

THE HIGH COURT

[2022] IEHC 684

[2020 NO. 3 CAB]

**PROCEEDS OF CRIME
IN THE MATTER OF SECTION 3(1) OF THE PROCEEDS OF CRIME ACTS 1996-2016**

BETWEEN

CRIMINAL ASSETS BUREAU

APPLICANT

-AND-

ADAM KEATINGE , YAZAN ABU JABER, DARIO SIMOES, AND VERONIKA SALY

RESPONDENTS

JUDGMENT of The Hon. Mr. Justice Alexander Owens delivered on the 16th day of November 2022.

1. This is an application by the Criminal Assets Bureau (the Bureau) for orders under s.3(1) of the Proceeds of Crime Act 1996 (the 1996 Act).
2. Adam Keatinge is also known as Michael Keatinge and Marcus Adam Lane. He was born in 1979. Veronika Saly was born in 1982. She is Hungarian by birth. She and Adam Keatinge lived as partners until late 2019. They have two children together. Dario Simoes is a Portuguese national. He lived for a time in Ireland. He is now back in Portugal. Yazan Abu Jaber is a Jordanian National. He is now believed to be in Jordan.
3. Adam Keatinge and Veronika Saly own a house at Ellistown, Rathangan, County Kildare (Ellistown). Adam Keatinge lives in this house. This property is registered on Folio 59880F, County Kildare.
4. They bought Ellistown in 2014 for €300,000 with the assistance of a mortgage loan of €175,000 from Permanent TSB. They previously owned a house at Beverly Lawns, Knocklyon, County Dublin (Beverly Lawns) which they bought in late 2009 for €300,000 with the help of a mortgage loan of €270,000 from Permanent TSB. Beverly Lawns was sold in 2014 for €417,000. The remaining €125,000 which they needed to buy Ellistown was funded by €95,000 from the sale of Beverly Lawns and by €30,000 from other sources.
5. On 10 June 2016 Police Service of Northern Ireland (PSNI) officers in County Antrim stopped a UK registered Berlingo van owned by Adam Keatinge. Kieron Russell was driving. Adam Keatinge, Yazan Abu Jaber and Dario Simoes were travelling as passengers. The PSNI officers found €58,710 in cash. This included twenty €500 notes hidden in Adam Keatinge's underwear. A wallet taken from Dario Simoes held a Western Union receipt issued to him by Kildare Post Office earlier that day. This related to a transfer of €5,000 to Adam Keatinge in Amsterdam.

6. The van was bound for Belfast International Airport. The passengers intended to take a flight to Amsterdam.
7. A mobile phone associated with Dario Simoes was taken and examined. Messages between Dario Simoes and a Jordanian telephone number of Yazan Abu Jaber included discussions of use of controlled drugs and photographs of blocks of cocaine. In June 2016 Dario Simoes asked Yazan Abu Jaber to bring up to €40,000 in €500 notes to Ireland. In December 2015 Dario Simoes discussed making MDMA capsules.
8. This device also held messages between Adam Keatinge and Dario Simoes. In October 2015 they exchanged photographs of what were represented as blocks of cocaine. These photographs were shared with Yazan Abu Jaber. In November 2015 they were discussing starting a cocaine business and exchanging photographs relating to processing of cocaine.
9. A mobile phone associated with Adam Keatinge was also taken and examined. In January 2016 this device shared a photograph of cash which was said to be €45,000 in €50 notes. A message in February 2016 disclosed that Adam Keatinge was in Amsterdam. This included a photo of a cocaine purity test. Photographs on the phone showed what appeared to be cocaine price lists, large quantities of cash in different locations, handguns, blocks of cocaine and confirmations relating to flights from Budapest to Amsterdam.
10. A download by PSNI of photographs stored on the device attributed to Adam Keatinge includes, at "Image 52," a photograph of piles of cash. This photograph was taken in front of a fireplace. It is one of a series of photographs which were taken at the same time on the evening of 7 April 2016. These photographs show bundles of cash, drugs, and other items. This fireplace appears in photographs of the interior of Ellistown taken by Keith Kelleher on 25 May 2022. "Image 78" dated 9 April 2016 includes text message demands with menaces that their recipient pay money to Adam Keatinge's Permanent TSB current account and providing the account details.
11. In the days prior to 10 June 2016 the phone associated with Adam Keatinge was used to make internet searches relating to Western Union. This phone had messages out revealing that the sender had difficulty in getting "large notes." This device was in contact with the phone attributed to Dario Simoes.
12. A mobile phone associated with Yazan Abu Jaber was also taken and examined. This had contact details for "Dario" and "Mikey Ireland", photographs of bags of white powder and photographs of bundles of €500 notes. The name "Adam" also appeared in the messages on the mobile phones. The home of Kieron Russell was searched by PSNI officers. A block of cannabis resin was discovered there along with documents associated with Adam Keatinge.
13. A point made by counsel for Adam Keatinge that the words "dated 08/10/16" is noted in manuscript on an exhibited booklet of images is of no significance. The numbered

images which have been enlarged can each be related to individual “thumbnails” in the printed download from the phone.

14. As a result of the incident on 10 June 2016 the Bureau began to investigate Dario Simoes, Yazan Abu Jaber, Adam Keatinge and Veronika Saly. It emerged that Adam Keatinge, Dario Simoes and Yazan Abu Jaber had attended Kildare Post Office with €15,000 in cash on the morning of 10 June 2016. They arranged to send three sums of €5,000 to each other in Amsterdam via Western Union.
15. The Bureau claims that the three €5,000 cash sums used to fund the Western Union transfers to Yazan Abu Jaber, Dario Simoes and Adam Keatinge in Amsterdam constituted proceeds of crime. Western Union accidentally paid out the €5,000 transferred by Yazan Abu Jaber. The Bureau application is confined to the remaining €10,000.
16. The Bureau also claims that 5 Gold Bars and €150 seized on 22 August 2018 from a safe deposit box controlled by Adam Keatinge at the Merrion Vaults in Dublin were acquired with proceeds of crime.
17. The Bureau also claims that Adam Keatinge used proceeds of crime to buy Beverly Lawns and Ellistown and that Adam Keatinge used proceeds of crime to pay the monthly Permanent TSB mortgage instalments on these properties.
18. Finally, there is a claim that proceeds of crime were used by Adam Keatinge to acquire an Audi S3 motor car WM65FMU in Northern Ireland. This car was bought on a hire purchase PCP in January 2018 with a cash deposit of STG€5,800. The balance of STG€20,800 was payable with interest by 36 instalments of STG€392 and a bullet payment.
19. The current Chief Bureau Officer formed his beliefs under s.8(1) of the 1996 Act in reliance on material referred to in his affidavit sworn on 4 June 2020. This included an affidavit of Detective Garda Maria Flynn sworn on 15 May 2020 which exhibited Adam Keatinge’s Permanent TSB current account.
20. It was argued on behalf of Adam Keatinge and Veronika Saly that the Bureau investigation of their affairs was incomplete and did not justify the beliefs of the Chief Bureau Officer that money used to pay for Beverly Lawns and Ellistown originated in proceeds of crime. It was submitted that this information showed sources of legitimate income which had not been investigated by the Bureau.
21. Bank statements for an Irish company controlled by Adam Keatinge contained information which showed that it operated as an events promoter. Bank statements provided by Adam Keatinge to the Bureau showed that he also controlled a company in Northern Ireland which was involved in promoting music events. These statements showed transactions consistent with receipts and payments for events promotions. Adam Keatinge claimed to Bureau officers that he operated a cash business as a music

events promoter. This and "DJing" were the sources of his income following his return to Ireland from Cyprus in 2008.

22. A PSNI officer gave affidavit evidence of the events of 10 June 2016. This officer was aware from police interviews with Adam Keatinge and from evidence given in a bail application in Northern Ireland that Adam Keatinge was a music events promoter in Northern Ireland. The initial focus of evidence from this officer in this application related to the events of 10 June 2016 and the police investigation which followed those events. There is nothing to indicate that the Bureau deliberately failed to place whatever extra information this officer had before this Court.
23. This Court now has extra information concerning Adam Keatinge's business activities which this PSNI officer became aware of as a result of the bail application in Northern Ireland. It is clear that this information could not have assisted Adam Keatinge if it had been included in the materials considered by the Chief Bureau Officer.
24. If relevant materials pointing to a different conclusion of fact were in the possession of the Bureau and were withheld from the Chief Bureau Officer, this would affect the reliability of his belief. There is no evidence that this occurred in the current application.
25. The response of the Bureau to the point about legitimate sources of funds was that any failure to investigate the musical events promotion business did not matter. The Bureau argued that if funds used by Adam Keatinge to buy Beverly Lawns and Ellistown and pay the mortgages on those properties came from promoting music events, this money was cash fruits of tax evasion.
26. While it is not necessary for the Chief Bureau Officer to identify a precise offence when forming a belief that property is derived from proceeds of crime, material put in evidence must be sufficient to enable the Court to draw a clear inference on the balance of probabilities that criminal activity was a source of financing of any asset said to be "...acquired, in whole or in part, with or in connection with property that, directly or indirectly, constitutes proceeds of crime."
27. The evidence presented in this application did not focus on misapplication by Adam Keatinge of company receipts derived from music events promotions. The case made by the Bureau was that cash from unidentified sources funded the deposit for the purchase of Beverly Lawns and the deposit for purchase of Ellistown and the monthly mortgage payments to Permanent TSB for these properties.
28. No point about use of untaxed income derived from promotion of music events featured in the affidavit of Detective Garda Flynn. The analysis by Bureau Forensic Accountant No 2 of the operation of bank and credit union accounts of FNO Promotions Ltd and Adam Keatinge did not examine or comment on this.

29. There is no indication that this particular type of tax evasion was in the mind of the Chief Bureau Officer when he formed his beliefs in relation to sources of funding for buying and paying mortgage loans on Beverly Lawns or Ellistown.
30. However, it was abundantly clear to Detective Garda Flynn, Bureau Forensic Accountant No 2, and to the Chief Bureau Officer from the material presented to them that Adam Keatinge was receiving and using very large amounts of cash for years. It was also clear that some of this cash ended up in bank and credit union accounts, and that money in these accounts and from other unidentified sources ended up being used to pay for Beverly Lawns and Ellistown.
31. Revenue records put in evidence established that Adam Keatinge and Veronika Saly were listed as directors of FNO Promotions Ltd in 2013. He was recorded as receiving gross pay of €19,750 for that year and as having paid €2,300 tax on these earnings. She was recorded as receiving €18,250 gross pay for that year and as having paid tax of €350 on these earnings. No other tax was paid by Adam Keatinge between 2008 and 2016. Irrespective of the ultimate source, there was prima facie evidence that very large sums came into his hands from cash receipts on which tax had been evaded.
32. Section 1(1) of the 1996 Act defines "proceeds of crime" as meaning "any property obtained or received at any time (whether before or after the passing of this Act) by or as a result of or in connection with the commission of an offence."
33. It does not automatically follow from failure to make tax returns or pay tax that assets which are then acquired represent proceeds of crime. This Court does not accept that the effect of preferring a mortgage instalment due to a bank over a liability to the Revenue will automatically result in part of the borrower's interest in mortgaged property becoming an asset partially derived from proceeds of crime. The material relied on by the Chief Bureau Officer in forming his belief in this application goes a lot further than to merely establish that liabilities of Adam Keatinge to Permanent TSB were preferred to those owed to the Revenue.
34. Proof of "...result of or... connection with the commission of an offence" will not cause difficulty in many cases involving tax evasion. Criminal conduct connected with tax evasion often involves a fraudulent intent to cheat the Revenue by concealing receipt of taxable income. Payments are often inextricably connected with specific offences set out in the tax code which are committed at time of receipt.
35. Any residual category of activities which involve cheating the Revenue out of tax or duty, or conspiracies to carry out these types of fraud is criminalised by s.1078(1A) of the Taxes Consolidation Act 1997 as inserted by s.142 of the Finance Act 2005. This section introduces an offence of fraudulent evasion of tax and makes clear that all arrangements for "hot money" payments, or for "under the counter" receipts with intent to evade tax and cause loss to the Revenue, whether made alone or in concert with others, constitute criminal offences.

36. Criminal conduct also includes offences such as being "...knowingly a party to the carrying on of the business of a company with intent to defraud creditors of the company..." contrary to s.297 of the Companies Act 1963 as inserted by s.137 of the Companies (Amendment) Act 1990 and contrary to s.722 of the Companies Act 2014.
37. Directors and other controllers who carry on company activities in a manner which defrauds the Revenue or Social Welfare commit this offence. Activities within this category of offending include corporation tax and VAT evasion. Also included are evasion of obligations to deduct and account for tax and any applicable PRSI from payments to directors and employees and from distributions to shareholders.
38. In performing an adjudication on whether materials establish to the satisfaction of the Court that there are reasonable grounds for a belief held by the Chief Bureau Officer, this Court is confined to an examination of what was considered by him.
39. This Court, when considering these materials, may have regard to matters contained within them which the Chief Bureau Officer has not specifically adverted to. These matters may undermine or strengthen the objective reasonableness of any relevant belief. They may also undermine or strengthen the overall probative value of evidence that a particular asset is derived from proceeds of crime.
40. In applying the test mandated by s.8(1) of the 1996 Act, this Court cannot factor in what became available subsequent to the formation of any relevant belief of a Chief Bureau Officer and apply wisdom of hindsight. Such material can only be relevant to such weight as the Court will ultimately place on materials relied on to support one side or the other at a stage when the onus has shifted to a respondent to prove that an asset is not derived from proceeds of crime.
41. Information placed before this Court may point to absence of other information on matters of relevance. If there is a gap in information presented on any matter the Bureau runs the risk that this Court will refuse an application under s.2 or s.3 of the 1996 Act. Any belief relied on may not be sufficiently supported.
42. The Adam Keatinge/Marcus Lane credit card account statements were not exhibited. This Court cannot speculate on whether or not they show activities consistent with music events promotion or what they might show about lifestyle expenditure.
43. The Bureau could possibly have carried out a more comprehensive investigation and analysis of the business activities of FNO Promotions Ltd and "Ace of Clubs". References to Ticketmaster, High on Life and other entities in bank statements pointed to business activity and an income stream from sources not associated with criminality. Detective Garda Flynn has pointed out that she was waiting on paperwork promised by Adam Keatinge on his activities in Northern Ireland and it was not forthcoming.

44. No bank account or credit card account for Veronika Saly was identified. The FNO Promotions Ltd bank accounts show that money was transferred by monthly standing order from FNO Promotions Ltd to Veronika Saly in 2013 and 2014.
45. Information provided to the Chief Bureau officer did not include accounts or annual returns filed for FNO Promotions Ltd. No information was provided on whether or when this company registered for VAT or whether returns were made by it to Revenue for corporation tax, PAYE, PRSI or VAT.
46. No information was provided on date of incorporation of Ace of Clubs (Belfast) Ltd, or on when Adam Keatinge became its director or shareholder or on whether it made any annual returns or filed accounts. The only information on this company was provided by Adam Keatinge during interview with Bureau officers.
47. The evidence did not include dates of release or temporary release of Adam Keatinge from imprisonment.
48. The materials initially presented by the Bureau omitted to exhibit bank statements relating to Adam Keatinge's Permanent TSB current account. These bank statements formed part of the basis for the belief evidence of the current Bureau Chief Officer. Had this material not been introduced into evidence at the point when it was, some of this Court's findings relating to sources of funding for payment of mortgage instalments on Beverly Lawns and Ellistown may have been different.
49. Notwithstanding absence of information on these matters, there is sufficient reliable material within the matters placed before the Chief Bureau Officer to enable this Court to reach an overall conclusion in favour of the Bureau in relation to the reasonableness of the beliefs of the Chief Bureau Officer relating to Ellistown and on whether the evidence advanced by the Bureau at the initial stage of the inquiry is sufficient to shift the burden of proof.
50. As a first step in considering this application this Court conducted a full evaluation of all material considered by the current Chief Bureau Officer. This involved objective assessment of whether this material was sufficient to support all of the ingredients of each relevant belief.
51. This exercise also involved an assessment of the weight which this Court attached to those beliefs in deciding whether the materials established, prima facie, that any property was acquired using proceeds of crime. This assessment was also confined to the materials considered by the Chief Bureau Officer.
52. After coming to any conclusion that materials considered by the Chief Bureau Officer established that any item of property was, prima facie, acquired with proceeds of crime, this Court then considered evidence of Adam Keatinge and Dario Simoes relating to that property. This court also considered evidence tendered by the Bureau in response. Such evidence may strengthen or undermine any initial conclusion.

53. The materials considered by the Chief Bureau Officer are sufficient to support as reasonable his beliefs that the value in the Western Union Transfers, the contents of the safe deposit box in Merrion Vaults, and Ellistown were all acquired using property that, directly or indirectly, constituted proceeds of crime.
54. The evidence tendered by Bureau and the material considered by the Chief Bureau Officer provide strong support for these beliefs. They establish as a matter of probability that each these items of property was, prima facie, acquired with or in connection with property that, directly or indirectly, constituted proceeds of crime.
55. These materials provide insufficient support for the belief of the Chief Bureau Officer that the Audi S3 motor car was bought with proceeds of crime or that monthly hire purchase repayments made by Adam Keatinge for this car were funded by proceeds of crime. This belief could not reasonably have been held by the Chief Bureau Officer.
56. From 2016 Adam Keatinge was operating a DJ events business in Northern Ireland. He had a source of legitimate income from that. While cash was used for a down payment on this car, insufficient information was presented to support a belief that this cash and the hire repayments came from proceeds of crime.
57. It is assumed that this car has been sold by the receiver appointed under the 1996 Act in exercise of powers given by this Court on 14 December 2020. Any balance available from the proceeds of sale after the owner was paid whatever was due under the hire purchase agreement should be paid back to Adam Keatinge.
58. These materials also do not provide sufficient support for any conclusion that proceeds of crime were used to pay the mortgage on Beverly Lawns in the period between March 2013 and December 2013. During that period Adam Keatinge was in prison and Veronika Saly was running FNO Promotions Ltd. She set up a system which regularised payments by FNO Promotions Ltd to its directors and this money was used to meet mortgage payments.
59. During this period payments were made on account of tax liabilities. While not all receipts were banked to the proper account, there is insufficient evidence to support a belief that money used to pay mortgage instalments came from proceeds of tax evasion or other criminal activity. This brief period of regularity had a very minor effect on the value of the equity of redemption in Beverly Lawns when that property was sold in 2014.
60. The explanation given by Adam Keatinge to Gardai is insufficient to persuade this Court that €5,000 cash used to buy the Western Union Transfer in his favour was not sourced in proceeds of crime. The evidence of Dario Simoes is insufficient to persuade this court that the €15,000 cash used to buy the three Western Union Transfers was not sourced in proceeds of crime. The evidence of Adam Keatinge is also insufficient to persuade this court that the contents of the safe deposit box seized from Merrion Vaults were not funded by proceeds of crime.

61. The evidence of Adam Keatinge is also insufficient to persuade this Court that the deposits for the purchase of Beverly Lawns and Ellistown were not sourced in proceeds of crime and that monthly mortgage payments made to Permanent TSB for these properties were not funded by proceeds of crime.
62. The three sums of €5000 received on 10 June 2016 by Western Union at Kildare Post Office for transmission to Amsterdam were, prima facie, funded by proceeds of crime. It would have been very difficult for the Chief Bureau Officer to have formed any belief other than that these credits were derived from proceeds of crime.
63. The material produced in the affidavits established that Adam Keatinge, Dario Simoes and Yazan Abu Jaber were heavily involved in criminal operations and plans from late 2015. These activities involved testing and planning importation and supply of cocaine. The photographs are evidence that they had access to cocaine and large amounts of cash during the nine or so months prior to 10 June 2016. They passed photographs of these activities between themselves.
64. The three Western Union Transfers were funded with cash which was not traceable to any identifiable source. This cash had been not been recently withdrawn from Bank Accounts of either Adam Keatinge or Dario Simoes. The three men were embarking on a joint criminal enterprise when they took this money to Kildare Post Office and tried to send it to Amsterdam.
65. This money was extra to that which they attempting to remove from Northern Ireland as contraband for criminal use in the Netherlands. Their phones included photographs of large amounts of cash associated with acquisition and sale of controlled drugs. The obvious and only credible inference is that they were taking money to Amsterdam to buy drugs.
66. Bank statements relating to Dario Simoes' current account show that he was in receipt of social welfare benefits in 2015 and 2016. He received €70,000 compensation money from Kean Solicitors. This money was lodged to his bank account on 23 December 2015.
67. Dario Simoes made two withdrawals of €20,000 in cash from this account in January 2016. A lodgement of €20,000 was made to this account on 12 April 2016. The source of funds was noted as "DMcM". Withdrawal of cash totalling €40,000 is consistent with use of money for activities involving Adam Keatinge who he was in league with at the time. Adam Keatinge told Gardaí that he used a bank account of a sister who is married to "DMcM" to book flights.
68. The explanations of Adam Keatinge and Dario Simoes for the Western Union transactions are implausible. The explanation put in evidence by Dario Simoes is also seriously at odds with what he told the PSNI after his arrest in Northern Ireland. This is set out in interview notes exhibited in a replying affidavit.

69. In September 2018 Adam Keating claimed to Gardaí that the €5,000 which he tried to transfer via Western Union to Dario Simoes was proceeds of an event which he had organised and that he could not vouch this as the organiser had folded and was now "in NAMA". He said that Dario Simoes and Yazan Abu Jaber had gone back to their home countries and that none of the three of them wanted anything to do with the cash.
70. No detail was provided then or since to support this vague explanation and I do not accept it. The fact that an entity's assets are "in NAMA" would not affect availability of business records held by that entity or by a receiver or liquidator.
71. Dario Simoes provided an explanation for the Western Union money transfers in an affidavit sworn on 9 March 2011. He claimed that the €15,000 was part of €20,000 cash withdrawn by him from his bank account on 29 January 2016. He asserted that he intended to use €15,000 of this money to celebrate his birthday in Amsterdam with his brother-in-law Yazan Abu Jaber. By coincidence, his acquaintance Adam Keatinge was also going to Amsterdam via Belfast the same day and he gave them a lift to the airport. The use of Western Union to send €5,000 of the €15,000 to Adam Keatinge was a way to avoid restrictions on movement of more than €10,000.
72. The part of this explanation which refers to splitting funds to avoid enquiries arising from intra-EU money transfers in excess of €10,000 is probably correct.
73. When interviewed by PNSI officers Dario Simoes claimed that €11,000 odd in cash which was found in his wallet related to the two January 2016 withdrawals and he wanted to use it for his birthday and to buy a watch. He had two docketts for these withdrawals with him. The cash in his wallet was in denominations of €20, €50, €100, €200 and €500. He told the PSNI officers that Adam Keatinge gave him the €5,000 cash referred to in the Western Union dockett and asked him to wire it for safety reasons. None of these explanations are believable.
74. The evidence adduced by the Bureau establishes that, prima facie, the gold bars and cash in Adam Keatinge's safe deposit box in Merrion Vaults were acquired with proceeds of crime. There are reasonable grounds for the belief of the Chief Bureau Officer that money used to pay for these items came from criminal activities. The evidence presented also supports the conclusion that this belief is more likely than not to be correct.
75. Adam Keatinge bought this gold on 16 February 2016. He paid Merrion Vaults €15,795 in cash for 10 1oz gold bars and another 100g gold bar. A quarter of this cash was in used notes. Three quarters of this cash was noted to be new and was in an AIB band. The record of the transaction shows that Adam Keatinge told the seller that the money came from a bank account withdrawal. The seller of the gold also recalled that Adam Keatinge stated to him that the money came from a compensation claim.
76. The seller was not sure if Adam Keatinge had taken the cash from his safe deposit box. The information on Adam Keatinge's bank accounts set out in the main affidavit of

Detective Garda Maria Flynn and in the affidavit of Bureau Forensic Accountant No 2 shows that in the years leading up to this purchase Adam Keatinge had no AIB account holding money which could fund the cash used to pay for these gold bars.

77. This gold was bought during the period when Adam Keatinge was plotting drug dealing with Dario Simoes. Images of drugs, wads of cash and guns in the photograph "thumbnails" extracted from the mobile phone attributed to Adam Keatinge include an image relating Merrion Vaults. This image is of an advertisement which consists of a photographic montage of views of the safe deposit box room. When interviewed on 13 September 2019 Adam Keatinge claimed that he bought and sold gold and that the initial money to buy this gold came from savings. The explanations provided by Adam Keatinge to Merrion Vaults and the Gardaí for the source of the money used to buy the gold were contradictory. The only credible inference is that the gold was bought as means of holding cash generated by criminal activity and that the cash in the safe deposit box was generated by criminal activity.
78. The next claim by the Bureau concerns Ellistown. The Bureau claims that Beverly Lawns and Ellistown were bought directly or indirectly with money representing proceeds of crime and that mortgage payments for these properties were funded by proceeds of crime. The Bureau also claims that works to Ellistown in the period since 2014 were paid for by money from unknown sources derived from proceeds of crime. A surveyor estimates that a legitimate contractor would price the cost of these works at €64,364 plus VAT. It is unlikely that this work added anything significant to the values of the mortgagors' interests in Ellistown. The source of funding for whatever was expended on Ellistown is unknown.
79. In order to see if there was sufficient to make the Bureau claim relating to Ellistown stand up, this Court considered all material relied on by the current Chief Bureau officer which was of possible relevance to sources of cash or other funding for deposits, legal and other fees and mortgage payments to Permanent TSB for Beverly Lawns and Ellistown between 2009 and the end of 2016.
80. On the issue of whether Ellistown was acquired with proceeds of crime, the main matters of relevance are evidence of significant criminality of Adam Keatinge involving gangsters and drug dealing in the period leading up to the end of 2008; again involving drug dealing, photographs of firearms, piles of unexplained cash in large denominations and a demand with menaces from late 2015 and into mid-2016; statements showing lodgements to and disbursements from personal and company bank accounts, a building society account, mortgage accounts and credit union accounts; recorded employments of Adam Keatinge and Veronika Saly in revenue records during those years; explanations of Adam Keatinge and Veronika Saly when they were interviewed by Bureau officers in 2019, and a false EBS savings account statement.
81. The evidence relating to the purchase and sale of Beverly Lawns and the purchase of Ellistown is set out in the Affidavit of Bureau Forensic Accountant No. 2.

82. Beverly Lawns was bought in 2009. The purchase price was €300,000. Adam Keatinge and Veronica Saly got a Permanent TSB mortgage loan of €270,000. This loan was drawn down on 11 December 2009. The immediate source of €30,000 which funded the deposit for Beverly Lawns was a shares account of Adam Keatinge in a credit union in Dundrum, County Dublin. The relevant withdrawals totalling €30,000 were made on 24 October 2009 and 16 November 2009. This money came from a series of cash lodgements which were made to the shares account after it was opened in June 2009.
83. A document held by Permanent TSB on its mortgage file relating to Beverly Lawns purported to be a statement of Adam Keatinge's EBS savings account. This showed a balance of €30,781 on 30 April 2009. This was followed by a number of purported lodgements and withdrawals. These included a series of weekly lodgements of €850, consistent with weekly wages or drawings for salary. There were also weekly lodgements of varying amounts which are mostly between €700 and €800. The savings balance on 29 August 2009 was shown as €43,360.
84. Comparison of this document with the account statement obtained by the Bureau from EBS shows that it is false. The likely purpose of this document was to demonstrate savings for a house deposit and earning capacity to service a mortgage. Adam Keating and Veronika Saly were not in a position to show the true source of funds available to pay a deposit for Beverly Lawns or the true basis of capacity to repay a mortgage loan of €270,000. Revenue records show that neither Adam Keatinge nor Veronika Saly had any recorded income in 2009.
85. Monthly mortgage instalments were debited from Adam Keatinge's current account at Permanent TSB. Payments began in February 2010. A total of €78,535 in monthly instalments was paid on Beverly Lawns. These payments reduced the balance owed to €249,051 when the mortgage was redeemed on 27 August 2014.
86. In May 2014 Adam Keatinge and Veronika Saly agreed to sell Beverly Lawns for €417,000. Their estate agent got a booking deposit of €7,000 and their solicitor subsequently got the €410,000 balance of funds needed to close the sale, plus €112 for LPT.
87. At around the same time Adam Keatinge and Veronika Saly agreed to buy Ellistown for €300,000. The 10% deposit of €30,000 was funded by three transactions. The first payment was a payment of €5,000 on 19 May 2014. The second was funded by a withdrawal of €5,000 from Adam Keatinge's credit union shares account on 30 July 2014. The third was a Bank of Ireland draft for €20,000 on 30 July 2014. The source for the first and third of these payments is unknown. A credit union loan of €25,000 on 26 February 2014 was not used to fund these payments.
88. Adam Keatinge and Veronika Saly decided not to use the full amount of the net balance available from the sale of Beverly Lawns on the purchase of Ellistown. They applied to Permanent TSB for a mortgage of €175,000. This meant that they had to come up with a total €125,000 from their own funds to complete the purchase. This would leave them

with about €43,000 left over from the sale of Beverly Lawns for themselves, less auctioneering costs and legal fees on the sale and purchase. The total of these expenses was around €15,500.

89. The sale of Ellistown closed on 27 August 2014. On that date the mortgage loan on Beverly Lawns of €249,051 was paid off and a new mortgage loan on Ellistown of €175,000 was drawn down. After the legal fees for both transactions were taken into account a sum of €56,315 became available to Adam Keatinge and Veronika Saly. €51,315 from this was lodged to the credit union account on 27 August 2014.
90. This means that the funds available to make the payment of €56,315 were calculated on the basis that all of the €30,000 deposit money for Ellistown came from sources other than proceeds of sale of Beverly Lawns. The €20,000 Bank of Ireland draft could not have been funded from money which became available when the sale of Beverly Lawns closed. The contribution of proceeds of sale of Beverly Lawns to the purchase price of Ellistown was €95,000.
91. When interviewed in March 2019, Adam Keatinge stated that all of the payments which funded his income were sourced in cash. He asserted that he operated a music events business which operated using cash and that his money came from this. In fact, some lodgements into the FNO Promotions Ltd accounts came from Ticketline, Ticketmaster and Stripe. FNO Promotions Ltd could not do business with ticket sales agents operating legitimately without a bank account. This is the probable reason for opening the company bank account with AIB in late 2011.
92. Adam Keatinge's bank statements, which are referred to in the affidavit of Bureau Forensic Accountant No. 2, showed credits which this witness calculated as €133 in 2007 and €91, 533 in 2008. Most of the credits in 2008 were round sum cash lodgements to his AIB current account during a period when he was consorting with criminals and engaged in significant drug dealing. He was not recorded in Revenue records as engaged in any trade or holding any employment during this period.
93. He opened this current account on 2 February 2008. He told Gardaí that he brought €20,000 back from Cyprus. The bank statements relating to this AIB account do not show any lodgement of this sum.
94. My addition of lodgements (excluding interest and fee refunds) to this AIB account during 2008 totalled €88,827. The bank statements show withdrawals for monthly rent, payment of VISA bills, cash at ATMs and miscellaneous other expenditure. There is nothing to show income from or expenditure on promoting or organising music events. No cheque book was issued. Very few transactions were put through this account after 2008. The total of lodgements for 2009 was €6,652 of which one payment of €600 from "RGB Records" on 5 January 2009 may relate to a music business activity. The 2009 lodgements were mostly round sum cash lodgements.

95. Detective Garda Flynn established that sums of €2,000, €15,000, €3,300, €20,000 and €17,000 were paid by Adam Keatinge to a property broker in Cork on 20 February 2008, 15 May 2008, 30 May 2008, 21 August 2008 and 12 September 2008. The purpose of these payments was to buy an apartment in Budapest. The total of payments to Hungary during 2008 was €57,300.
96. Two large withdrawals were made from the AIB account during 2008. The first was a cash withdrawal of €10,000 on 14 May 2008. The second was a draft for €20,000 bought on 7 August 2008. These may relate to payments received by the Cork property broker on 15 May 2008 and 21 August 2008. Smaller withdrawals from the AIB account prior to 30 May 2008 may account for a payment of €3,300 to this broker on 30 May 2008.
97. Two further payments of €3,360 and €3,487 were made for the apartment in Budapest on 31 March 2009 and 26 June 2009. The latter is shown as funded by cash lodgements to Adam Keatinge's savings account at EBS, Dun Laoghaire. While Detective Garda Flynn refers to another payment to Hungary as also coming from this EBS account and as sourced in unexplained lodgements, statements exhibited do not show this. These statements for the year 2008 start at page 3.
98. Adam Keatinge was interviewed by Detective Garda Maria Flynn under caution at Kildare Garda station on 13 September 2019. He provided little information on his business activities between 2008 and 2018 and indicated that he had little or no documentation in his possession.
99. He told Gardaí that he was in Cyprus doing DJing between 2007 and 2008 and brought back €20,000 savings. He then took a break and did not work for a good while. He stated that in 2008/2009 he was taking time off and doing a bit of DJing. He was asked if he had anything to support that and stated that he did not "...but I think I'll be able to get something to you".
100. He was asked where he was going to get the paperwork from, and he gave the following reply: "The business I'm in is a cash business. People didn't use credit cards or invoices. I used to organise an event for the clubs, but I'd get paid cash for it so there may be no records anywhere. I've been working in the entertainment business right up until 2018. I was running a night club called Ace of Clubs in Northern Ireland. I have a letter here from you from HMRC for a late tax return". He was asked did he pay tax there. He said, "No he did not get a chance."
101. The letter from HMRC is addressed to him at his Northern Ireland address at Gosford Castle in Armagh. It is dated 6 June 2017 and points out that his personal tax return for year ending 5 April 2016 was then more than three months late. The demand indicates that he was trading as a sole trader in Northern Ireland before Ace of Clubs (Belfast) Ltd began operating. By June 2016 he owned the Berlingo Van.

102. He provided bank statements for the Barclay's Bank current account of Ace of Clubs (Belfast) Ltd covering periods between 28 April 2016 and 26 October 2016 and between 2 November 2016 and 24 February 2017. This account was opened on 28 April 2016 and the first transaction was a deposit of STG£3,340 on 3 May 2016.
103. He stated that he also had a personal account with Barclay's Bank using the Gosford Castle Address. He did not provide any statements relating to this account. He stated that of these accounts the only account still active was his personal account. The company account discloses that a standing order was set up to account 50067156 at the same branch of Barclays Bank.
104. He was asked what companies or businesses he had. He said FNO Promotions was initially called MK Entertainment going back to 2006. He was asked if he had any supporting documentation. He said the only thing he would be able to show was that he opened the company. He had a business called "Ace of Clubs". He said he was successful and when the "crash" happened he was very successful. "On a good night I could be pulling up to €13,000. I made plenty of money on it, but I lost money on it too." He stated that Veronika Saly worked in the clubs and in FNO Promotions and that it was dissolved now.
105. He said that "in or around 2016-2018 I was receiving other moneys which I can't disclose for specific reasons". While this might suggest that he was involved in money laundering, the context in which the remark was made by him related to the apartment in Budapest and money from Hungary.
106. Veronika Saly was interviewed by Bureau officers on 19 September 2019. She recalled she was working for "Toni & Guy" at the time when Beverly Lawns was purchased. This information was mistaken. Her Revenue records establish that she was working for "Toni & Guy" in Clarendon Street, Dublin in 2010 and 2011. She earned a total of €14,953 during this period and paid €440 in tax on earnings. None of these earnings were used to fund mortgage payments.
107. Veronika Saly asserted that €30,000 for the deposit on Beverly Lawns came from Adam Keatinge's pay-out on a claim and her cash savings from Cyprus. This information was incorrect. Adam Keatinge's compensation award was long spent by 2009. The cash lodgements which funded the deposit money for Beverly Lawns were made in a series over a short period of time and long after her return from Cyprus.
108. She stated that she contributed to the purchase of the property in Hungary from income from her work as a dancer and paid for that property by these means. This explanation is inherently unlikely. This property was paid for by large irregular instalments during 2008 and 2009.
109. She told the Bureau Officers that she was mostly involved in "FNO Promotions" when Adam Keatinge was in prison. She stated that she "...had to see the accountant as

well." She organised events and radio advertising and made sure the business kept going. She got paid into her bank account.

110. I accept that this information is correct. The bank account for FNO Promotions Ltd with AIB continued to operate after Adam Keatinge went into custody on 3 July 2012. The payment to Revenue from the AIB account on 18 June 2012 suggests that an accountant had become involved by that stage.
111. The only Revenue related information available from the Bureau concerning FNO Promotions Ltd is that it was dissolved on 17 May 2017, having failed to submit income tax returns and that its "last registered accounts" were on 31 May 2014. Its registered office was at Beverly Lawns. This address is also associated with a registered business name "Ace of Clubs".
112. FNO Promotions Ltd had no bank account until late 2011. No cheque books were issued on the company business accounts with AIB and Bank of Ireland. The only payments recorded as made to Revenue from these accounts were one ROS/SDA for €690 on 18 June 2012, two direct debits on the Bank of Ireland account for sums totalling €5,549 in June 2013 and a direct debit of €3,929 on 23 January 2014. These sums do not correspond with records of tax paid for Adam Keatinge and Veronika Saly as directors or employees of FNO Promotions Ltd for 2013.
113. Adam Keatinge made "nil" income returns for the years 2011 and 2012. Bureau evidence is contradictory on whether he made also a "nil" return for 2014. I am accepting the evidence of Revenue Bureau Officer No. 101 which indicates that he did not submit a return for that year.
114. There is compelling evidence to show that Adam Keatinge was associated with members of a well-known criminal gang involved in the drugs trade and other criminality during 2008. Residential units rented by him were occupied by established criminals. He took these lettings during a time when he had no recorded employment.
115. Adam Keatinge has three convictions for possession of drugs for sale or supply. One of these convictions was in 2005 and two were in 2012. The last conviction related to a cocaine and cannabis seizure from a house in Foxrock in County Dublin on 29 September 2008. Adam Keatinge and Veronika Saly lived in this house at the time of the seizure. Tick lists were found which indicated drug dealing. They were arrested. Another address at Castleknock County Dublin was searched while they were being detained. A kilo of cocaine was found along with belongings of Adam Keatinge at that address.
116. Criminal charges were preferred as a result of these matters. Eventually, Adam Keatinge pleaded guilty. He was sentenced to imprisonment for 3 years on 28 September 2012 for possession of drugs with intent to supply. He had previously received 2 and 3 year sentences of imprisonment on 3 July 2012 for possession of drugs with intent to supply and for allowing premises to be used for sale or supply of controlled drugs.

117. The general picture of transactions from 2009 onwards is that round sum amounts of cash was lodged to either Adam Keatinge's Permanent TSB current account or his credit union account. Debits to his Permanent TSB current account for mortgage payments were usually funded by round sum cash lodgements made in the days prior to the due date for payment of a mortgage instalment.
118. After January 2009, first entry in any bank or credit union statement associated with Adam Keatinge which can be identified with organising a music event is a payment from his Permanent TSB current account of €6,892 to High on Life on 25 August 2011. This was funded by a credit union loan of €8,000. The SWIFT payment charge makes clear that this payment was made to an account outside the State. Further payments were made to High on Life on 5 September 2011, 3 November 2011, and 8 November 2011. The total paid to High on Life from this bank account in 2011 was €16,964. No other payments from this account can be identified as relating to music events promotion.
119. Some transactions on the credit union accounts can be associated with music events promotion. A credit union loan of €25,000 on 26 February 2014 was lodged to the current account of FNO Promotions Ltd. A further credit union loan of €10,000 on 2 September 2014 was lodged to the same account. These credit union loans were back-to-back with credit balances in the shares account which covered them in full. A withdrawal of €21,000 on 24 November 2014 was noted as "Bank of Ireland" and a withdrawal of €7,100 on 24 September 2015 noted as "Promoter Fri".
120. The €21,000 was credited as a "business loan" to the Bank of Ireland current account of FNO Promotions Ltd on the following day. The source of the credit balances which enabled this payment was the lodgement of €51,315 odd on 27 August 2014 from proceeds of sale of Beverly Lawns. This €21,000 was used up on debits for salary to Adam Keatinge and Veronika Saly, payments to High on Life and a number of other payments in November and December 2014. These payments to Adam Keatinge did not fund any monthly Permanent TSB mortgage instalment.
121. On 12 February 2009 Adam Keatinge opened his current account with Permanent TSB. The bank statements for this account disclose that between that date and 12 February 2010, when the first monthly instalment of €1,304.77 for the Beverly Lawns mortgage was debited, round sum cash lodgements totalling €29,950 were made to this account.
122. In June 2009 Adam Keatinge opened a shares account at a credit union in Dundrum. He drew a loan of €5,200 which was paid out to Ulster Bank on 7 July 2009. In the period between 19 June 2009 and 16 November 2009, €35,610 cash in round sum lodgements was lodged to his credit union accounts. On the latter date he withdrew €21,300 from the shares account. This was the second of two withdrawals from this account which were used to pay the €30,000 deposit for Beverly Lawns. His lodgements to these credit union accounts during 2009 totalled €39,995.

123. The funds saved in the credit union shares account between June and November 2009 were cash from unidentified sources. A comparison of movements on his current account with Permanent TSB during this period shows that lodgements to this current account and other transactions on it fell away to virtually nothing. Adam Keatinge and Veronika Saly had other sources of wealth during this period to finance their lifestyle and living expenses.
124. In the calendar year 2010 cash lodgements to the Permanent TSB account totalled €28,595 plus a small sum for Forint exchanged. A payment of €6,000 was made in July 2010 which related to the apartment in Budapest. This was funded by a cash lodgement. No credit to or debit from this current account during this period can be related to a business of organising musical events. During the same period €26,994 was lodged to credit union accounts. Credit union loans of €11,500 and €20,000 in December 2009 and August 2010 were not lodged to the Permanent TSB current account.
125. In the calendar year 2011 lodgements to the Permanent TSB current account totalled €57,898 and lodgements to the credit union accounts totalled €25,624. A credit union loan of €10,000 drawn on 19 April 2011 was not credited to the Permanent TSB current account. A further credit union loan of €8,000 was drawn down on 24 August 2011. This was used to make lodgements of €900 and €7,100 to the Permanent TSB current account the following day. The latter lodgement funded the first payment from any bank account in favour of High on Life.
126. In the calendar year 2012 Adam Keatinge was in prison from the start of July. After the company bank account was established at AIB on 30 November 2011 substantial cash continued to be diverted by Adam Keatinge into his Permanent TSB and building society accounts. Receipts to his Permanent TSB account between 30 November 2011 and 3 July 2012 were over €28,000. Most of these receipts were round sum cash lodgements. During this period €13,800 cash was lodged to his credit union account.
127. The company bank account was used during this period for the sole purposes of receiving payments from ticket sales companies and for lodgements used to pay High on Life and make one very small payment to the Revenue Commissioners. Most of the payments to High on Life were funded by cash or credits lodged or transferred to the account very shortly beforehand. On 7 March 2012 Ticketline lodged €20,347 into the company bank account. This was used immediately to pay High on Life €20,305. Most of the other High on Life payments were funded by cash lodgements.
128. This shows that cash receipts were withheld by Adam Keatinge from the company bank account. There is no way of knowing the full amount of cash receipts during this period.
129. Payments were made from the company bank account to High on Life while Adam Keatinge was serving his prison sentence. Lodgements to this account were consistent in time with takings from New Year, St Valentine's Day, and Easter music events and one other event in May 2013.

130. In February 2013 two monthly direct debits were set up from the company bank account to Adam Keatinge and Veronika Saly for €2,083 each. Payments to Adam Keatinge were credited to his Permanent TSB current account. They funded the monthly mortgage payments on Beverly Lawns. Absence of activity on this account shows that Adam Keatinge remained in prison until some date between October and December 2013.
131. In May 2013 a decision was made to move the company bank account to Bank of Ireland and a credit balance of €15,180 was transferred from AIB to the new Bank of Ireland Account on 6 June 2013.
132. Cash totalling €14,500 was lodged into Adam Keatinge's credit union account during the period between 21 September 2012 and 31 July 2013. Most of this money was used to pay off a credit union loan to Adam Keatinge. Round sum lodgements totalling €15,130 were lodged into the Permanent TSB current account of Adam Keatinge between 9 July 2012 and 14 March 2013. Many of these lodgements are noted as made by Veronika Saly. A further €1900 was lodged on 5 July 2013.
133. Until February 2013 these lodgements were used to meet the monthly mortgage payments of €1,487.02. From March 2013 mortgage payments were met by transfers for monthly salary from the FNO Productions Ltd current account.
134. The possible sources of funds available to Veronika Saly to make these lodgements to the credit union and Permanent TSB accounts were cash hoarded prior to imprisonment of Adam Keatinge, rental on the apartment in Budapest and cash retained by her from running music events while Adam Keatinge was imprisoned, but not deposited in the company bank accounts. The company's AIB bank account does not disclose payments or receipts relating to any music event from the date when Adam Keatinge went into prison until February 2013. It is more likely that payments made by her into Adam Keatinge's Account to fund mortgage payments in the initial period of his imprisonment came from hoarded cash.
135. Adam Keatinge was released from prison by January 2014. In 2014 and 2015 monthly mortgage payments for Beverly Lawns and then for Ellistown continued to be funded for the most part by monthly debits of €2083 from the FNO productions Ltd current account, credited to Adam Keatinge's Permanent TSB current account. One payment in 2015 was funded by a transfer of €7,000 from a bank account of Veronika Saly in Hungary.
136. Most of the credits into the current account of FNO Promotions Ltd in 2014 came from a mixture of credit union loans and withdrawals (€56,000), card lodgements of cash from ATMs and in branch (€80,075) and credits from Ticketmaster of €1,544 and €17,891 on 28 May 2014 and 23 September 2014. Part of the funding which helped support €21,000 of these transfers was the €51,314.86 surplus from Beverly Lawns. During this period High on Life payments totalled €75,122.55. It is not remotely credible that cash

received was fully accounted for in the company bank lodgements. Cash lodged was barely enough to cover High on Life expenses.

137. The conclusion must be that prima facie, substantial cash was kept "off books" during 2014. During this period €25,000 of the money used to pay the deposit on Ellistown came from undisclosed primary sources. The only legitimate source of income available to Adam Keatinge to fund this €25,000 was events promotions takings payable to FNO Promotions Ltd. The inescapable inference is that he funded this €25,000 for Ellistown by helping himself to cash which should have been lodged to the company current account. No further payments to Revenue were made from the company current account after January 2014. The remaining €5,000 for the €30,000 deposit for Ellistown came from cash saved into the credit union account.
138. The company current account for 2015 discloses card and ATM lodgements of €58,435 and credit transfers of €21,750. Many of these lodgements were to meet payments which were debited to the current account at the same time as or shortly afterwards. Payments put through the current account to High on Life and another entity called Double Platinum PR in 2015 totalled €52,370. Payments from Stripe and Ticketmaster credited to the current account in 2015 totalled €23,590.
139. The statements for the Bank of Ireland current account of FNO Promotions Ltd during 2015 show that this account stopped operating in any meaningful way in October of that year. In November 2015 there were small cash withdrawals indicating that the card for the account is being used in the UK.
140. The last monthly transfer of €2,083 from the current account of FNO Promotions Ltd to Adam Keatinge's Permanent TSB current account was made in April 2015. After that until the end of 2016 payments into the Permanent TSB current account to meet the mortgage came from round sum cash lodgements from ATMs in diverse locations. No inference can be drawn from the locations of the ATMs used because Adam Keatinge and Veronika Saly were living in rural County Kildare. This cash came from unknown sources.
141. The only legitimate source of cash available to Adam Keatinge in 2015 was takings of FNO Promotions Ltd. The payments into the Adam Keatinge Permanent TSB current account cannot be reconciled with movements of any other bank account.
142. Given the scale of Adam Keatinge's association with criminals and his drug dealing in 2008, this Court has concluded as a matter of probability that the main source of the very large amounts of money available to him during 2008 was drug dealing. There is no evidence of use of the AIB bank account exhibited for a music events business in 2008.
143. The pattern of cash lodgements during 2009 and 2010 was much the same as during 2008, though there was less cash going into accounts. During these years, with the exception of one payment already referred to, there is nothing in the bank accounts or

credit union accounts which points to any withdrawal or receipt attributable to organising a music event.

144. The overall evidence presented by the Bureau persuades this Court that, prima facie, the real source of wealth in Ireland of Adam Keatinge and Veronika Saly at that time was either cash from drug dealing or cash from business receipts diverted by tax evasion, or both. It is not possible to envisage a scenario for a source of this money which did not involve criminality.
145. Given that there is no evidence of continued involvement of Adam Keatinge with organised crime or drug dealing after he got caught in late 2008, I consider that the more likely source of much of the cash which went through his hands between 2009 and 2015 was business receipts diverted by tax evasion. In 2015 he was definitely back in operation in the illegal drugs trade.
146. If Adam Keatinge was engaged in "a bit of DJing" or promoting any music events in 2008, 2009 and 2010 he was pocketing the takings, and failing to charge, deduct and remit VAT on receipts in the State. He was evading tax. He kept no business records. That was his deliberate choice. If FNO Promotions Ltd was used as a vehicle of trading during this period, receipts were not properly accounted for or lodged to a bank account because there was no bank account. Cash came into his hands to spend as his own and was distributed gross of tax. As controller of the company, he was responsible for ensuring that relevant tax was deducted and paid to Revenue.
147. It is not possible to rule out Adam Keatinge's explanation that he was earning money from "a bit of DJing" during this period. How much money he could have been getting from this is unclear as he kept no books. Cash into his bank and building society accounts in 2008, 2009 and 2010 is consistent with him doing a lot of something and is inconsistent with him taking "time off" from whatever he was up to.
148. The pattern of activity on the bank and credit union accounts indicates that from some point in 2011 Adam Keatinge was definitely involved in large musical events promotions and that this activity continued into 2012. These activities and failure to properly account for cash earnings continued until an effort was made to regularise matters in 2013 while he was in prison. As soon as Adam Keatinge got out of prison these efforts at regular business activity ended.
149. It follows that the provisional conclusions of this Court on the materials presented by the Bureau were that the materials relied on by the current Chief Bureau officer provide strong support for his belief that Ellistown was acquired with proceeds of crime and cash used to pay the mortgages on Beverly Lawns and Ellistown was sourced in proceeds of crime. The belief of the Chief Bureau on this is reasonable and the evidence, including that belief evidence, is sufficient to establish that, prima facie, Ellistown was, for the most part acquired with assets which were directly or indirectly proceeds of crime.

150. These proceeds of crime and assets acquired with proceeds of crime were cash which funded €30,000 used to pay the deposit on Beverly Lawns; cash used to fund payment of monthly mortgage instalments for Beverly Lawns between 2009 and March 2013 and between January 2014 and September 2014; €95,000 uplift in the value of the equity in Beverley Lawns which was used to buy Ellistown; cash and the money to buy a draft which funded €30,000 used to pay the deposit on Ellistown, and monthly mortgage instalments paid for Ellistown between 2014 and the end of 2016.
151. The evidence tendered in affidavits of Adam Keatinge did not shift this conclusion. These affidavits do not engage with detail in the materials presented by the Bureau.
152. Adam Keatinge accepted that €30,000 of the cash found in Van in which he was stopped on the way to Belfast Airport was his but disputed that it was proceeds of crime. This Court is not required to make a finding in relation to that cash.
153. It emerged in rebuttal evidence that the Berlingo Van was registered in the name of a Sister of Adam Keatinge at a Northern Ireland Address. This sister lives in the State and has been referred to already. An entry for an unpaid item in one the Barclay's bank statements for Adam Keatinge's Northern Ireland company suggests that this van was bought on leasing or hire purchase. It also emerged in rebuttal evidence that the €20,000 found in the van was in €50 notes and was in a bag with his passport.
154. Adam Keatinge explained that Kieron Russell was sent by the principal of High on Life to collect this money from him as a payment and that Kieron Russell was also obliging him by driving himself and his associates to Aldergrove airport to catch a flight to Amsterdam. This did not accord with his explanation to PSNI officers after he was arrested or with an explanation given by Kieron Russell to PSNI officers. He claimed to PSNI officers that €20,000 in the van was cash receipts from three gigs which he ran in the State.
155. If the €30,000 represented receipts from music promotions, this cash was not lodged to bank accounts of either FNO Promotions Ltd or Ace of Clubs (Belfast) Ltd. It came from a hoard of cash which was accumulated in a manner which has not been adequately explained and which, on any view, involved evasion of tax.
156. A letter from Merrion Vaults produced by Adam Keatinge to PSNI indicates that the €30,000 found in the Van and in his underwear came from €500 and €50 notes withdrawn from his safe deposit box in Merrion Vaults on 7 June 2016. The sums cannot be reconciled with ticket sales reports for Lafayette which he provided to PSNI which are dated 1 November 2015, 31 December 2015, and 14 February 2016. These reports show costs of tickets for those events at €12 and €15.
157. If the source of the €30,000 started out as door takings at events as described by Adam Keatinge to PSNI, which seems highly unlikely, it has been swapped for large denomination notes from unknown sources. No explanation has been provided for how

or when or why that happened. It is difficult to see how 20 €500 notes and 400 €50 notes could have become available to him except through money laundering.

158. Adam Keatinge abandoned any interest in any part of the Western Union Transfer money. This is significant. The Western Union documents completed in Kildare Post office disclosed that he was sender of one €5,000 transfer and intended recipient of another €5,000 transfer. He has not engaged with material found on his phone. The activity shown in the photographs is more consistent with cash from drug dealing than cash from door takings. If the sources of the bundles of notes shown in these photographs started life as door takings, the door takings ended up being replaced by €50 notes from other sources.
159. Adam Keatinge explained that High on Life is a booking agent for DJs and that Double Platinum is the booking entity operated by Eric Morillo. This Court had already concluded from information in bank statements that these entities were booking agents for DJs. He also explained the role of Ticketline, Ticketmaster and Stripe. This Court had already concluded this from information in bank statements. He has exhibited a letter from Alan Doyle of Lafayette Café Bar in Westmoreland Street in support of his evidence that he has been running events there for 4 years. The information on door takings set out in this letter was provided by Adam Keatinge.
160. An unsworn affidavit signed by an accountant and an intended exhibit to this affidavit were exhibited by Adam Keatinge in his affidavit. This is an unsatisfactory procedure which is not a permissible means of tendering evidence by a person who has purported to sign an unsworn document. The latter document also included a reference to tax returns for another person who has no relevance to this application. A dispute about whether Adam Keatinge appealed tax assessments in time is not relevant.
161. Similarly, Adam Keatinge has exhibited an affidavit by a solicitor in Newry who acted for him in Northern Ireland from January 2017. This affidavit has no title and it is not apparent that the deponent knew the purpose for which it was provided. The deponent was not acting for Adam Keatinge at the time of his bail application in Belfast and was not in a position to state what, if any, evidence was given by the principal of High on Life to the High Court of Justice in Belfast on whether cash found in the Berlingo Van was due to be paid to her.
162. Documentation exhibited in rebuttal tends to establish that this lady gave no evidence to the High Court of Justice in Belfast about this money. Adam Keatinge's barrister at his bail application explained that €20,000 in cash in the van was being brought by him to Northern Ireland to make a loan to his Northern Ireland company.
163. Adam Keatinge referenced the Barclays Bank account of his Northern Ireland company as evidence of legitimate business activity in events management. This does not explain the origin of the cash in the van or the cash photographed by him. It is clear that the cash in the van was not intended to be put into the bank account of Ace of Clubs

(Belfast) Ltd. That course would be likely to trigger a money laundering report by Barclay's Bank.

164. Adam Keatinge's evidence did not address the source of his wealth in 2008. He stated that he returned to work as a DJ in 2009 doing small events for a period of two years or so. The information which he has provided on affidavit does not explain how he came to accumulate a deposit for Beverly Lawns in such a short period and the cash inflows in 2009, 2010 and 2011.
165. His evidence and the backup material exhibited is consistent with his bank account statements which show that he became involved in larger scale events promotions from 2011. The High on Life invoices exhibited run from September of 2011. The earliest year referenced in the video clips is "2012" which appears in the background to an FNO event at the Wright Venue in Swords, County Dublin. The promotional fliers and the videos and radio advertisements on the USB stick show that he was involved in organising a large number of events at a number of venues in the State and, more recently, in Northern Ireland from 2012 on.
166. Many of the High on Life invoices were settled with cash and it is not possible to reconcile invoices with bank payments. Of the 55 invoices exhibited by Adam Keatinge, 22 were fully or partially settled with cash. This cash represented roughly 33% of the value of 55 invoices for €153,154 and STG£8,778: being €50,633 and STG£5,114.
167. Adam Keatinge has also exhibited a number of records of tickets available and tickets sold for events in late 2011, 2012, 2014 and 2015 in venues in Dublin, Naas, and Limerick. It is clear that these records do not reflect the full extent of FNO and Ace of Clubs activity.
168. All this material confirms that cash was in many instances not lodged in full or at all to bank accounts and that a very large cash receipts went unaccounted for from 2011 onwards.
169. It follows that there will be orders under s.3(1) of the 1996 Act in relation to the assets represented by the Western Union Transfers, the gold bars, and cash in the Merrion Vaults safe deposit box and Ellistown. There is no evidence to demonstrate that an order under s.3 in respect of Ellistown would involve a serious risk of injustice to Adam Keatinge and Veronika Saly. Very little of the money used to fund the purchase of houses and mortgage instalments to the end of 2016 can be regarded as other than derived from proceeds of crime. This court will hear further submissions on the position relating to mortgage payments since that time.