



HOLY MARY'S PR PROBLEM

A DUBLIN-BASED PR specialist named **Mary Carberry** was the centre of a colourful story in the *Irish Mail On Sunday* last month, which alleged that the businesswoman was involved in a bizarre religious outfit called Maria Divine Mercy (MDM). This claims to receive prophecies from God and flogs various religious paraphernalia online, such as books and medals. But the real story about Carberry – who also goes by her maiden name, **Mary McGovern** – relates to her business history. She has been involved in all sorts of companies in recent years, a number of which have



Sarah and Mary Carberry

been hauled up before the courts over bad debts.

Carberry tends to use her maiden name for her PR business, McGovern PR, and has been a director of a slew of companies in recent years, most of which have been related to PR or marketing. In 2009, Irish Nationwide took Carberry and her husband, **John Carberry**, to the Circuit Court seeking possession of their Malahide home, which was €50,000 in arrears.

Happily, however, six years on the Malahide home remains the address given for Carberry on company records.

Also in 2009, Fingal County Council secured a small judgment of €4,000 in the District Court in connection with a business of Carberry's known as 'McGovern Communications'.

In 2010, meanwhile, Ulster Bank sued her in the High Court and was awarded judgment of €36,000, which was subsequently converted into a judgment mortgage.



"AND YOU'RE QUITE SURE THIS IS HOW YOU MAKE A THREE PARENT BABY?"

Three years later, the bank was granted an execution order, meaning that the sheriff was sent to seize assets belonging to the businesswoman. Meanwhile in 2011, a company owned by Carberry called Ambition Awards Ltd (which traded as 'Online PR') collapsed into liquidation, having previously had judgments totalling €5,500 granted against it in favour of Fingal County Council.

The PR woman has also been the director of a number of companies that have been struck off by the Companies Registration Office for failing to file accounts. These have included a recruitment

company, Culturelink Ltd, and a property company called Marbella Property Investments Ltd, both of which were struck off in 2005. Since then, at least five Carberry-linked companies have also been struck off, most of which were related to PR or marketing.

Carberry has been the focus of attention from online sleuths who have been attempting to uncover the mystery of who exactly is behind MDM, which began around 2010. One of its websites, 'Coma Books', sells something called 'The Book of Truth' and religious medals. 'Coma Books' is a registered business name belonging

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to Trumpet Publishing Ltd, which was set up in 2010. Carberry's daughter, **Sarah Carberry**, was a director here but stepped down in 2013. The current directors are a retired Donegal dentist, **Breffni Cully**, and a German national, **Heinrich Martin Roth**.

Another company apparently linked to MDM is Merdel Ltd, set up to sell religious medals but which doesn't appear to have ever traded. (Cully and Roth held the shares here.) Using her maiden name, Mary Carberry's signature appears on the company's incorporation document as a witness. She declined to respond to queries from Goldhawk about her involvement with the religious group.

THERE'S been yet another judgment for the developer and philanthropist, **Niall Mellon**, who has just been stung for €17,000 in the Circuit Court following an action taken by **Dún Laoghaire-Rathdown County Council (DLRCC)** in connection with his south Dublin pub, **Taylor's Three Rock**. This comes not long after the local authority registered a €52,000 judgment against Mellon – which the developer has since satisfied – while back in 2011, DLRCC also registered a judgment of €17,000 against Mellon, again in connection with this pub.



Niall Mellon

These days, Mellon resides at an address in Manchester, England, although he continues to act as a director for a number of Irish companies, including **PSW Developments Ltd**, a property development company originally backed by **Anglo Irish Bank** (now **IBRC**). The latest accounts showed that **PSW** had accumulated losses of €27.3m at the end of 2013. The accounts stated that the company's bank loans of €27.7m, which had been with **Nama**, are now with an entity known as **Capital Asset**

Services (Ireland) Ltd. A note in the accounts also stated that the company was in breach of "its loan facility conditions with **Capital Asset Services (Ireland) Ltd**."

GREG KAVANAGH'S BACKERS

MORE to report on the adventures of the hyperactive Wicklow builder **Greg Kavanagh**, whose company, **New Generation Homes**, has reportedly been snapping up property in the greater Dublin area at a frantic rate.

There has been much speculation concerning the backers of

Kavanagh, a 29-year-old from Arklow who came out of nowhere to build up a multi-million euro landbank. One of his backers is a UK-based property developer named **Sir John Beckwith** (see *The Phoenix* 7/11/14), who is behind a major UK property investment company known as **Pacific Investments**. It would appear that all is not going according to plan because last month, a UK company controlled by Beckwith (and his son, **Piers Beckwith**), which held shares in a Kavanagh-related property company, was wound up.

The UK company in question is called **Red River (Ireland) Ltd**. This was set up in 2013 and the directors here included **Sir John Beckwith**, his son, **Piers**, as well as **Piers's** twin brother, **Henry**, a former boyfriend of the **Spice Girl**, **Gerri Halliwell**. **Red River** held a 25% stake in a Kavanagh-related company, **Benelough Developments Ltd**, which was behind a development in **Carrickmines**, **Dublin 18**, where planning permission was obtained for 43 houses. Work had started on the site, although the project ran into difficulty and has stalled for almost a year.

Last July, a company called **Shannon Valley Plant Hire Ltd** issued High Court proceedings against **Benelough** and various other parties – including **Piers Beckwith** and the Kavanagh-linked **New Generation Developments Ltd** – over money it was allegedly owed for work carried out on the site. (Kavanagh was not named personally in the lawsuit.) It is understood that

Shannon Valley claimed to be owed more than €1m, but the good news is that in December a notice was filed with the High Court stating that the action had been discontinued.

Piers Beckwith was also a director at **Benelough**, but stepped down last month, along with another **Pacific Investments** colleague, **Doug Rogers**. (**Cathy Kavanagh**, who has the same Arklow address on company records as **Greg Kavanagh**, then joined **Benelough** as a director.) Shortly afterwards, **Red River (Ireland) Ltd** was wound up with the official notice stating that all known creditors "have been or will be paid in full."



Greg Kavanagh

Piers Beckwith is still listed as being involved with **Kavanagh** in another company, **Killiney Hill Developments Ltd**, where the English businessman remains one of the directors. According to this company's latest annual return (made

to the end of September 2014), **Red River** held 50% of this company's shares, with the remainder held by a **Greg Kavanagh**-linked company, **PTG Construction & Investments Ltd**.

THE CIRCUIT Court's Judge Jacqueline Linnane didn't mince her words last month when she warned current and former members of the Church of Scientology in Ireland that they face a potentially massive legal bill if they continued their legal squabble, which has involved accusations of defamation and of harassment (see Young Blood, p17). Meanwhile, the company behind the church in Ireland is already in the red.



Siobhan Ryan

Church of Scientology Mission of Dublin Ltd's

out-of-date accounts showed that its deficit stood at €145,000 at the end of April 2012, up from €110,000 the previous financial year. A note in the accounts, which were filed last month, states: "The deficit has been funded by loans from members of the Church of Scientology worldwide and Churches of Scientology... These loans will be repaid at the discretion of the directors when future cash resources permit." The directors of the company are listed as Ger Ryan and Siobhan Ryan.

'SUBMARINE' SMITH UNDER WATER

DEVELOPER Gary Smith, who previously owned the well-known **Submarine Bar** in **Crumlin, Dublin 12** and the adjoining **Ashleaf Shopping Centre**, has been in the wars in recent years, involving disputes with former business partners and the banks. It looks like things are going to get worse before they get better as now **Smith** faces the possibility of being restricted under **Section 150** of the **Companies Act**.

One of **Smith's** companies was called **Kessow Ltd**, which previously ran the **Ashleaf Shopping Centre** before collapsing into liquidation in 2013. Shortly before **Kessow** went into liquidation, **AIB** had put the shopping centre and the **Submarine Bar** into receivership on foot of loans of around €40m. The loans had been given to **Smith** to buy the shopping centre and pub in 2005 from his father, **Frank Smith**, and uncle, **Johnny Smith**.

Last month, the **Kessow** liquidator lodged proceedings in the High Court seeking to have **Smith** restricted and the case is back before the court next month. **Kessow** showed accumulated losses of almost €170,000 in its last set of accounts, made to the end of 2011.

Smith has had a number of high-profile business associates over the years, including **Bertie Ahern**, who was previously the chairman of a solar power company called **Scientia Solar Ltd**, before stepping down in 2013 (see *The Phoenix* 14/2/14). **Smith** is a shareholder and was a director (until last year) of this outfit, where the current directors are listed as Northern Ireland businessman **Ivor Duggan** and **Frank Smith**. The company was struck off

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Ivor Duggan and **Frank Smith**. The company was struck off for failing to file its accounts earlier this year.

Gary Smith was also previously involved with the developer **Bernard McNamara** and, together with Duggan, registered a €2.1m judgment against McNamara in 2010 in relation to a dispute over a proposed property venture at Grafton Street. Meanwhile, in 2013 AIB was granted judgment of more than €50m against Smith. The High Court heard in that case that the anti-eviction activist **Charlie Allen** of the Rodolphus Allen Family Private Trust had written to AIB on Smith's behalf and served what was referred to as a "Notice Re Fraud and Barratry." Judge **Peter Kelly** described the letter "as a piece of nonsense."

A PHOTOGRAPHER currently residing at Mountjoy Prison has been declared bankrupt from behind bars. **Niall Williamson**, from Kilkenny, is currently serving a jail sentence for various tax dodging offences in relation to his work as

a freelance photographer. Williamson was convicted in 2010 and a Revenue official told Kilkenny Circuit Court at the time that his finances were "beyond chaotic."

Williamson was initially spared jail following his trial, with the Circuit Court's Judge Olive Buttimer explaining that there would be "no point" in sending him to jail. This was despite the fact that a jury had found him guilty of 85 counts of tax offences, having heard that Williamson had avoided paying VAT on €1.4m worth of sales between 1998-2004. The jury also heard that he owed the Revenue €332,000 in fines and penalties.

Judge Buttimer ordered that Williamson complete 240 hours of community service, which involved teaching photography classes to the "less well off." But for the first time in a tax-related offence, the Revenue appealed against the leniency of the sentence. Last year, the Court of Criminal Appeal upheld the appeal and sentenced Williamson to 42 months in jail, with 21 months suspended.

Meanwhile, the Revenue has also sued Williamson on a number of occasions in the civil



"He's complaining of dizziness, but we won't know till we see the x rays."

courts. Between 2010 and 2012, it registered judgments against the photographer for a total of €265,000.

ROBERT MOORE'S DISQUALIFICATION

DUBLIN publican **Robert Moore**, who was disqualified last month from acting as a company director for 10 years, due to a catalogue of misdeeds at his pub company, Kate's Cottage Ltd (KCL), had used company money to invest in a disastrous property

company active in India, Kuvera (Ireland) Ltd. This company will be familiar to fans of Goldhawk, as will the Kuvera boss, Kieran Murphy (see *The Phoenix* 13/12/13).

Moore set up KCL in 2005, which operated Kate's Cottage pub at Store Street, Dublin 1, until it went bust in 2011. According to an affidavit from the KCL liquidator, PJ Lynch, Moore had used €8,000 of company money to invest in Kuvera. Moore told Lynch in a letter that he had invested a total of €22,000 with Kuvera, which

had marketed two proposed developments at Rudrapur in northern India. In a letter to Lynch, Moore explained that this was “an investment opportunity that I and 204 other people were introduced to and were conned... This was a poor decision and I have paid dearly for it.” Some of the investors sued Murphy and Kuvera in the High Court, which heard that Kuvera resembled a grand “pyramid or Ponzi scheme.”

Elsewhere, Moore was also found to have diverted KCL money into another pub venture, Blueskys Public House Ltd, where he was a director. Blueskys traded as Feile on Wexford Street, Dublin 2, and Moore told Lynch that in 2012 he opened this pub with a friend but the venture was “never successful.” He explained: “I wrongly took money and stock from my own business, Kate’s Cottage Limited, to try to keep both businesses open, which ultimately failed, leaving all involved hurt and in financial difficulty.” The publican admitted that he had “falsified the VAT records of [KCL] to use the money for Blueskys Public House Limited for bills and rent which was €3,895 per week”. KCL owed the Revenue €250,000 when it went under and Moore was also found to have paid employees on a cash basis,



Kate's Cottage

with no PAYE tax credits or payslips issued.

The good news for Moore is that since 2013 he has been in business with another venture, a boozier on Capel Street, Dublin 1, called The Beerhouse. He operates this venture as a sole trader.

FERGUS RICE'S BANKRUPTCY

SPARE A THOUGHT for Dublin businessman **Fergus Rice**, a former executive at the spread-betting firm, Marketspreads Ltd, which

registered a judgment of close to €1.6m against him in 2012. Rice was adjudicated bankrupt last year following a petition by Marketspreads and last month, he failed in a High



Fergus Rice

Court application to have the adjudication annulled. The High Court heard in 2012 that Rice left Marketspreads in July 2011 along with its chief executive **Brian O'Neill**. Marketspreads claimed that around late 2010 and early 2011, it discovered that the boys had advanced €1.4m from the company to another venture, SSB Ireland Ltd. Including interest, the amount came to €1.7m, which ultimately led to Rice's bankruptcy last year.

LOSSES continue to mount for a company controlled by north Dublin developer Seamus Murphy, who will be familiar to fans of Goldhawk thanks to his support for Fine Gael's James Reilly, as well as his involvement in multiple lawsuits, largely related to allegedly pyrite-infected housing developments. Accounts filed last month show that Seamus Murphy Properties & Developments Ltd (SMPD) had accumulated losses of close to €30m at the end of 2013, having lost €1.4m in that year.

It will be recalled (see The Phoenix 11/4/14) that Bank of Ireland appointed a receiver to a 12-acre site owned by the company at Tullyallen, Co Louth, last year. Furthermore, one of SMPD's other lenders, ACC Bank, has an outstanding judgment registered against the company for €17m while a Treasury Holdings subsidiary, Drocarn Ltd, has a judgment for €886,608 in place against Murphy's company. The recently filed accounts state, "The company is unable to satisfy these judgments... the directors are of the opinion that the company cannot continue to trade as a going concern." Elsewhere, a note

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from the company's auditors states, "We have been unable to obtain sufficient appropriate audit evidence concerning the valuation of the stock of development land."

SMPD is owned by a Murphy company called Murphy Concrete (Manufacturing) Ltd, a concrete supplier that has been involved in numerous High Court cases in recent years over the alleged supply of pyrite-infected building materials. A note in this company's recently filed accounts (signed off last December) states that it had been "advised of potential claims relating to the alleged supply of certain defective products to customers. Any liability alleged is denied and it is not possible to assess the validity of the claims, if any, at this time."

GALWAY DEVELOPER RESTRICTED

A GALWAY property developer has just been restricted under Section 150 of the Companies Act with respect to a company that collapsed into liquidation in

2011. The developer's family owned a controversial nursing home that hit the national headlines back in 2012, when inspections revealed appalling standards of care at the home, called Owen Riff, at Oughterard, Co Galway. **Kevin O'Toole** was the director of a property company called Wheelmont Ltd, along with his wife, **Theresa O'Toole**, who was the proprietor of the nursing home, which was taken over by the HSE (see *The Phoenix* 10/8/12). (No restriction order was made against Theresa O'Toole.) The O'Tooles had various business interests in Galway, with Kevin O'Toole tending to focus on building and property development. His wife, Theresa, managed the nursing home through a company called Riverside Nursing Home Ltd (RNH), although all the shares in this entity were held in the name of her daughter, **Kimberly O'Toole**.

Among the reasons for the



closure of the nursing home – which was ordered by Judge **Alan Mahon** – was incomplete documentation regarding the administration of a drug called Oxycodone, a morphine-type drug known as 'Hillbilly heroin' in the US. There were also problems with inadequate staffing. Judge Mahon said that there were a number of "very



Alan Mahon

serious allegations" against the nursing home, although he noted that none of these

involved elder abuse. There were also reports of patients who hadn't been cleaned for long periods of time. Although RNH has ceased to trade, the company itself has yet to be wound up and showed accumulated losses of €130,000 in its most recent accounts, made to the end of September 2013.

Wheelmont traded as Erris Garden Partnership and was involved in property development at Claremorris, Co Mayo. By the time the company was put into liquidation, it had had a string of judgments granted against it, including one in favour

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of an engineering firm (for €31,000) as well as for the Taxman (for €17,000), as well as for various other creditors.

LAW SOCIETY VS FERGUS APPELBE

FANS of Goldhawk will already be more than familiar with the travails of Cork solicitor and developer **Fergus Appelbe**, who has endured a torrid few years, and is currently being sued by Nama for €4m, having been disqualified from acting as a company director in Northern Ireland last year. To add to the legal eagle's woes, Appelbe has come a cropper of the Solicitors Disciplinary Tribunal (SDT), which has found him guilty of nine charges of misconduct and which sent him to the President of the High Court for a sanction.

The President of the High Court, Judge **Nicky**



Fergus Appelbe

Kearns, ordered that Appelbe not be allowed practise as a sole practitioner or in a partnership and not be allowed act on behalf of a family member. According to a ruling recently published by the SDT, Appelbe was found to have falsely altered a deed to show that properties had been transferred to himself and his wife for the sum of €½m rather than €3.2m. He

had also made various other false representations to the Revenue, including that a warehouse section of a property had been transferred to a named company for the sum of €300,000 in February 2010, and had also falsely represented to the Revenue that the remainder of the property had been transferred to his wife, to avoid paying stamp duty.

Elsewhere, Appelbe was also found guilty of misconduct for failing to stamp a deed at the appropriate time with respect to the purchase of a garage in Bandon by his daughter.

GAMA STRUGGLE CONTINUES

THE LONG running legal dispute between over 490 former construction workers in the controversial Turkish firm, Gama – whose plight was championed by Socialist Party TD **Joe Higgins** and others – continues, and is currently due to be heard before the Court of Appeal later this year. Meanwhile, the company's Irish outfit, Gama Construction Ireland Ltd, has filed accounts which show staggering losses of €86.2m at the end of 2013, having dropped €190,000 that financial year.

The key focus of the dispute between the Gama workers, who are represented by Dublin solicitor **Donal Taaffe** and who are claiming to be owed a total of more than €40m in unpaid wages, holiday pay, and pension entitlements, is the venue of the litigation. Gama says that the proper location in which to decide the dispute is Turkey, which is hotly contested by the Plaintiff side, which argues that the Irish courts should hear the matter. The High Court previously ruled in favour of

the workers and said that the litigation should be played out in Ireland, a decision which is now under appeal before the Court of Appeal.

In a legal submission prepared for the appeal on behalf of the workers, it is argued that "it is common case that [the workers] were employed to work in Ireland" and that "It is clear that their employment contracts provided that they were entitled to pay commensurate with the provisions of the Registered Employment Agreement and that the applicable law pertaining to their employment rights is Irish law."

A note in the Irish Gama company's most recent accounts states: "The company is presently the subject to legal proceedings being taken against it by former seconded workers for non-payment of emoluments which they believe they are due. The company does not believe those emoluments are due as all amounts due to former seconded workers have been settled."

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