

Appendix 3.2 (continued)

Breakdown of Legal Proceedings in 2006 involving the Director

Type	Subject Matter	Section/Act etc.	Case Nos.	Case Status/ Result
Application by ODCE	Compliance with duty to hold AGM	S. 371, 1963	1	Granted
Intervention by ODCE	Interpretation of law relating to liquidation of Irish-registered company	S. 214, 1963 and EU Insolvency Regulation	1	Satisfactory determination of issues by the ECJ and Supreme Court
Intervention by ODCE	Participation in relief application by a restricted director	S. 152, 1990	1	Granted
Judicial Review by ODCE	Vacation of District Court Order compelling disclosure of reasons for prosecution	S. 40, 1990	1	Ongoing
Judicial Review by Defendant	Decision by ODCE to prosecute	S. 40, 1990	1	Ongoing
District Court (unless stated)				
Appeal to Circuit Court by Defendant	Acting as an auditor while disqualified	S. 187, 1990	1	Probation Act (3) in lieu of the earlier Convictions
Appeal to Circuit Court by Defendant	Acting as a company director while restricted and in breach of the statutory conditions	S. 161, 1990	1	Conviction (1) and Disqualification (1) upheld although penalties moderated
Prosecution	Acting as an auditor while disqualified	S. 187, 1990	1	Probation Act (12)
Prosecution	Acting as an auditor while unqualified	S. 187, 1990	1	Convictions (14) TICs ⁵² (5)

52 TIC identifies the number of charges taken into consideration when the Judge determined the case.

Appendix 3.2 (continued)

Breakdown of Legal Proceedings in 2006 involving the Director

Type	Subject Matter	Section/Act etc.	Case Nos.	Case Status/ Result
Prosecution	Acting as a director while disqualified	S. 161, 1990	1	Convictions (2) and Disqualification
Prosecution	Acting as a company director while restricted and in breach of the statutory conditions	S. 161, 1990	3	Convictions (3) Disqualifications (3) Probation Act (2)
Prosecution	Acting as a liquidator of a company while disqualified	S. 300A, 1963	1	Dismissal (1)
Prosecution	Excessive directors' transactions	S. 40, 1990	3	Probation Act (11 in two cases) Ongoing (one case)
Prosecution	Failure to keep proper books of account	S. 202, 1990	13	25 convictions, eight Probation Act and five TICs (in 12 cases); four charges dismissed (one case)
Prosecution	Provision of false information to the CRO	S. 242, 1990	2	Convictions (3) TICs (3) Dismissal (1)
Prosecution	Use of falsified company document	S. 243, 1990	1	Conviction (1)
TOTAL			69	

Appendix 3.3

Details of Successful ODCE Enforcement Actions in 2006⁵³

Parties Sanctioned/ Reason for Sanction	Company Number	Penalty/Decision	Costs/Expenses
Acting as an auditor while disqualified			
Imelda McGuinness (on appeal in the Circuit Court)	173222 292489 306361	Probation Act (3) in lieu of convictions, €1,000 paid to Court Poor Box	-
Sean Connell	173222	Probation Act (12),	€300
Paul McCashin	292489	€4,000 paid to charity	
Edward McGovern	306361		
Michael Sean Scott			
Acting as an auditor while unqualified			
Muhammad Sabir Hafeez	-	Convictions (14), TICs (5) and €4,000 in fines	€1,000
Acting as a company director while disqualified			
John Francis Xavier O'Brien	369519 377456	Convictions (2), disqualification extended by one year and €3,800 in fines	€3,800
Acting as a company director while restricted and in breach of the statutory conditions			
Terence Doorley Susan Doorley	358850	Probation Act (2)	€300
Henning Fikentscher	370059	Conviction, disqualification for three years and €700 fine	€228

⁵³ This Appendix only contains information on enforcement proceedings initiated by the ODCE, where there was a successful result in 2006. It excludes other proceedings with a favourable outcome in which we participated. See Appendix 3.2 for these cases and the relevant text of the Annual Report

Appendix 3.3 (continued)

Details of Successful ODCE Enforcement Actions in 2006

Parties Sanctioned/ Reason for Sanction	Company Number	Penalty/Decision	Costs/Expenses
Shirley O'Donoghue (on appeal in the Circuit Court)	301104	Conviction and disqualification for five years upheld, six months' suspended sentence rescinded	€500
Colin Sullivan Amanda Sullivan	342544	Convictions (2), disqualifications (2) for five years and six months' suspended sentences (2)	€400
Excessive directors' transactions			
Gary Coyne	221994	Probation Act (7), €1,000 paid to charity	-
Kevin Murphy	173053	Probation Act (4)	€250
Failure to hold an annual general meeting			
Grangewood Estate Services (Rosslare) Ltd.	328005	Costs Order granted	To be taxed in default of agreement
Failure to keep proper books of account			
Chesteroak Ltd. John Gerard Mongan	304750	Conviction (1) of the Company and €200 fine, TIC (1) for John Gerard Mongan	-
Christie's Estate Agents Balbriggan Ltd. Gerard Murphy Mary Murphy	344452	Convictions (6), Probation Act (3) for Mary Murphy and €1,000 in fines	€500

Appendix 3.3 (continued)

Details of Successful ODCE Enforcement Actions in 2006

Parties Sanctioned/ Reason for Sanction	Company Number	Penalty/Decision	Costs/Expenses
Seamus Coyne Helen Coyne	375870	Probation Act (2) €200 to Court Poor Box	-
Churchwood Builders Ltd. William Sandall Vicki Sandall	141486	Convictions (3), €3,200 in fines	€450
Fogarty Lock & Safe Company Ltd. Michael Williams Elaine Williams	22682	Convictions (3), €450 in fines	€200
Harding Fabrications Ltd. Brendan O'Brien Keith O'Brien	373924	Convictions (2) and €200 in fines, Probation Act (1) for Keith O'Brien	€600
Intrum Justitia Ireland Ltd.	175808	Probation Act (2), €1,000 to charity	€300
James Johnston & Sons Ltd.	39891	Convictions (3) and €1,500 in fines	€250
Max Rugs Ltd. William McDonagh	336989	Convictions (2) and €500 in fines	-
Quain Oil Ltd. Kathleen Quain	351648	Convictions (2) and €1,150 in fines	€300
Shaun Rippington Majella Rippington	253783	Convictions (2), TICs (4) and €2,000 in fines	€600
This 'N' That Athenry Ltd.	336113	Conviction (1) and €150 fine	€250
Failure to submit a liquidator's report			
John Eddison	101346	Costs Order granted	€2,000

Appendix 3.3 (continued)

Details of Successful ODCE Enforcement Actions in 2006

Parties Sanctioned/ Reason for Sanction	Company Number	Penalty/Decision	Costs/Expenses
Provision of false information to the CRO			
John McElhinney	197074	Conviction (1) and €800 fine, Dismissal (1)	€290
Thomas Nolan	281146 343507	Convictions (2) and €3,200 in fines, TICs (3)	-
Use of falsified company documents			
Gary Anderson	340386	Conviction (1) and €500 fine	€300
Unfitness to act as a company officer due to failure to file annual returns leading to the company being struck off the Register of Companies			
Derek Walsh	324147	Disqualification (1) for five years	€2,000
Liam Igoe Eoin Martin Frank Martin	266631	Disqualification of Liam Igoe for five years; restriction of Eoin and Frank Martin, each for five years	Liam Igoe - to be taxed in default of agreement; Eoin and Frank Martin – €10,000 plus VAT
Ann Macken James Macken	274606	Disqualifications (2), each for five years	To be taxed in default of agreement
James Pierce Rosemary Pierce	227621	Disqualifications (2), each for five years	€2,000

Appendix 3.3 (continued)

Details of Successful ODCE Enforcement Actions in 2006

Parties Sanctioned/ Reason for Sanction	Company Number	Penalty/Decision	Costs/Expenses
Patrick Christy	262182	Disqualification for five years	To be taxed in default of agreement
Patrick Conway Michael Dineen	209373	Disqualifications (2), each for five years	€1,500
Unfitness to act as a company officer in consequence of an Inspectors' Report			
Pádraig Collery	None	Disqualification (1) for nine years	No Order

Appendix 3.4

ODCE Throughput of Possible Criminal Enforcement Cases

Cases for Possible Criminal Prosecution	2005	2006
Cases on hands with ongoing criminal proceedings at 1 January	10	9
Other cases on hands for possible enforcement at 1 January	274	359
New cases received for possible enforcement	159	109
Total Cases	443	487

Treatment of Cases during the Year	2005	2006
Cases where criminal proceedings were withdrawn	-	0
Cases where criminal proceedings were determined	19	27
Cases where criminal proceedings were adjourned	-	0
Other cases closed	56	170
Cases on hands with ongoing legal proceedings at year end	9	1
Cases on hands for possible enforcement at year end	359	290
Total Cases	443	487

Appendix 3.5

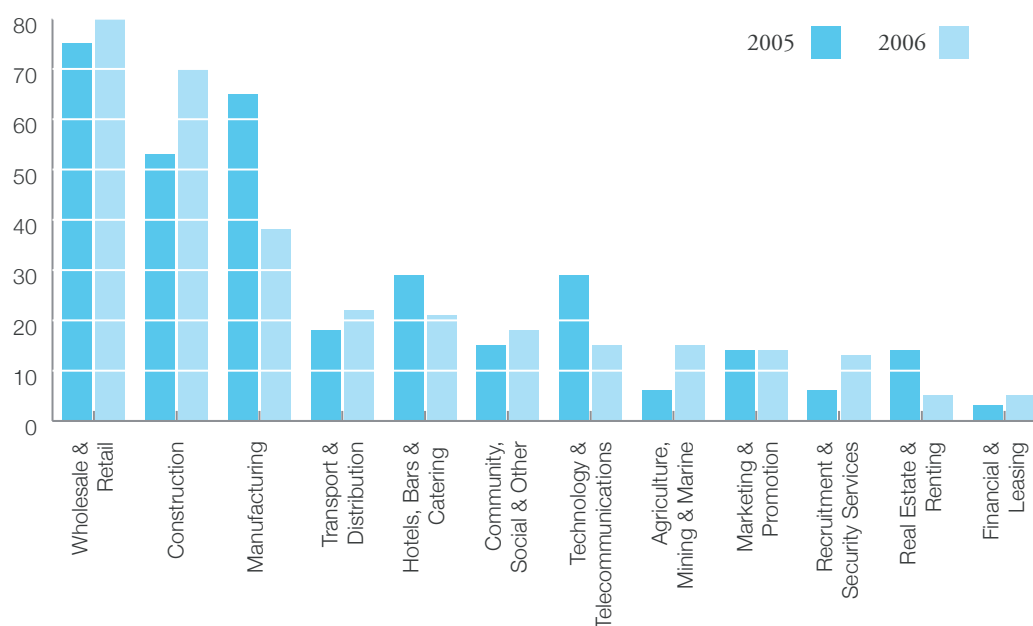
Breakdown of New Cases for Possible Enforcement by Character

New Cases by Character	Number
Failure to keep proper books of account	42
Restricted Person acting as Director while not permitted	17
Person acting as Auditor while not permitted	11
Disqualified Person acting as Director while not permitted	9
Falsification, etc. of company books and documents	8
Other Suspected Offences	22
Total Cases	109

Appendix 4.1

Liquidator Reports at 31 December 2006 - Sectoral Analysis

Insolvency by Sector	Section 56 Reports			
	2005		2006	
Wholesale & Retail	75	23%	80	25%
Construction	53	16%	70	22%
Manufacturing	65	20%	38	12%
Transport & Distribution	18	6%	22	7%
Hotels, Bars & Catering	29	9%	21	7%
Community, Social & Other	15	4%	18	6%
Technology & Telecommunications	29	9%	15	5%
Agriculture, Mining & Marine	6	2%	15	5%
Marketing & Promotion	14	4%	14	4%
Recruitment & Security Services	6	2%	13	4%
Real Estate & Renting	14	4%	5	2%
Financial & Leasing	3	1%	5	2%
Totals	327	100%	316	100%



Appendix 4.1.1

Liquidator Reports at 31 December 2006 – Reports Progressed

Classification	First Reports	Further Reports	Final Reports	Total Reports
Section 56 Reports received				
Reports brought forward from 2005	107	116	78	301
Reports received in 2006	316	404	251	971
Reports due and not received in 2006	13	4	N/A ⁵⁴	17
Compliance Rate	96%	99%	N/A	98%
Section 56 Reports determined				
Decisions due in 2006	322	366	258	946
Decisions issued in 2006	319	372	263	954
Conclusion Rate	99%	102%	102%	101%
Decisions where full relief was granted ⁵⁵	190	298	263	751
Decisions where partial relief was granted ⁵⁶	10	9	N/A	19
Decisions where relief at this time was granted ⁵⁷	78	39	N/A	117
Decisions where relief was not granted ⁵⁸	40	26	N/A	66
Other Decision made	1	0	N/A	1
Reports carried forward to 2007	104	148	66	318
No. of Liquidators Involved in Section 56 Reports	87	116	83	160
No. of Directorships Involved in Section 56 Reports	706	1,005	600	1,024

⁵⁴ N/A = not applicable.

⁵⁵ Full relief was granted in cases where the ODCE was satisfied, on the basis of information provided by the liquidator or otherwise, that all of the directors of the insolvent company had satisfactorily demonstrated that they had acted honestly and responsibly in the conduct of the company's affairs.

⁵⁶ Cases of Partial Relief are those in which such circumstances apply in respect of some, but not all, of the company's directors.

⁵⁷ Relief 'at this time' was granted in cases where the ODCE was satisfied that the liquidator needed more time to investigate properly the circumstances giving rise to the company's demise. The ODCE requires such liquidators to submit a second report, after which a fresh relief decision is made.

⁵⁸ Relief was not granted in cases where the ODCE was satisfied, on the basis of information provided by the liquidator or otherwise, that none of the directors of the insolvent company had satisfactorily demonstrated that they had acted honestly and responsibly in the conduct of the company's affairs.

Appendix 4.2.1

Cases where 'Restriction Orders' were made against Directors by the High Court in 2006 pursuant to Section 56

Company		Restricted Directors		Date Restricted From	Court Outcome [See Explanatory Note at end of this Table]
No.	Name				
257205	Abbeyleix Engineering Limited	Carter Carter	Robert Eleanor	03/04/2006 03/04/2006	Full Restriction
338035	Addoceo Digital Media Limited	Rooney	Dermot	01/12/2006	Full Restriction
350209	Alexander Catering Limited	Kiernan	Mark	28/11/2006	Partial Restriction
245023	Alliance Guard Limited	McDonald Treacy	Martin Thomas	09/05/2005 28/11/2006	Full Restriction
184308	Ansilbury Limited	Murray Murray	Stephanie Kieran	29/05/2006 29/05/2006	Full Restriction
354576	ATG Contractors Limited	Green Green	Aidan Mary	23/10/2006 23/10/2006	Full Restriction
301749	Beta Rose Limited	Harrington	Donal	12/01/2006	Full Restriction
111990	Bula Resources (Holdings) Public Limited Company	Kelly Yazigi	Tom Omar	04/12/2006 04/12/2006	Full Restriction
347236	Cabvertise Limited	Maguire	Peter	06/03/2006	Partial Restriction
349958	Camelot Hair Studios Limited	Connolly	Sinead	24/04/2006	Full Restriction
317896	Charboneau Catering Limited	Kiernan	Mark	28/11/2006	Partial Restriction

Appendix 4.2.1 (continued)

Cases where 'Restriction Orders' were made against Directors by the High Court in 2006 pursuant to Section 56

Company		Restricted Directors		Date Restricted From	Court Outcome [See Explanatory Note at end of this Table]
No.	Name				
287467	Citrico Ireland Limited	Heinz	Edward	13/02/2006	Full Restriction
353795	Club Tivoli Limited	Davis	Paul	31/01/2006	Full Restriction
287050	Conway Brothers (Civil Engineering) Sligo Limited	Conway	John	19/06/2006	Full Restriction
		Conway	Patrick	19/06/2006	
		McDermott	Rodney	19/06/2006	
268272	C.T.I. Communications Limited	Connaughton	Melissa	29/05/2006	Full Restriction
		Connaughton	Joseph	29/05/2006	
303739	Data Dispatch Management Services Limited	McDonough	Dara	30/11/2006	Full Restriction
		Gallagher	Tracey	30/11/2006	
148194	DCS Limited	Hendley	Conor	04/04/2006	Partial Restriction
206550	Dialogue Systems Limited	Giblin	Eamon	24/04/2006	Full Restriction
		Keogh	Eamon	24/04/2006	
39402	Dillonbrook Estates Limited	Burke	Nora	24/07/2006	Full Restriction
200375	Document Imaging Systems Limited	Blowers	Kenneth	19/12/2006	Partial Restriction
363848	Dundalk Business School Limited	Laul	Sanjay	02/05/2006	Full Restriction
		Prabakaran	Thirunavikara	02/05/2006	
		Rahim	Faisal	02/05/2006	
289413	E & R Construction Limited	Keane	Joe	04/05/2006	Partial Restriction
189448	E.S Hygiene Systems Limited	Cleary	Conor	29/05/2006	Full Restriction
		Walsh	Declan	29/05/2006	

Appendix 4.2.1 (continued)

Cases where 'Restriction Orders' were made against Directors by the High Court in 2006 pursuant to Section 56

Company		Restricted Directors		Date Restricted From	Court Outcome [See Explanatory Note at end of this Table]
No.	Name				
346218	Elara Computer Systems Limited	Browne Mak	Paul Choongyu	27/11/2006 27/11/2006	Full Restriction
294055	Enniscorthy Courier Services Limited	Dempsey Dempsey	Martin Kathleen	06/04/2006 06/04/2006	Full Restriction
328371	Equas Incentives & Design Limited	Heaney	Damien	13/03/2006	Full Restriction
346191	Fleetplant Limited	Ford McBride	Trevor Sue	08/05/2006 08/05/2006	Full Restriction
314543	Foko Contract Limited	Drennan Drennan McKevitt	Paola Robert Bernard	29/05/2006 29/05/2006 01/12/2006	Full Restriction
223795	Foko Limited	Drennan Drennan McKevitt	Robert Paola Bernard	29/05/2006 29/05/2006 01/12/2006	Full Restriction
345425	G & S Building Contractors Limited	Farrelly Nolan	Gerard Suzanne	22/05/2006 22/05/2006	Full Restriction
224494	Greenmount Holdings Limited	Kelly	Darragh	06/11/2006	Partial Restriction
103829	Hambra Construction Limited	Hurley Moran	Brian Padraic	09/10/2006 09/10/2006	Full Restriction
325310	Heavens Gate Limited	Dineen Dineen	Margaret Patrick	22/05/2006 22/05/2006	Full Restriction
325918	Humptone Limited	Rooney Rooney	Lorraine Alan	08/05/2006 08/05/2006	Full Restriction

Appendix 4.2.1 (continued)

Cases where 'Restriction Orders' were made against Directors by the High Court in 2006 pursuant to Section 56

Company		Restricted Directors		Date Restricted From	Court Outcome [See Explanatory Note at end of this Table]
No.	Name				
302142	Information to Industry Limited	Cryan Landers Singh	Bernadette Thomas Narinder	17/07/2006 15/05/2006 15/05/2006	Full Restriction
368573	Jet Ahu Limited	Simpson Simpson	David Robert	15/05/2006 15/05/2006	Full Restriction
75599	Kennedy Print Limited	Kennedy	Michael	06/02/2006	Full Restriction
194821	Logart Limited	Roberts Wynne	Gerry Daphne	22/05/2006 22/05/2006	Full Restriction
349572	Luke Flood Transport International Limited	Flood Flood Flood Flood	Ann John Luke Jnr Luke Snr	20/02/2006 20/02/2006 20/02/2006 20/02/2006	Full Restriction
186716	Maltona Limited	Morone Viscardi	Salvatore Carlo	23/10/2006 23/10/2006	Full Restriction
337552	MCW Construction Limited	McHugh McHugh	Barry Úna	19/06/2006 19/06/2006	Full Restriction
79131	M.M. Bakeries & Company Limited	Murray	Shane	19/01/2006	Full Restriction
368484	Morande Ireland Limited	Martin	Keith	31/07/2006	Full Restriction
382448	MP Building & Gardening Supplies Limited	Keenan	Martin	13/03/2006	Partial Restriction
150667	Nolan Switchgear Limited	Nolan	Sean Gerard	20/02/2006	Full Restriction

Appendix 4.2.1 (continued)

Cases where 'Restriction Orders' were made against Directors by the High Court in 2006 pursuant to Section 56

Company		Restricted Directors		Date Restricted From	Court Outcome [See Explanatory Note at end of this Table]
No.	Name				
315272	Oakbrook Homes Limited	McGeary McGeary O'Neill	Thomas Colm Gerard	14/07/2006 14/07/2006 14/07/2006	Full Restriction
354190	Odesa Transport Limited	Byrne Taggart	Noel Brigid	18/12/2006 18/12/2006	Full Restriction
360823	O'Malley Electrical and Mechanical Limited	O'Malley O'Malley O'Malley	Hugh Margaret Patrick	19/06/2006 19/06/2006 19/06/2006	Full Restriction
299311	Oughterard Plumbing & Heating Supplies Limited	Stewart Stewart	James John Paul	25/04/2006 25/04/2006	Full Restriction
347580	Podium Design Installation Limited	Darmody Doyle	Pádraig Jennifer	03/07/2006 03/07/2006	Full Restriction
336062	Skyloft Conversions Limited	Marsh Marsh	Kevin William	20/03/2006 20/03/2006	Full Restriction
318196	Space Works Limited	O'Shea O'Shea	Stephen Ruth	16/10/2006 16/10/2006	Full Restriction
263852	Status Hydraulics Limited	Hannigan Holohan	Hugh Robert	06/03/2006 15/05/2006	Full Restriction
107334	Symco (Irl) Limited	Grogan Purcell	Paul William	14/07/2006 14/07/2006	Full Restriction
352663	T & J Tiles Limited	Coen O'Hora	Thomas John Patrick	20/11/2006 20/11/2006	Full Restriction

Appendix 4.2.1 (continued)

Cases where 'Restriction Orders' were made against Directors by the High Court in 2006 pursuant to Section 56

Company		Restricted Directors		Date Restricted From	Court Outcome [See Explanatory Note at end of this Table]
No.	Name				
212786	Tedworth Construction Limited	Ainscough Ainscough	Simon Linda	27/02/2006 27/02/2006	Full Restriction
329194	The Embroidery Shop Limited	Doyle	Declan	24/04/2006	Full Restriction
330661	Tony Lyons Energy Consultancy Limited	Lyons	Anthony	15/05/2006	Full Restriction
173806	Triple M. Catering Equipment Company Limited	McManus McManus	Martin Carmel	10/07/2006 10/07/2006	Full Restriction
324610	Uni-Data Electrical Services Limited	Elbourne McLoughlin Straino	David Declan Peter	26/06/2006 26/06/2006 26/06/2006	Full Restriction
377551	Williamfitz Limited	Whelan	Margaret	27/02/2006	Full Restriction
246443	Williams Ventilation Limited	Kelly Kelly	Clare Michael	23/01/2006 23/01/2006	Full Restriction

Note: “**Full Restriction**” in the table above indicates an outcome where the Court restricted or disqualified **all** of the directors against whom the liquidator took restriction or disqualification applications pursuant to section 150 or 160 of the 1990 Act where the ODCE had not relieved the liquidator under section 56 of the 2001 Act.

“**Partial Restriction**” in the table above indicates an outcome where the Court restricted or disqualified one or more **but not all** of the directors against whom the liquidator took restriction or disqualification applications pursuant to section 150 or 160 of the 1990 Act where the ODCE had not relieved the liquidator under section 56 of the 2001 Act. The following **Appendix 4.2.2** lists the persons that were disqualified in all section 56 cases.

Appendix 4.2.2

Cases where Disqualification Orders were made against Directors by the High Court in 2006 pursuant to Section 56

Company No.	Company Name	Disqualified Directors		Date Disqualified From	Date Disqualified To
301749	Beta Rose Limited	Harrington	Donal	12/01/2006	11/07/2008
39402	Dillonbrook Estates Limited	Kirrane	Michael	24/07/2006	23/07/2016
240310	Irish Chrome Industries Limited	Hannigan	Hugh	06/03/2006	05/03/2013
337545	Lee View Communications	Jones	Daniel	31/07/2006	30/07/2019
290335	Nationwide Transport Limited	Larkin	Jason	13/04/2006	12/04/2011
		Whelan	Gerard	13/04/2006	12/04/2011
257692	Tom Driver & Son (Builders)	Driver	Bridget	09/10/2006	18/10/2011
		Driver	Peter	09/10/2006	18/10/2011
		Driver	Thomas	09/10/2006	18/10/2011

Appendix 4.2.3

Cases where Restriction Declarations or Disqualification Orders were *not* made against Directors by the High Court in 2006 pursuant to Section 56

Company Name	Company Number	Date of Court Order
AMS I.T. Consultants Limited	299060	25/01/2006
Ansaback (Ireland) Limited	301301	09/03/2006
Clowater Limited	208959	08/03/2006
G.& M. Developments Limited	161537	09/03/2006
Human Resource Solutions Limited	312581	29/11/2006
Kienridge Properties Limited	294717	20/02/2006
Lnwood Wholesale Limited	366109	07/03/2006
Metrical Solutions Limited	351709	04/07/2006
Mommas Kitchen Limited	304563	01/12/2006
Motor Store Limited	58619	07/03/2006
Mueller Ireland Limited	76970	30/11/2006
Ribonwood Developments Limited	348344	08/03/2006
Ronan Whyte Construction Limited	310966	07/03/2006
Santos Employment Services Limited	327358	29/11/2006

Appendix 5.1.1

Approved versus Actual Staffing Complement by Grade at end-2006

Grade	Approved	Actual
Accountant Grade I	2	2
Accountant Grade III	1	0
Assistant Principal	4	4
Clerical Officer ⁵⁹	5	6.6
Corporate Compliance Manager	1	1
Detective Garda	4	3
Detective Inspector	1	1
Detective Sergeant	2	1
Director	1	1
Executive Officer	4	4
Higher Executive Officer/Systems Analyst	4	3.2
Legal Adviser	3	3
Principal Officer	2	2
Principal Solicitor	1	1
Solicitor	2	2
Total	37	34.8

⁵⁹ The indicated number includes a Legal Secretary who is employed on a contract basis. The fractional figures here and elsewhere indicate work-sharing patterns.

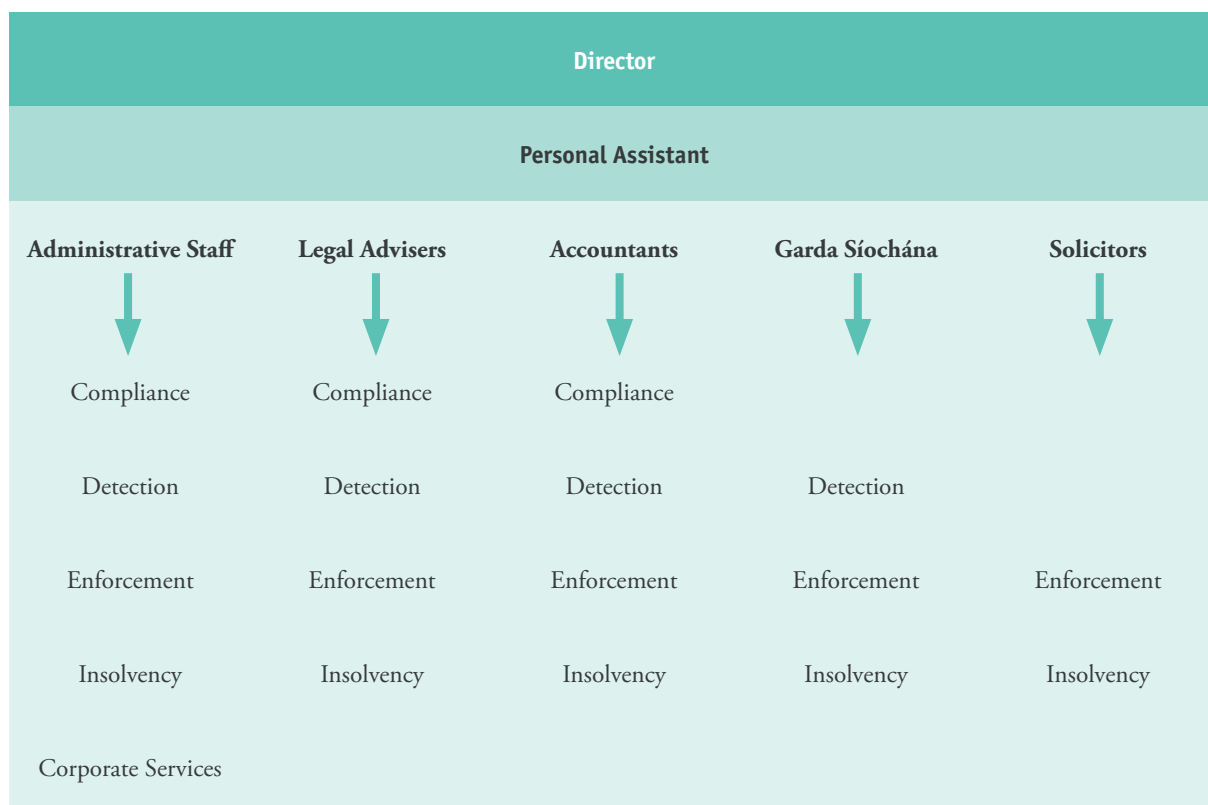
Appendix 5.1.2

Breakdown of Expenditure against Allocation in 2006

Source of Allocation/Expenditure	€000s	€000s
Allocation		4,713.0
Exchequer Grant		
Expenditure		
Salaries, Wages and Allowances	1,915.3	
Advertising and Publicity	165.8	
Office Premises	231.2	
Legal Expenses	452.0	
Consultancy Services	240.1	
Computerisation	53.3	
Printing	106.9	
Incidental Expenses	15.8	
Travel and Subsistence	33.4	
Telecommunications	49.6	
Postal/Courier Services	18.5	
Photocopying	48.9	
Human Resource Development	24.9	
Total Expenditure		3,355.7
Amount Surrendered		1,357.3

Appendix 5.2.1

Principal Relationships between ODCE Staff and Functional Areas



Appendix 5.3.1

Top 50 Document Downloads from the ODCE Website in 2006 .v. 2005

Title/Subject of Document ⁶⁰	2005	2006	Trend
Decision Notice D/2006/1 - ODCE Guidance on Audit Committees	-	78,675	New
Draft ODCE Guidance - The Governance of Apartment Owners' Management Companies (Annex to Consultation Paper C/2006/2)	-	14,386	New
Comparative Study of Corporate Governance Codes Relevant to the EU and its Member States	21,590	10,600	↓
ODCE Annual Report 2005 (in full or in part)	-	7,285	New
Decision Notice D/2002/1 - Book 2 - Company Directors	8,989	6,141	↓
List of Insolvent Companies in Liquidation, May/June 2005	3,618	6,017	↑
Inspectors' Report into NIB/NIBFS (in full or in part)	6,168	5,162	↓
List of Insolvent Companies in Liquidation, January/ December 2003	6,134	4,815	↓
Cadbury Report - Report of the Committee on the Financial Aspects of Corporate Governance	4,592	4,686	↑
List of Insolvent Companies in Liquidation, May/June 2004	5,491	3,945	↓
Information Notice I/2005/1 - List of 'Relief' Decisions issued in 2004 for Insolvent Companies in Liquidation	6,098	3,752	↓
Decision Notice D/2002/1 - Book 1 - Companies	5,259	3,690	↓
Decision Notice D/2002/2 - The Duty of Auditors to Report to the Director of Corporate Enforcement	4,604	3,196	↓
List of Insolvent Companies in Liquidation, November/ December 2004	5,916	3,160	↓
List of Insolvent Companies in Liquidation, January/ February 2004	4,588	2,946	↓
List of Insolvent Companies in Liquidation, March/April 2005	1,731	2,887	↑
A Guide to Transactions Involving Directors	4,760	2,750	↓
List of Insolvent Companies in Liquidation, January/ December 2002	4,015	2,690	↓
Introduction to the ODCE	2,290	2,676	↑
List of Insolvent Companies in Liquidation, September/ October 2004	3,910	2,646	↓
List of Insolvent Companies in Liquidation, January/ February 2005	1,510	2,620	↑
Consultation Paper C/2006/1 - Draft ODCE Guidance on Audit Committees	-	2,620	New
Decision Notice D/2002/1 - Book 5 - Auditors	3,055	2,349	↓
High Court Judgement of Ms Justice Finlay-Geoghegan on 9 March 2006 - ODCE v. Pádraig Collery	-	2,320	New
Decision Notice D/2002/1 - Book 7 - Liquidators, Receivers and Examiners	3,076	2,304	↓
List of Insolvent Companies in Liquidation, March/April 2004	3,101	2,302	↓
Interim Review of ODCE Activity in 2005	-	2,293	New

⁶⁰ Where comparison with 2005 is not available, either the document was not available in 2005, or it did not feature in the most popular downloads of 2005.

Title/Subject of Document	2005	2006	Trend
Decision Notice D/2002/1 - Book 3 - Company Secretaries	3,319	2,275	↓
ODCE Complaint Form	1,795	2,257	↑
List of Insolvent Companies in Liquidation, July/August 2004	2,764	2,197	↓
Decision Notice D/2002/1 - Book 4 - Members and Shareholders	3,151	2,118	↓
List of Insolvent Companies in Liquidation, January/ February 2003	2,739	2,043	↓
Fógra Cinnidh D/2006/1 - Treoir OSFC faoi Choistí Iniúchta	-	1,810	New
High Court Judgment of Mr Justice O'Neill on 10 October 2006 - Aidan Higgins and James Stafford v. ODCE	-	1,658	New
ODCE Annual Report 2004 (in full or in part)	9,529	2,857	↓
ODCE Indictable Offences Report Form	2,459	1,472	↓
High Court Judgement of Mr Justice Kelly on 26 October 2005 - ODCE v. Nigel D'Arcy	1,872	1,456	↓
Greenbury Recommendations - Best Practice in Determining and Accounting for Directors' Remuneration	1,303	1,305	↑
High Court Judgment of Mr Justice Kelly on 23 July 2004 - NIB and NIBFS	1,039	1,262	↑
List of Insolvent Companies in Liquidation, January/ December 2005	-	1,256	New
ODCE Principles of Quality Customer Service	101	1,253	↑
Consultation Paper C/2006/2 - Draft ODCE Guidance on the Governance of Apartment Owners' Management Companies	-	1,247	New
Liquidators' Report Form under Section 56 of the 2001 Act	1,546	1,237	↓
Draft Guidance on the Obligation of Company Directors to Prepare Compliance Policy and Annual Compliance Statements under the Companies (Auditing and Accounting) Act 2003	178	1,189	↑
Guidance Notes for the completion of Liquidators' Reports under Section 56 of the 2001 Act	763	1,151	↑
High Court Judgement of Mr Justice O'Leary on 21 December 2005 - ODCE v. Patrick and Paul Rogers	-	1,123	New
Information Notice I/2005/2 - Investment Funds, Companies and Miscellaneous Provisions Act 2005	3,873	1,123	↓
Press Statement – Issue of the ODCE Annual Report 2005	-	1,120	New
Press Statement - Launch of ODCE Consultation Paper on the Governance of Property Management Companies	-	1,114	New
List of Insolvent Companies in Liquidation, November/ December 2005	-	1,033	New