

# CONTENTS

	Page
<b>1. Introduction</b>	1
<b>2. Appointment of Inspector</b>	5
<b>3. Conduct of the Investigation</b>	17
<b>4. The Transactions Summarised</b>	27
<b>5. The Companies, Directors, Officers, and Advisers</b>	35
5.1 DCC	35
5.2 S & L	37
5.3 Lotus Green	38
5.4 Professional Advisers	39
<b>6. The ‘Fyffes –v- DCC and Others’ Proceedings</b>	41
6.1 The High Court	41
6.2 The Supreme Court	67
<b>7. The Relevant Statutory Provisions</b>	87
7.1 Part IV Chapter 2 of the Companies Act, 1990	87
7.2 Part V Companies Act, 1990	94
<b>8. The Documentary Evidence</b>	105
8.1 1995 Transactions Documents	105
8.2 2000 Transactions Documents	194

	Page
<b>9. The Interviews</b>	221
9.1 1995	222
9.1.1 The Officers	222
(a) Michael Scholefield	222
(b) Fergal O’Dwyer	279
(c) Jim Flavin	293
(d) Daphne Tease	322
9.1.2 The Executive Directors	330
(e) Morgan Crowe	330
(f) David Gavigan	347
(g) Kevin Murray	363
(h) George Young	369
(i) Tommy Breen	378
9.1.3 The Non-Executive Directors	383
(j) Alex Spain	383
(k) Anthony Barry	396
(l) Patrick Gallagher	405
9.1.4 The Dutch Directors	426
(m) Gerard Venneboer	426
(n) Godfried Diepenhorst	432
(o) Paul Schuler	437
9.1.5 The Advisers	437
(p) Alvin Price	437
(q) Terry O’Driscoll	487
(r) Pat Wall	500
(s) Pat O’Brien	502
(t) Peter van der Hoeven	506

	Page
<b>9. The Interviews</b>	511
9.2 2000	511
9.2.1 The Officers	511
(a) Michael Scholefield	511
(b) Fergal O’Dwyer	552
(c) Jim Flavin	574
(d) Mairead O’Malley	622
9.2.2 The Executive Directors	625
(e) Morgan Crowe	625
(f) Tommy Breen	640
(g) Kevin Murray	648
9.2.3 The Non-Executive Directors	653
(h) Alex Spain	653
(i) Anthony Barry	671
(j) Patrick Gallagher	686
9.2.4 The Dutch Directors	715
(k) Gerard Venneboer	715
(l) Godfried Diepenhorst	733
9.2.5 The Advisers	747
(m) Alvin Price	747
(n) Terry O’Driscoll	783
(o) Peter van der Hoeven	793
9.2.6 The Stockbrokers – 2000	799
(p) Roy Barrett	799
(q) Kyran McLaughlin	817
9.2.7 Laurence Crowley	834
9.2.8 Michael Buckley	841

	Page
<b>10. The Additional Documentary Evidence</b>	863
<b>11. Findings and Conclusions</b>	879
11.1 The Statutory Provisions	880
11.2 1995 Transactions	899
11.3 2000 Transactions	926
<b>12. Summary and Acknowledgements</b>	961
12.1 Summary	961
12.2 Acknowledgements	969

## APPENDICES

- Appendix A.** Core Documents 1995
- Appendix B.** Core Documents 2000
- Appendix C.** Selected Minutes of Meetings of DCC, S&L and Lotus Green
- Appendix D.** Companies Act, 1990. Part IV Chapter 2 Sections 67-96
- Appendix E.** Companies Act, 1990. Part V Sections 107-121
- Appendix F.** Judgment and Order of Mr. Justice Kelly 29th July 2008
- Appendix G.** DCC Section 67 and 91 Notices in respect of Fyffes 1991-2
- Appendix H.** Schedule of Interviews November 2008 - May 2009
- Appendix I.** Schedule of DCC personnel who gave evidence in High Court
- Appendix J.** William Fry summary of advices on notification obligations
- Appendix K.** 1st Interim Report of Inspector 28th January 2009
- Appendix L.** 2nd Interim Report of Inspector 28th July 2009
- Appendix M.** Supplemental Documents