



Oifig an Stiúrthóra um
Fhorfheidhmiú Corparáideach
Office of the Director
of Corporate Enforcement

**STATEMENT BY THE DIRECTOR OF CORPORATE ENFORCEMENT
FOLLOWING THE ENTERING OF PLEAS OF GUILTY
BY MR. DAVID DRUMM
TO TEN COMPANY LAW CHARGES**

At a sitting of the Dublin Circuit Criminal Court earlier today, Mr. David Drumm entered pleas of guilty in respect of 10 offences contrary to section 60 of the Companies Act 1963 (as amended). Those charges arose as a result of an investigation undertaken by the ODCE, further to which the Director of Public Prosecutions (“DPP”) directed that Mr. Drumm should be tried on indictment. That trial was due to commence in October 2018.

Today’s events bring to a conclusion the ODCE’s decade-long involvement in matters connected with the former Anglo Irish Bank Corporation plc (“Anglo”). In late 2008 and early 2009, the ODCE initiated a number of parallel investigations into potential breaches of company law concerning Anglo. Those investigations, in turn, resulted in the DPP directing several sets of charges against multiple individuals.

Now that the final set of charges has been disposed of, it is timely to reflect on the totality of the outcome of the ODCE’s Anglo-related investigations. In summary:

- Mr. William McAteer was convicted on 10 counts of the provision of unlawful financial assistance contrary to section 60 of the Companies Act 1963 (as amended)¹;
- Mr. Patrick Whelan was convicted on 10 counts of the provision of unlawful financial assistance contrary to section 60 of the Companies Act 1963 (as amended)¹;
- Mr. William McAteer was convicted (having entered a plea of guilty) on 1 count of fraudulent trading contrary to section 297 of the Companies Act 1963;
- Mr. Patrick Whelan was convicted (having entered a plea of guilty to that alternate charge) on 1 count of failure to maintain a licensed bank’s register of lending to directors contrary to section 44 of the Companies Act 1990; and
- Mr. David Drumm has today pleaded guilty to 10 counts of the provision of unlawful financial assistance contrary to section 60 of the Companies Act 1963 (as amended).

As evidenced by the foregoing, the ODCE’s Anglo-related investigations have resulted in multiple persons being brought to account before the criminal Courts and a number of them convicted on indictment for serious breaches of company law. Those outcomes clearly evidence that there is both the appetite and the capability on the part of the ODCE to tackle serious criminal wrongdoing.

¹ Mr. McAteer was acquitted on a further 6 charges, Mr. Whelan was acquitted on a further 13 charges and Mr. Fitzpatrick was acquitted on all charges.

In a separate trial of Mr. Sean FitzPatrick (in respect of which Mr. FitzPatrick was acquitted on all counts), certain failures in the underlying investigation and subsequent prosecution were highlighted by the trial Judge. Insofar as such failures related to the actions of the ODCE, steps have been taken to ensure that they do not recur. It is also important to note that the aforementioned issues were confined to one of the several investigations and occurred the best part of a decade ago. In addition, a detailed Report on the full set of factors and circumstances that contributed to the outcome of that trial was prepared and submitted to the then Minister in June 2017.

So-called “*white collar*” crime is generally document heavy (much of which is in electronic form, which, in turn, is increasingly cloud-based), complex, highly technical in nature and regularly involves a cross-jurisdictional dimension. Further complexity is brought to bear by the fact that many such offences have never been prosecuted previously and, therefore, raise novel issues for investigators, prosecutors and the Courts. Whereas it is standard practice that suspects will have legal representation (as is their right), a further feature of investigations of this type is that it is not unusual for many, or indeed all, witnesses and other relevant persons to have legal representation. As such, suspected criminality of this nature is highly challenging to investigate and prosecute.

The ODCE’s Anglo-related activities have, over the past decade, been enormously resource intensive, with resources (both Garda and civilian) having been applied to both conducting the underlying investigations and, thereafter, to supporting the Office of the DPP in the conduct of the resultant trials. With Anglo-related matters now behind it, the ODCE looks forward to being able to deploy its available specialist resources to the investigation of other serious indications of wrongdoing. Of relevance in that regard is that, with the support of successive Ministers, the ODCE has been strengthening its enforcement capabilities over recent years through the recruitment of legal, accountancy and digital forensics expertise and the recent restoration to full strength of the ODCE’s approved Garda complement.

The ODCE’s Anglo-related investigations and subsequent trials saw ODCE personnel operate in a highly challenging and pressurised environment. In that context, I would like to express my sincere gratitude to the ODCE’s staff, both past and present, for their dedication and commitment.

**OFFICE OF THE DIRECTOR OF CORPORATE ENFORCEMENT
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Enquiries

Queries regarding the foregoing should be directed to Mr. Conor O’Mahony at +353 1 858 5827 or conor_omahony@odce.ie