

PHARMACEUTICAL SOCIETY OF IRELAND

HEARING HELD IN PUBLIC BEFORE THE PROFESSIONAL CONDUCT
COMMITTEE OF THE PHARMACEUTICAL SOCIETY IN IRELAND

PRIVATE & CONFIDENTIAL

RE: MR JOHN O'MEARA - REGISTRATION NUMBER 7210

CASE REFERENCE NUMBER: 468.2018

HELD REMOTELY

ON TUESDAY, 12 OCTOBER 2021

Committee Members: Mr Dermott Jewell, Chairman

Lay member Mr Mark Kane

Pharmacist: Ms Barbara O'Connell

Legal Assessor: Mr Eugene Gleeson

Counsel for the Registrar: Mr Frank Beatty, SC

Counsel for Registrant: Mr Ronan Kennedy, SC

Instructed by: Mr Andrew Vallely

Transcript by D. O'Malley Stenography Ltd.

Stenographer/Logger: Ellenmarie Ward

Editor(s): Deirdre Daniels, Judy O'Brien

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1 PROCEEDINGS COMMENCED ON TUESDAY, 12TH OCTOBER 2021, AS
2 FOLLOWS:

3
4 CHAIR: I will just take this opportunity to say to
5 everybody that I will open the Inquiry and introduce all in
6 attendance, and we can then move on to the applications.
7 Good morning. I would like to welcome everyone here today,
8 I am Dermot Jewell, and I am the Chair of this Committee of
9 Inquiry, and I am not a registered pharmacist. As the
10 Chair, all matters relating to the hearing should be
11 directed to me. This is a statutory inquiry by the
12 Professional Conduct Committee under Part 6 of the Pharmacy
13 Act 2007 in relation to complaints against the following
14 registrants: (a) Mr John O'Meara, registration number 7210,
15 which was referred to this Committee under Section 35(1)(a)
16 and 35(1)(g) of the Act, on the grounds of professional
17 misconduct and a conviction in the state for an offence
18 triable on indictment. (b) McGrath and Conlon Limited,
19 trading as Wicklow CarePlus Pharmacy, registration number
20 7531, which was referred on the grounds specified in
21 Section 36(1)(b) of the Act. (c) O'Meara's Pharmacy Arklow
22 Limited, trading as O'Meara's CarePlus Pharmacy,
23 registration number 5736, which was referred on the grounds
24 specified as Section 36(1)(b) of the Act. And (d),
25 Ferrybank Pharmacy Limited, trading as Ferrybank CarePlus
26 Pharmacy, registration number 7532, which was referenced on
27 the grounds specified in Section 36(1)(b) of the Act.

28
29 This hearing is proceeding today by the format of remote
30 hearing pursuant to the Civil Law and Criminal Law

1 (Miscellaneous Provisions) Act 2020 (Section 31) (Health)
2 (Designation) order 2020. We are using a software platform
3 called Trial View. To assist the smooth running of
4 proceedings, Catherine Dunne is in attendance from Trial
5 View and will provide technical support during the course
6 of the hearing and be responsible for corralling up and
7 sharing documents referred to during the hearing on screen.

8
9 Before the hearing commences, I will now take a few moments
10 to explain how proceedings will work today and to go
11 through some of the housekeeping rules before we start.
12 All attendees should mute themselves, unless speaking, by
13 clicking the microphone icon on the bottom of your screen,
14 and Catherine may occasionally mute attendees, if needed.
15 If any issues arise, don't worry, we will take a break for
16 a few moments while we try to resolve the issue, and
17 Catherine may contact you by phone. Catherine will also be
18 responsible for presenting any documentation which has been
19 updated on screen. When asking Catherine to present
20 documents on the screen, please make sure you call out the
21 correct page number, and it may take a moment for that
22 document to appear. If any of the parties need a break at
23 any stage of proceedings, please feel free to interject and
24 to let me know.

25
26 Please note that you are not permitted to record or
27 live-stream or make any video or audio or other recording
28 or image whatsoever of any part of the hearing.

29
30 In terms of the duration of today's proceedings, I will be

1 recommending that we break for lunch between 1.00 and 2.00,
2 and adjourn for the day at 4 o'clock, or as near as we can
3 to that time.

4

5 The hearing this morning is being held in public.

6

7 I should now like to begin by introducing all those
8 present, starting with the Committee Members. I am joined
9 by Mark Kane, who is sitting as a non-pharmacist member of
10 the Committee. I am also joined by Barbara O'Connell, who
11 is sitting as a pharmacist member of the Committee. Eugene
12 Gleeson, Senior Counsel, is the Legal Assessor to the
13 Committee. The Legal Assessor is not a member of the
14 Committee, and he therefore has no role to play in respect
15 of the Committee's findings as to whether any allegation is
16 proven. The Legal Assessor is in attendance, therefore,
17 only to assist the Committee in relation to the legal
18 issues or arguments which may arise during the course of
19 the hearing.

20

21 In the event that the Legal Assessor is requested by the
22 Committee to provide advices in relation to any matter, the
23 Legal Assessor will tell the Respondents and/or their legal
24 advisers and the Registrar's legal advisers of the advice
25 that he intends to give. Submissions may then be made by
26 both parties on those advices. If advices are so
27 requested, and once they have been given by the Legal
28 Assessor, and submissions made in reply, the Committee will
29 then retire to a virtual private meeting room to make any
30 decisions required in light of those advices and

1 submissions, and those decisions will be made in private.

2

3 Before leaving, the Committee will advise the time on which
4 it will return to the public hearing room, and it will
5 return at that time or post any updates required as to the
6 time of the return of the Trial View waiting room screen.

7

8 For the Registrar, the following are present: Mr Frank
9 Beatty, Senior Counsel, instructed by Aisling Ray from
10 Fieldfisher Solicitors. Also present from the PSI are
11 Ms Kielty and Ms Anna Malone from the Legal Affairs Unit.
12 For Mr O'Meara, the following are present: Mr Mark Murphy
13 BL, instructed by Andrew Vallely from Partners at Law
14 Solicitors, they are present. And Mr O'Meara is also
15 present. From the three pharmacies, Mr Ronan Kennedy,
16 Senior Counsel, instructed by Andrew Vallely from Partners
17 At Law, Solicitors is present. Ellen Ward is present, and
18 she is an independent logger contracted to take detailed
19 notes during the course of the proceedings and to provide a
20 transcript. Ms Ward is accompanied by two other colleagues
21 from her offices. To facilitate the logger, I would ask
22 everyone to speak clearly.

23

24 Finally, I understand that, in due course, there may be
25 some attendance from the media, and there are also some
26 members of the public present, or there may be. A copy of
27 the Professional Conduct Procedures of the Committee has
28 been circulated to all parties. Once the hearing opens,
29 both sides will make submissions, commencing with those
30 from the Registrar of the PSI. On completion of the

1 submissions, the Committee may retire for a short period to
2 enable members of the Committee to satisfy themselves that
3 there are no other matters requiring further clarification.
4

5 On conclusion of the submissions, and following any further
6 deliberations by the Committee, which will take place in
7 private, we will then return to the public hearing room,
8 deal with any remaining aspects, and I will formally close
9 the hearing. Finally, the Committee will, following the
10 conclusion of this hearing, prepare a report which will set
11 out its findings and other matters. I will now take
12 appearances, beginning with those from the Registrar, and
13 ask Mr Beatty to commence submissions by addressing the
14 Committee. Mr Beatty.

15 MR BEATTY: Thanks, Chair. Thank you to the Registrar,
16 instructed by Fieldfisher, Solicitors and attended by Ms
17 Aisling Ray. Now, I understand that there are a number of
18 preliminary applications to the Committee. These are not
19 the applications by the Registrar. There are, I
20 understand, three applications for an adjournment by the
21 pharmacies, who are instructed by Mr Kennedy, and then
22 there is a privacy application by the Registrant in
23 relation to the matter that is proceeding without any
24 application for an adjournment, and I understand Mr Murphy
25 is making that application on behalf of the Registrant.

26 CHAIR: Thank you very much. I suggest, therefore, that we
27 commence with the privacy application, which seems to be
28 holding a priority and it will govern who will be in
29 attendance from there. So, under those circumstances, I
30 will hand across to Mr Murphy.

1 MR MURPHY: Good morning, Mr Chairman. I just wish to
2 confirm that you can hear me okay?

3 CHAIR: Indeed we can. Thank you very much.

4 MR MURPHY: Good morning. Yes, I wish to move the privacy
5 application in respect of Mr O'Meara only, and I wish to
6 move it on the following basis: As the Committee will be
7 aware, Mr O'Meara has been convicted in respect of criminal
8 offences approximately a year ago, in October 2020. And we
9 say, we respectfully say that -- I'm sorry, just one
10 second, Mr Chairman. Apologies.

11 (Technical issue.)

12 MR. MURPHY: Sorry, Mr Chairman, apologies about that.
13 Just a slight technical issue there. We say that it's not
14 in the interests, in the public interest for this matter to
15 proceed in public, and I say that for the following
16 reasons, Mr Chairman: Firstly, as the Committee will be
17 aware, Mr O'Meara was convicted of various offences
18 contrary to the Misuse of Drugs Act on the 6th of October
19 2020 before Judge Pauline Codd at Dublin Circuit Criminal
20 Court, and he was sanctioned in respect of the criminal
21 matters by that court. I don't think this would be an
22 issue when you proceed to the full hearing, Mr Chairman,
23 but I don't believe -- I think I can say with some
24 confidence that it would be accepted that Mr O'Meara
25 cooperated fully with the Gardaí in respect of that
26 investigation when he was arrested and subsequently
27 interviewed and prosecuted by the Gardaí.

28

29 The main point that I wish to put across to the Committee,
30 Mr Chairman, is that I would ask the Committee to consider

1 in the strongest possible terms the potential impact on
2 Mr O'Meara's health that proceeding in public will have,
3 and I say that in light of the medical documentation that
4 has been provided by Mr Vallely, my solicitor. It's two
5 documents; one is a letter from Dr Finian Fallon, which is
6 dated the 5th of October 2021. And the second is a letter
7 from a Dr Paul English, general practitioner, also dated
8 the 5th of October 2021. Both are relatively short
9 letters, but both medical professionals set out that Mr
10 O'Meara has a history of severe anxiety, that he has had
11 difficulties in respect of his mental health for quite some
12 considerable period of time, I think beginning in his
13 teenage years. Dr Fallon makes reference to the fact that
14 Mr O'Meara has previously engaged in self-harm practices,
15 which are related to his anxiety levels, and also then
16 Dr Fallon goes on to speak positively in respect of the
17 efforts that Mr O'Meara has made with him in respect of
18 dealing with his mental health and moving forward.
19 Finally, Dr Fallon opines in his letter that, if I may
20 quote him, Mr Chairman, "I believe that it would lead to
21 Mr O'Meara's psychological detriment if additional
22 information related to his recent difficulties are made
23 available in the public domain."

24
25 In respect of Dr Paul English's letter, a general
26 practitioner at Slievemore Clinic in Stillorgan.
27 Similarly, Dr English opines in his letter that Mr O'Meara
28 has a history of mental health issues and that it is
29 Dr English's belief and opinion, professional opinion, that
30 Mr O'Meara's mental health issues could be affected in a

1 very negative manner if this hearing is held in public, and
2 that is based on the fact that Mr O'Meara has issues of
3 anxiety, depression and self-harm, and Dr English expresses
4 a concern that these issues could be exacerbated, were this
5 hearing to proceed fully in public.

6
7 As I said at the outset, Mr Chairman, I am assuming that
8 grounding any application in respect of -- for the matter
9 to be held otherwise than in public, in light of the
10 potential impact on Mr O'Meara's health, I don't think that
11 this would be a controversial statement to say, that Mr
12 O'Meara is a man who has previously had issues with
13 addiction in respect of prescription medication. These are
14 issues that he has positively addressed, addressed very
15 well, and in as much as anyone can ever beat an addiction,
16 he appears to have done so. But in my respectful
17 submission, and I think the letters that I have opened to
18 this hearing would back up the point that Mr O'Meara
19 remains somewhat vulnerable, and in my respectful
20 submission, more vulnerable than -- and perhaps less
21 resilient in respect of his mental health than perhaps an
22 average Respondent might be.

23 CHAIR: Mr Murphy, sorry to interrupt you. I wonder could
24 it be possible that those letters be brought up for the
25 Committee to see? Catherine can bring those documents up
26 on screen.

27 MR MURPHY: Yes, my apologies. I will just wait until
28 they're brought up. Thank you.

29 MS. DUNNE: Hi, Chair, I have just been notified that there
30 might be an issue for the logger's software. If you want

1 to bear with us for one moment, then we can review in one
2 second. I will let you know when we are good to go.

3 CHAIR: Thank you.

4 MR MURPHY: Mr Chairman, would you like me to continue or
5 to wait for the letters?

6 CHAIR: I think we need to, because there is a problem with
7 the logger, Mr Murphy, so we need to hold on. Thank you.

8 (Break taken.)

9

10 Resumed at 10.45 am

11 CHAIR: Catherine, can I confirm that we are all in situ
12 and the logger is ready to proceed?

13 MS DUNNE: I can confirm, yes, that the logger's issue has
14 been resolved and you are ready to proceed. Everyone is in
15 attendance and thank you very much for the Committee's
16 patience in obliging us with that break. Thank you.

17 CHAIR: No problem, thank you. Thank you everybody. We
18 appreciate your patience. We will resume, and I will hand
19 back across to you, Mr Murphy. And again, apologies for
20 the delays and the interruption.

21 MR MURPHY: Thank you very much, Mr Chairman. My
22 apologies. I thought that the Committee could actually see
23 the documents I was referring to, so I apologise. With the
24 Committee's permission, I might just briefly take you
25 through the letters now that they can be seen, and I will
26 draw the Committee's attention to Dr Paul English's letter,
27 dated the 5th of October 2021. And I think it's a
28 relatively short letter, but it says that Mr O'Meara is a
29 patient of his, and he, Dr English, makes references --

30 CHAIR: Sorry, Mr Murphy, it's not on our screens as yet,

1 so we do need Catherine to call it up. And if I might just
2 explain, the Core Book was agreed quite late, so we don't
3 have the hard copy. The Committee does not have the hard
4 copy to hand, for us to view, so that's why we are now
5 relying on the documentation being put up.

6 MR MURPHY: Thank you. If it gives the Committee some
7 comfort, I only propose to refer to these two documents,
8 and both of them are very short.

9 CHAIR: Excellent. Thank you.

10 MS DUNNE: Sorry, Mr Murphy, I wonder if you can you hear
11 me? And, if so, could you just confirm what book I'd find
12 those documents in so I can present them to the hearing
13 room?

14 MR MURPHY: I'm not sure if it is actually --

15 MR KENNEDY: Sorry, to interrupt, then it's medical
16 reports, and the first document he wishes to refer to is
17 TV-63-7504

18 MS DUNNE: Brilliant. Thanks very much.

19 MR MURPHY: I am very grateful to Mr Kennedy there. Yes,
20 we have it now, I think. Yes, Mr Chair, as I was saying,
21 Dr English makes reference to the fact that Mr O'Meara is a
22 patient of his, Dr English is a general practitioner in
23 Stillorgan. And Dr English makes reference to his concerns
24 in respect to Mr O'Meara's history of mental health issues,
25 and specifically his concern that this hearing being held
26 in public could have a very negative effect on Mr O'Meara's
27 mental health. He has a history of anxiety, depression and
28 self-harm, and Dr English opines that these issues could be
29 exacerbated if the hearing was held in public.

30

1 You will see, Mr Chair, that on the second page of that
2 document, that Mr O'Meara is currently still being
3 prescribed Zyban and Efexor, and, subject to correction
4 from many of the pharmacist members of the Committee, I
5 think they're anti-depressants, and I think that that would
6 certainly give credence to what Dr English is saying.

7
8 The second document I wish to refer to is a letter from
9 Dr Finian Fallon. I'm afraid I don't have the reference.
10 I don't know, Mr Kennedy seems to have them.

11 MR KENNEDY: It is TV 63-4493.

12 MR MURPHY: Again, I am very grateful to Mr Kennedy. Yes,
13 we have it now. Dr Fallon is a consultant psychologist,
14 and he runs a psychotherapy practice that Mr O'Meara has
15 been attending in respect of his mental health issues.
16 Dr Fallon indicates in the second paragraph that Mr O'Meara
17 has been attending since -- (audio lost).

18
19 I fully accept that this is not a hearing in respect of a
20 relevant medical disability, but what I would ask the
21 Committee to accept is that what we are dealing with here
22 is a difficulty in the past with addiction for Mr O'Meara.
23 I think had this hearing been based on a relevant medical
24 disability, it would seem to me more than likely that this
25 would proceed by way of a hearing otherwise than in public,
26 and in my respectful submission, I think I would invite the
27 Committee to look at an addiction -- at addiction through
28 that prism.

29
30 If the Committee were to accede to this application for the

1 matter to be heard in private, I am not making the case,
2 and Mr O'Meara is not making the case, that the PSI, or
3 that they would be in any way barred from notifying the
4 public that Mr O'Meara has had his registration cancelled.
5 That would simply be, that would continue to be open to the
6 PSI, and the public would be made aware if the ultimate
7 sanction was, in fact, imposed down the line.

8
9 Now, I am very, very conscious in making this application,
10 as is Mr O'Meara, Mr Chairman, that one of the main roles
11 that this Committee has is obviously to protect the public,
12 and I certainly don't gainsay that in any way. And
13 obviously that is perhaps the backbone of the reasoning why
14 the de facto position is that these types of hearings would
15 be held in public.

16
17 However, in my respectful submission to this Committee, I
18 think this case, Mr O'Meara's case, can be distinguished by
19 the following fact, and it is that Mr O'Meara has not
20 worked as a pharmacist for over three years. He has
21 stepped back completely from his former role as a
22 pharmacist, and, in fact, over and above that,
23 notwithstanding any sanction that this Committee may
24 ultimately impose in respect of Mr O'Meara, he is stepping
25 away entirely from the pharmacy profession and he's
26 attempting to make a new life for himself in another field,
27 completely separate to his former profession as a
28 pharmacist.

29
30 In respect of publicity, more generally, and I'm grateful

1 there was a document circulated this morning in respect of
2 an article that appeared in the Irish Examiner, and I think
3 Mr Beatty may make reference to that, but, in effect, the
4 gist of it is, Judge, is that Mr O'Meara experienced
5 significant publicity when the matter was proceeding
6 through the criminal courts. There was significant
7 reporting in respect of the facts, in respect of his
8 offending, but also his personal details. This was dealt
9 with in a very public manner a year ago, Mr Chairman, and,
10 in my respectful submission this Inquiry relates to almost
11 entirely the same factual nexus as the criminal hearing
12 related to, and, in my respectful submission to this
13 Committee it is not necessary or, indeed in the interests
14 of justice, for a second wave of publicity to surround
15 Mr O'Meara arising out of the same set of facts.

16
17 He will, in my respectful submission, be effectively
18 punished twice with a year's -- at a year's remove from
19 each other in respect of the same factual nexus. And
20 again, Mr Chairman, this is all said in the context of Mr
21 O'Meara trying to move on with his life and trying -- and
22 moving away from the profession, the pharmacy profession.

23
24 Finally, Mr Chairman, I would ask the Committee to have
25 some cognisance of the fact that -- of the effect that
26 publicity would have on Mr O'Meara's family, particularly
27 his mother, Mary O'Meara, who has actually stepped into the
28 breach in respect of Mr O'Meara's difficulties and taken
29 over the running of the corporate entities. Mary O'Meara,
30 Mr O'Meara's mother, is a lady of some seniority. She is a

1 pharmacist of the utmost good standing, with no
2 difficulties whatsoever, and I would ask this Committee
3 just to be cognisant of the effect that this publicity
4 could have on Mr O'Meara's family, generally, and his
5 mother, Mary O'Meara, specifically by virtue of it all
6 being dragged up again in respect of this hearing.

7
8 Finally, Mr Chairman, in my respectful submission, the
9 public interest in respect of having this hearing heard in
10 public is diluted by the fact that, as I have already said,
11 Mr O'Meara is no longer, in fact, a practising pharmacist.
12 He has no contact with patients or members of the public.
13 Mr O'Meara is very, very realistic as to what the outcome
14 of this Inquiry may well be. He is very, very realistic in
15 respect of that, and, as I said, he simply wants to move
16 away from the profession and put this whole series of
17 incidents behind him. In respect of that, Mr Chairman, I
18 would respectfully ask that you would consider holding this
19 Inquiry otherwise than in public.

20 CHAIR: Thank you very much, Mr Murphy. I would ask for
21 Mr Beatty's comments.

22 MR BEATTY: Thank you, Chair. I propose dealing with this
23 under three headings. One is what the statutory provision
24 provides for, and I am then going to just deal a little on
25 the legal principles that have been identified in the two
26 cases that Mr Murphy helpfully handed in, and then I wanted
27 to deal with the facts of this application, if I could.

28
29 I should set out at the outset that the Registrar objects
30 in the strongest terms to this application, and that is not

1 the position that the Registrar would usually take, but it
2 is really, and I will go through why, it is really a case
3 that we say should proceed under the fourth basis, which is
4 that it should be a public hearing.

5
6 Before I go into my submissions to the Committee, I want to
7 just deal with one issue that Mr Murphy mentioned at the
8 end of his submission to the Committee, and that was that
9 the Committee should have consideration for Mrs O'Meara,
10 that is Mr O'Meara's mother. And whilst I have no doubt
11 that it is totally difficult if this matter proceeded in a
12 public hearing for Mrs O'Meara, that is not, in my
13 respectful submission, a consideration that you can take
14 into account. She is simply not a party to the
15 application, and obviously all of these matters that are
16 dealt with in public have family members that are affected
17 by a public hearing. So, that is just simply not a
18 consideration that you should take into account.

19
20 The statutory provision is very clear, and it is provided
21 for by Section 42. And so, "A hearing before the
22 professional conduct committee shall be held in public.
23 And 43(2) provides, "But it shall be held in private if-
24 (a) the registered pharmacist or pharmacy owner or the
25 complainant so requests, and it is clear that that has been
26 done in this instance. And (b), the committee is satisfied
27 that it would appropriate to agree to that request." And
28 that is, I suppose, the decision that you are now being
29 asked to make.
30

1 Mr Murphy, he has provided two cases, and you will find
2 those, if you look at the bundle of documentation under
3 Case Law, and the first is the Medical Council v Anonymous,
4 and that is reported in [2019] IEHC 109. I hope the
5 Committee have that. I know that it's tricky to have all
6 those very new documents, to find it virtually at the start
7 of the hearing. So, if you go to the Court Bundle, and it
8 starts with the Core Book, it is in Case Law, and there is
9 a decision there, Medical Council v Anonymous [2019]. And
10 there's a number of things there I just wanted to -- that I
11 wish to highlight. The facts of that case were similar, to
12 some extent, to the facts of this case, in that it related
13 to a doctor who was suffering from an opiate addiction and
14 he took medicine stock to start to administer that himself.

15
16 I should say that the legal issue was, in my respectful
17 submission, markedly different as to whether Article 34(i)
18 of the Constitution, that is the provision where the
19 article provides that the administration of justice to be
20 administered in public was, sorry, permitted in Section 76
21 application, which is a confirmation application to be
22 heard in camera. So, it was a unique, I suppose,
23 jurisdiction issue that was arising, that doesn't
24 necessarily arise in this instance.

25
26 However, I would agree that Mr Justice Kelly did identify
27 certain principles that I can say apply in the instance of
28 this case. And, specifically, I would refer you to his
29 decision. If one looks, if you go into it and one looks at
30 paragraph 27, Mr Justice Kelly stated, "In the light of

1 these considerations, I now consider the Council's
2 application", that is the application that the matter be
3 heard in camera, which is private, and he said, "I must
4 approach the application with resolute scepticism of its
5 claim which seeks to have me depart from a full hearing in
6 public. I must be sure that the interests involved are
7 very clear and that the circumstances are pressing. I must
8 be satisfied that there is no other measure sufficient to
9 protect the legitimate interests involved. The interests
10 involved are those of the public, the patients of the
11 doctor, and the doctor himself. Nothing more should be
12 permitted than is demonstrated to be necessary to avoid
13 damage to the interests involved."

14
15 And I say that applies equally here, where there's a court
16 position in that this is a public hearing, and I say that
17 you should approach this with scepticism insofar as you are
18 being requested to depart from that, and that you must be
19 sure that the interests involved are very clear and that
20 the circumstances are pressing and that there are no other
21 measures sufficient to protect the legitimate interests of,
22 in this case, the Registrant.

23
24 Obviously, and I'm sure Mr Murphy would agree with me, that
25 the interests of the public also have a role to play. So,
26 I say that those principles are principles that lend
27 themselves to this matter proceeding in public.

28
29 I would also just mention, as a matter of completeness,
30 that, in that case, Mr Justice Kelly held that the matter

1 would not be held in camera, so it would not be held
2 privately, but he did introduce measures for the purpose of
3 anonymising, as is clear from the title of the case, of
4 anonymising the doctor. But that case differs slightly in
5 its facts from this case. The first fact that it differs
6 from is that, in that case the doctor was found to be
7 suffering from a relevant disability, and that seems to be
8 just a feature in this case. In addition to that, in that
9 case, the doctor has self-reported himself to the Health
10 Committee, and this is something I am going to be
11 highlighting. This application was only raised, as I
12 understand, for the very first time yesterday, and the
13 timing of that, I would say, is something which you should
14 give considerable weight to, and I will return to that.

15
16 An additional factor that featured in the case before
17 Mr Justice Kelly, that doesn't feature in this case, is
18 that in that case, the doctor had rehabilitated himself,
19 which appears to be the case here, and that he was going
20 back into practice, and that is not something that features
21 here. Of course, the relevance of that is that it was a
22 consideration where Mr Justice Kelly was presumably
23 concerned at the fact that there were professional
24 reputation issues that would be aired in circumstances
25 where he rehabilitated himself, and that simply doesn't
26 feature here, because it is very clear that the Registrant
27 in this instance doesn't intend to practise again. So, I
28 say that, on its facts, that can be distinguished from this
29 case, but, in fact, the principles that were identified in
30 that case lend itself to this matter proceeding in public.

1
2 And then the second decision that was relied upon by
3 Mr Murphy, but which also sheds light, and I say very --
4 identifies a very important principle, and that is the
5 decision which is just under Case Law there, which is the
6 decision of *The Medical Council v A Medical Practitioner*,
7 and that is reported at [2020] IEHC at 245. And that
8 related to the same principle as occurred in this instance.
9 There are only three paragraphs which I wish to highlight
10 in relation to this decision, and that is just to give the
11 Committee a flavour of what the issue was in that case.

12
13 If you look at paragraphs 5 and 6, and I will read them
14 out. It said and then it was the same issue as to whether
15 the Section 76 application should be held in camera. And
16 Mr Justice O'Moore in that case said, "If the s. 76
17 application was heard in public, there would probably be a
18 material prejudice caused to the doctor in the event that
19 he was subsequently to face trial; that would particularly
20 be the case were the decision of the Council to be
21 confirmed by the Court." "There is the subsidiary
22 consideration that a witness in respect of the doctor's
23 alleged activities requested that her evidence before the
24 Fitness to Practise Committee be heard in private. Another
25 witness also asked that the same hearing be in private.
26 However, these considerations are secondary to my concern
27 about the effect of the public hearing on the prosecution
28 of the doctor."

29
30 And I open those simply to give the Committee some context

1 of what the issues were, and that there was an impending
2 trial, which of course doesn't occur in this instance. But
3 it is paragraph 15 which I wish to rely on, and Mr Justice
4 O'Moore stated: "... it will be clear that my Order is
5 based on the possibility of criminal charges being advanced
6 against the doctor. Were this not the case, then I would
7 have directed a hearing in which the identities of two
8 witnesses were protected; the two relevant witnesses are
9 those who sought to have the initial hearings before the
10 Fitness to Practise Committee held in private. However, if
11 the names of these two witnesses could have remained
12 private, (and I am sure this could have been done), then I
13 would have directed an otherwise public hearing of the
14 section 76 application. Consistent with the constitutional
15 requirement that justice be administered in public is the
16 interest that the public has in seeing the provisions of
17 the Medical Practitioners Act 2007 operate in a transparent
18 way. It is unfortunate that the allegations against the
19 doctor in this case will not be ventilated in public,
20 whatever the outcome may be."

21
22 The Constitutional issue that Mr Justice O'Moore was
23 speaking of was the Article 34.1, which isn't, I suppose,
24 directly applicable to the position that is before you.
25 But it is very important, I say, that Mr Justice O'Moore
26 specifically highlighted that the interests that the public
27 has in seeing the provisions of the Medical Practitioners
28 Act 2007, that is it operated in a transparent way, it is
29 unfortunate that the allegations will not be ventilated in
30 public, whatever the outcome may be.

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And that is a very important part of the process. The Notice of Inquiry hasn't been opened up to the Committee yet, and I don't propose opening it up in this application. But in coming to your decision, I would ask that you have consideration for the allegations that are made, because you will see that they relate to conduct that is so egregious that it goes to the heart of the conduct of pharmacists, it goes to the heart of the protection of the public, it goes to the heart of the confidence of the public in the regulatory system, and transparency of the regulatory system is really very important, as is confidence in the regulatory process.

And the Council will know the decision of the then president, then in the case of NC v Murphy, it is not a case that I need to open up. But in relation to the sanctions on findings of misconduct, it was held that considerations include the public safety, obviously, but also to point out and highlight the gravity of the offence to other members of the profession.

It is the Registrar's position that it is very important, in light of the allegations that are the subject of this Inquiry, that it be done, that the public interest is served by the matter being heard in public, which is the proposed position, and that is because it goes to the transparency of the process and it goes to informing like practitioners of the consequences if matters such as this occur.


1
2 So, having identified the legal principles, I want to just
3 look at this application for privacy. And I would ask the
4 Committee to deal with this application with the scepticism
5 that it deserves, and specifically I would ask the
6 Committee to look at the timing of the application. It is
7 normal that if a Registrant, such as Mr O'Meara in this
8 instance, had health issues that went to a public hearing,
9 we would expect the issue to be raised before today, and
10 especially if they are as serious as is now -- sorry, that
11 are you being asked to deal with.

12
13 I would say that it is entirely inconsistent with the
14 application that it is raised for the first time on the eve
15 of the application, and it is not consistent with a
16 Respondent who has a real concern as to his wellbeing if
17 this matter proceeds in public.

18
19 I would also ask the Committee, and this is a very
20 important aspect of my application, to look at the
21 circumstances and the context of this application. So, as
22 I already highlighted, relevant medical disability is not
23 being, it does not arise in this application. But, also,
24 criminal proceedings have proceeded in public, and, as
25 Mr Murphy very fairly stated, they proceeded in public in a
26 very public manner. And Mr Murphy says that it is not in
27 the interests of justice to have a second round, and that
28 it be published for a second time in two years. And whilst
29 that submission is immediately correct insofar as it
30 relates to the Registrant, it is entirely incorrect, in my

1 respectful submission, insofar as it relates to the public
2 interest, and the issues that I have identified as to why
3 this matter should proceed in public.

4
5 And also, the criminal proceedings didn't just proceed in
6 public, but, also, they were actually vented by way of a
7 newspaper article which is, what would you say, the paper
8 article, as I understand it, is to be found, and that will
9 be found in the articles in your bundle. And if you bring
10 that up you will see that it is an Irish Examiner article
11 and certainly from where I am looking at it, it is
12 difficult enough to read because of the small print, but it
13 did specifically identify the Registrant's family and it
14 specified his address. On the sixth paragraph it says,

15 
16 pleaded guilty at Dublin Circuit Criminal Court to
17 possession of prescription tablets for sale or supply at
18 his home on August 24, 2018. Gardaí found 1,700 Xanax
19 tablets and 330 Ritalin tablets, worth an estimated
20 €4,000."

21
22 And three paragraphs down from that it says, "Remy Farrell,
23 SC, defending, said his client remains the owner of the
24 pharmacies, but under the High Court order is no longer
25 allowed to be involved in the running of the businesses.
26 He has appointed a replacement superintendent pharmacist to
27 oversee the three shops and is involved in ongoing,
28 disciplinary procedure with the Pharmaceutical Society of
29 Ireland."

1 The second last paragraph states, "Judge Codd said she
2 would also taking into account O'Meara's 'particular
3 vulnerabilities from a young age and evidence that he was
4 using the supply of drugs as a means of sustaining
5 friendships with a cohort and people' with whom he was
6 socialising."

7

8 And, finally, "She said had taken into account a number of
9 medical reports, including one from a consultant
10 psychiatrist, before she added that she didn't think it
11 would be in the public interest to imprison O'Meara. She
12 suspended an 18-month sentence on condition that he keep
13 the peace and be of good behaviour for those 18 months."

14

15 So, I'd say that this is an issue that has not just been
16 aired, but has been aired in the context of the
17 vulnerability of Mr O'Meara. And, if that was not enough,
18 you will also see from the Core Book, and specifically you
19 will see from Tab 89, you will see the petition. And this
20 is a High Court petition, and this a petition where Mr
21 O'Meara himself has advanced and aired exactly the issue
22 that he says he doesn't want to be dealt with now, and he
23 did so to protect the financial position of his company, of
24 which he is a 100% owner.

25

26 If I could just bring you to the petition because it is
27 important that you appreciate exactly where Mr O'Meara is
28 coming from in relation to this. And if one looks at
29 paragraph 34 of the petition, you will see the petition in
30 front of you, and it specifically states that all of this

1 was confirmed by way of sworn evidence by Mr O'Meara, and
2 this was only last, I think, Friday where he thought there
3 was no difficulty in airing these issues, and paragraph 34
4 says, "John O'Meara has a history of mental illness. This
5 resulted in him developing an addiction to pharmaceuticals.
6 Coupled with that addiction, Mr O'Meara commenced supplying
7 certain prescription drugs without a prescription for
8 recreational use. Mr O'Meara was arrested in 2018."

9
10 Paragraph 35 goes on to say, "The arrest of Mr O'Meara led
11 to an investigation by the Pharmaceutical Society of
12 Ireland into Mr O'Meara and the companies. This uncovered
13 a significant discrepancy between medicines which had been
14 ordered and those that were still in stock or which had
15 been dispensed."

16
17 Now, at paragraph 38 he says, "For the sake of
18 completeness, this Petition should note that in May 2020
19 Mr O'Meara pleaded guilty to the sale and supply of
20 prescription drugs. In October 2020 Mr O'Meara was given a
21 suspended sentence of 18 months."

22
23 It goes on to say that he has been drug free since August
24 2018, and the fact that he is now in full-time education,
25 he is trying to pursue a Master's in Computer Science, and
26 this certainly, it is a much more positive characterisation
27 of Mr O'Meara than the Committee are being presented with
28 today.

29
30 Then, just for completeness, you will see at paragraph 39,

1 he says that, "he has no intention of ever working as a
2 pharmacist again ...", and I say that only in the context
3 of what I have identified with you, Chair, in relation to
4 Mr Justice O'Moore's judgment in the Medical Council v
5 Anonymous.

6
7 So, I would say that it cannot be the position, in my
8 respectful submission it is obviously a matter for the
9 Committee, so that it cannot be that it is the position
10 that it is a public hearing, that Mr O'Meara can displace
11 than somewhat because of, on material that he has advanced
12 when he himself had aired that for his own benefit or the
13 benefit of the company, of which he is 100% shareholder,
14 only last Friday.

15
16 I wanted finally to, again if I could, Judge, with the
17 strength of Mr O'Meara's application, because personally
18 I'm not impressed by it, or it's not a matter for me, it is
19 a matter for the Committee, but I wish to just highlight
20 the difficulties that I have with the information that has
21 been provided to you.

22
23 So, the first is a report that has been provided to you by
24 Mr Paul English, and you might just have that put on --
25 again, open it up again. I know you were there earlier,
26 but I am just looking -- finding them, a medical report,
27 sorry. They are under -- sorry, the medical reports, which
28 should be again under your Court Bundle. If I could first
29 open the letter of Mr Paul English, GP. I suppose the
30 first thing that I would note about this report is that it

1 was stated by Mr Murphy to be from Mr English, who is
2 treating Mr O'Meara, and I say that that's not at all
3 obvious from the report, which must be taken at face value.
4 It specifically says, "Mr John O'Meara is a patient of
5 Slievemore General Clinic." It doesn't say that he is a
6 patient of Dr Paul English. But, that's the first issue I
7 would raise in relation to the medical report that is
8 before you.

9
10 The second issue I would raise is that there is no active
11 provenance in relation to anxiety and depression for two
12 and a half years, which I say is relevant when one
13 considers the publicity that Mr Murphy accepts only
14 occurred last year. So, if one looks under the heading
15 "Active problems", anxiety, depression, they last featured
16 in May of 2019, and we know that a criminal proceeding has
17 ensued since that date, which we also know was reported
18 very publicly, and that doesn't ever appear to have caused
19 any anxiety or any additional anxiety or depression to the
20 Registrant.

21
22 And, just to deal with the medication which Mr Murphy
23 stated related to anxiety-type medication, which is Efexor,
24 you will see that the prescription dates are the 29th of
25 January 2022 and the 29th of January 2022, again in
26 relation to both medications. Certainly, I don't
27 understand that to be any indication that he is currently
28 on that medication.

29
30 And he says that, he "has concerns that John's history of

1 mental health issues could be affected in a very negative
2 manner if this hearing is held in public." He say he has a
3 history of anxiety, depression and self-harm, and this
4 could be exacerbated."

5

6 Now, the one thing that I would say is that a hearing has
7 an impact for all practitioners and all Registrants, but
8 the report fails to inform the Council why a public
9 hearing, as this is, exposes Mr O'Meara any more than a
10 private hearing would. And I say that, in order for the
11 report to have any influence in this matter, the Committee,
12 it would have to explain that to the Committee.

13

14 In my respectful submission, this is a balancing act --
15 (audio cut out) -- the right of the Registrant and the
16 public interest, and I say that the Committee would have to
17 have more than a concern expressed by the doctor. And what
18 troubles me greatly about the report that both Mr English,
19 and the reports that are going through with Mr Fallon, is
20 that there is -- they have not dealt with, and it's not a
21 criticism of them, because I suspect they just haven't been
22 informed, that at the time that they were requested to
23 author this report, Mr O'Meara had given instructions, or
24 was at least about to go into the High Court, to air
25 exactly these issues, to make public these issues for the
26 purpose of his companies and that is not reflected, and
27 indeed, I say that that is something that those doctors
28 should have known about. And for the Committee to be
29 satisfied that they were informed, it should be on the face
30 of the documentation, because I say the Committee should be

1 told about that.

2

3 And then just in relation to the report of Mr Fallon. He
4 provides a report, and he states that -- and it's just the
5 last two paragraphs, or three paragraphs, but the two
6 substantive paragraphs. He says, "The client", that's the
7 Registrant, "has reported a history of severe anxiety
8 levels. He has also engaged in self-harm practices,
9 related to his anxiety levels. He is now learning to
10 manage his anxiety levels through more healthful ways. I
11 believe he has made much progress in this regard."

12

13 He goes on to say, "I believe that it would be to
14 Mr O'Meara's psychological detriment if additional
15 information related to his recent difficulties are made
16 available in the public domain."

17

18 And, of course, that's not going to occur. There's going
19 to be no additional information at this hearing relating to
20 his difficulties. Those have all been aired in the
21 criminal process. They have been raised by Mr O'Meara
22 himself in the application that was before the court last
23 Friday, which I think it is returnable to the court, of
24 course, to be further aired on the 22nd of October next.
25 And this hearing is going to do no more than that. This
26 hearing is not going to be, and I think it is noted, and I
27 would ask the Committee to give -- and it could be that
28 Mr Murphy is able to make further submissions in this
29 respect, and if he is, I can deal with those, but there has
30 been nothing said by Mr Murphy, and it's not a criticism of

1 Mr Murphy, I suspect, that's where he finds himself, of
2 what information is going to be disclosed before this
3 Committee in this Inquiry that has (1) not already been
4 aired or vented publicly, either by the criminal process or
5 by the Registrant himself, or any other material that in
6 some way compromises him.

7

8 And I can tell the Committee that there have been
9 admissions made. There was a very limited amount of
10 evidence that is going to be heard in this case, and none
11 of that evidence is going to touch upon the Registrant's
12 psychological position or his health, mental or otherwise,
13 or, indeed, of any addiction issues that he has.

14

15 And Insofar as they do, they will go no further than what
16 has occurred both in the criminal process, in the publicity
17 strand of the criminal process, but also what has been
18 aired by the Registrant himself when he is seeking to
19 protect the financial interests of the company.

20

21 So, those are my submissions, and I am obviously available
22 to the Committee to answer any questions.

23

24 CHAIR: Thank you very much, Mr Beatty. I appreciate it.
25 Mr Murphy, there were points raised there. Do you wish to
26 come back?

26

27 MR MURPHY: Yes, briefly. I am grateful for the
28 opportunity, Mr Chairman. Mr Beatty has raised a number of
29 points, and I think in ease of the Committee, I propose to
30 just briefly address probably the most serious points that
were made. Mr Beatty draws a parallel with the situation

1 whereby Mr O'Meara could have been, a charge could have
2 been laid against Mr O'Meara in respect of a relevant
3 medical disability. Now, as the Committee is aware, no
4 charge has been laid against Mr O'Meara in respect of a
5 relevant medical disability. That is not a situation of Mr
6 O'Meara's making.

7
8 It was open, it was always open to the Registrar, if he so
9 saw fit, to lay a charge against Mr O'Meara. So, in my
10 respectful submission, I think it is somewhat disingenuous
11 for the PSI to adopt a position whereby they are
12 effectively beating him with a stick in respect of raising
13 an issue that could have been the subject of a charge which
14 they themselves chose not to lay against Mr O'Meara.
15 That's what I'd say in respect of that.

16
17 In respect of the Petition that was placed before the High
18 Court in respect of the examinership, Mr O'Meara is -- in
19 respect of that type of application, Mr O'Meara would find
20 himself, or indeed any petitioner would find himself in an
21 extraordinarily difficult situation. Any petitioner, in
22 respect of an examinership, has a duty at their ex parte
23 hearings, which means that only one side is represented,
24 and the person moving the petition, there is a duty on that
25 person to act in the utmost good faith towards the Court
26 and to disclose any and all relevant issues.

27
28 So, Mr O'Meara had no choice but to disclose, firstly, the
29 fact that there was hearings with the PSI in the very near
30 future, but also in respect of his personal difficulties

1 whatsoever. Had he not done so, he would have left himself
2 open to further, very serious criticism by the High Court
3 in respect of not effectively coming before the court in
4 the spirit of utmost good faith.

5
6 In respect of what Mr Beatty says in respect of the
7 publicity, I think Mr -- if I understand Mr Beatty
8 correctly, he is making the argument well, firstly, this
9 has all been aired in the context of criminal proceedings,
10 which I will come back to in a moment. But, leaving aside
11 the criminal proceedings, if I understand Mr Beatty
12 correctly, he's saying, well, Mr O'Meara went into the High
13 Court and aired it himself last Friday.

14
15 Now, with the greatest of respect to my friends and
16 colleagues who practice in the area of criminal law -- or,
17 sorry, in the area of company law, and specifically in
18 respect of examinerships, these types of applications are
19 not -- are applications that would not in ordinary course
20 receive anywhere near the level of publicity, or indeed
21 public interest, that a Fitness to Practice Hearing in
22 respect that a pharmacist might do.

23
24 So, in my respectful submission to this Committee, I don't
25 think Mr Beatty is comparing like with like in trying to
26 draw an analogy between what happened last Friday in
27 respect of an examinership and the application made today.
28 In respect of what happened in the criminal proceedings --
29 and I should say at the outset, I don't fundamentally
30 disagree with anything Mr Beatty says in respect of the

1 law, these hearings, the default position is that they're
2 aired in public; I absolutely accept that. But what I say
3 is that there are particular personal issues, and issues in
4 respect of Mr O'Meara.

5
6 Now, Mr Beatty makes the argument on behalf of the PSI that
7 it is because of the gravity and the nature of Mr O'Meara's
8 offending and behaviour that gives rise to the fact that
9 this hearing must be held in public and then he makes
10 reference to the criminal proceedings. Now, in my
11 respectful submission to this Committee, the public have
12 already heard about what Mr O'Meara got up to. They
13 already heard about it in the context of the criminal
14 proceedings. But in my respectful submission, what the
15 PSI -- if I understand their position correctly -- what
16 they're trying to do is simply to reventilate the same
17 material at a juncture of one year later, when it has
18 already been extensively ventilated through the national
19 media, through the criminal proceedings; and I say that,
20 substantially the very serious matters, and they are very
21 serious matters, neither I nor Mr O'Meara gainsay that or
22 can move away from that. But what I say is that they are
23 effectively the same matters. And the position of the PSI,
24 as I understand it, is they simply wish this to be
25 reventilated. And I say, at the risk of repeating a
26 submission I made earlier, there is nothing to say that at
27 the conclusion of this process, if this Committee so
28 decides to remove Mr O'Meara's registration, and Mr O'Meara
29 is very, very realistic as to the potential outcome of this
30 Inquiry, there is nothing to stop the PSI publicising the

1 facts that the registration has been removed.

2

3 It is, in layman's terms, the publication of, I suppose,
4 the gory details in respect of Mr O'Meara's personal life,
5 his vulnerabilities and his mental health issues. It is
6 the publication, the republication of, effectively, the
7 same material that forms the basis of this application.
8 I don't think I can put the matter any further. It
9 appears -- and I don't wish to take Mr Beatty short in
10 respect of anything he says, he says he is not impressed by
11 the nature of the application. That, in my respectful
12 submission, it's entirely a matter for the Committee in
13 respect of whether they choose -- whether the Committee
14 choose to accede to or to refuse this application.

15

16 And I think Mr Beatty has made comments in respect of the
17 letters that have been produced before the Court. I think
18 that is something that this Committee ultimately will just
19 have to weigh up itself.

20

21 Just very, very briefly, in conclusion. In respect of the
22 timing of this application, in correspondence between Mr
23 Vallely, Mr O'Meara's solicitor, my solicitor and Mr
24 O'Meara's solicitor and the PSI, we have indicated at all
25 times, at all stages, that we were finalising instructions.
26 But I don't think it's a realistic position for the PSI to
27 adopt the sense of, I suppose, shock that these issues are
28 being raised at this juncture. These issues were raised
29 throughout the criminal proceedings, where the PSI took a
30 very, and appropriately so, took a very close interest in

1 what was going on, and indeed I think that they had their
2 own representative in court to listen to the sentencing.

3

4 So, I don't think it's a realistic position to feign some
5 surprise that this application is being made today. I
6 don't think I can put the matter any further, Mr Chairman.
7 Thank you for the right to reply.

8 CHAIR: Thank you, Mr Murphy. Before I go to the Legal
9 Assessor and to the Committee members, I just want to ask
10 you if you could clarify for myself, just in the letter
11 from Dr English, and it has been raised by Mr Beatty, could
12 you explain, please -- it's listed under "Current
13 medications", and it references the 29th of January next
14 year, 2022. Could you just clarify for the record what is
15 the relevance of that? I'm sorry, you're muted?

16 MR MURPHY: I'm sorry, Mr Chairman. I'm actually -- you
17 have reminded me, I wish to actually address that. I am
18 grateful to you. My instructions are that they are current
19 prescriptions. It would seem to me, I can take a very
20 detailed instruction, perhaps my solicitor could do that
21 now, but that these are ongoing prescriptions, and that
22 these, the dates referred to in Dr English's record, in
23 Dr English's correspondence, are expiry dates of
24 prescriptions, as in they are dates after which Mr O'Meara
25 could attend if he requires further medication.

26 CHAIR: That's very clear, and thank you. My second and
27 last question is in reference to Dr Fallon's letter,
28 where -- and again, this has been aired already, but I
29 would appreciate the clarification on it, where it's
30 referenced having been in attendance since September 2018,

1 is that to date? Is it an ongoing series of treatment that
2 Mr O'Meara engages with Dr Fallon?

3 MR MURPHY: Yes, I understand that's the position.

4 CHAIR: Thank you very much. I appreciate that. I will
5 ask the Committee members if they have any questions?

6 Mr Kane?

7 MR KANE: So, it's a question for Mr Kennedy, perhaps. His
8 client's interests aren't totally dissimilar to the
9 particular Registrant who is making the application. I am
10 just wondering does he have any thoughts on the
11 application? And my apologies if I am putting him on the
12 spot.

13 MR KENNEDY: Mr Chairman, thank you very much. Certainly,
14 insofar as my clients are concerned, I have another
15 application, and that application is obviously for an
16 adjournment, and I will outline the reasons for that when I
17 get the opportunity to do so. Certainly, in my respectful
18 submission, for what it's worth, it seems to me that there
19 is merit in the application for the matter to be heard
20 otherwise than in public. And if the matter were
21 proceeding against my clients, I would be supportive of the
22 application.

23 CHAIR: Thank you, Mr Kennedy. Any other questions from
24 the Committee members? No, I don't think so. I think it
25 would be only fair that I ask Mr Beatty if he has any
26 comments, now having heard the response to that last
27 question.

28 MR BEATTY: Yes. I suppose I would just make three very,
29 very quick comments. The first is the issue that was
30 raised insofar as -- I don't think much turns on it, but

1 insofar as the criticism against Registrars for not putting
2 relevant medical disability allegation. It was not
3 referred on that basis, so that was not a matter that the
4 Registrant could do in any event. As I say, I don't think
5 much turns on it. I have to say, I am following the
6 enquiries by you, Chair, in relation to Mr English's
7 report. I actually have more concerns about that report
8 now, because that report seems to suggest on what level
9 that the Claimant, if one looks, that he has had no active
10 problems of anxiety, depression since 2019, but that he has
11 been prescribed anti-anxiety medication currently, and so
12 there's a contradiction in that report that I feel renders
13 this somewhat unsatisfactory.

14
15 And then I suppose, in relation to the support of
16 Mr Kennedy, I am tempted to make the observation that their
17 interests are clearly aligned, and I don't think that that
18 adds at all to the Registrant's application. I just make
19 that observation.

20 CHAIR: Thank you very much. With that, in context now, I
21 will hand across to the Legal Assessor, Mr Gleeson.

22 MR GLEESON: Thank you, Chairman. I wonder can you hear
23 me?

24 CHAIR: We can very much so. Thank you.

25 MR GLEESON: Refreshingly, the statute is very, very clear.
26 Inquiries before the PSI are to be held in public because
27 the public has an interest in knowing what goes on in the
28 profession of pharmacology and chemists in this country.
29 There is a default position, and whilst Mr Murphy has made
30 a very eloquent submission on behalf of Mr O'Meara, I think

1 he faces a very much, an uphill battle. In effect, what he
2 is contending is that a second wave of publicity, a year or
3 so after the first wave of publicity following the criminal
4 trial, could have a potential impact on Mr O'Meara's mental
5 health, and, in support of that application, he relies upon
6 two reports, both dated the 5th of October 2021, one from a
7 GP, Dr English, and the other from a psychologist,
8 Dr Fallon.

9
10 Now, with the best will in the world, and with every
11 sympathy for Mr O'Meara, and bearing in mind the eloquence
12 of Mr Murphy, I fail to see how that submission comes
13 within the exception to the rule that these Inquiries
14 should be held in public. And I also, out of respect to
15 Mr Beatty, I think he has very fairly stated the position
16 in terms of the construction of the Act, and other parties,
17 and certainly in my experience as a Legal Assessor in other
18 fora, I am not aware of that reason ever being accepted as
19 a basis for having an Inquiry held in private. I have
20 nothing further to add.

21 CHAIR: Thank you very much, Mr Gleeson, and that's
22 appreciated. At this stage, what will be required is that
23 the Committee will now adjourn to consider this
24 application. We will go into the private room, and we will
25 hold our considerations in the -- with the Legal Assessor
26 in attendance. So, we are going to -- I am going to
27 adjourn --

28 MR KANE: My apologies, Chair. My apologies, Chair, for
29 the interruption. I'm just wondering, do the parties have
30 any submissions in respect of the legal advice? Just, if

1 you don't mind the interruption, Chair.

2 CHAIR: That's no problem.

3 MR BEATTY: I can say that I agree with that advice.

4 MR MURPHY: I have no submission to make at the moment.

5 Thank you.

6 CHAIR: Thank you very much. In that case, we will retire
7 to the private room. And I will give a guide of noon for
8 our return.

9 MR KENNEDY: Mr Chairman, before you rise, I wonder if it
10 would be possible that I would move my application for an
11 adjournment?

12 CHAIR: I don't see why not. We can consider both,
13 absolutely. A good use of time, too.

14 MR KENNEDY: I am very grateful, Mr Chairman, members of
15 the Committee. I don't propose to be very long.
16 Essentially, as you're aware, I represent the three
17 pharmacies who are limited liability companies, and there
18 was a development in respect of those companies last Friday
19 when an application was made to the High Court of Ireland
20 for the appointment of an interim examiner. That
21 application was acceded to by the High Court, and Mr
22 Justice O'Moore presided, on the basis of the petition
23 presented to the court grounded on affidavit. That
24 petition was presented by the holding company of the three
25 pharmacies, which is a company called Otheca Group Limited.

26
27 The court, having considered the application, determined
28 that it was appropriate to appoint an interim examiner, and
29 in those circumstances, Mr Mark Degan of Deloitte was
30 appointed to that position, and the matter was remitted to

1 wicklow Circuit Court, returnable for the 22nd of October
2 2021. I should inform you that neither myself or my
3 instructing solicitor were involved in those applications.
4 It was brought to our attention, and we received
5 correspondence from Mr Degnan, the interim examiner,
6 yesterday. And I would like, if I could, to open that
7 letter to the Committee at this juncture. And you will
8 find that letter, reference number TV-63-9684.

9
10 Mr Chairman, you will note that it is dated the 11th of
11 October 2021, which of course is yesterday. It's addressed
12 to my instructing solicitor, and it references my three
13 clients, and it reads as follows, "Dear Andrew, I wish to
14 inform you that on the 8th of October 2021, pursuant to
15 Section 512(7) of the Companies Act 2014, I was appointed
16 Interim Examiner to the Companies for the purpose of
17 examining the state of the Companies' affairs and
18 performing such duties in relation to the companies as may
19 be imposed by or under the Companies Act 2014. Please find
20 enclosed a draft court order for your reference. A
21 perfected order will be circulated once received. I
22 understand that your firm holds instructions to appear on
23 behalf of Mr John O'Meara and the companies in respect of
24 an inquiry by the Pharmaceutical Society of Ireland ('PSI')
25 which are listed for a hearing on 12th of October 2021.
26 Following my appointment as Interim Examiner, I am formally
27 seeking a deferral of the Inquiry hearings in respect of
28 the Companies to allow me to prepare and finalise a scheme
29 of arrangement to ensure the survival of the Companies. I
30 hope to conclude on the scheme of arrangement as soon as

1 possible.

2

3 Furthermore, I am happy to engage with the PSI and/or their
4 legal advisers directly to keep them apprised of the
5 situation as the Examinership process continues."

6

7 And that is signed by Mr Degnan. That was accompanied by a
8 draft order, which is TV-63-9924, if that could be brought
9 up on screen, please. I should say, Mr Chairman, as far as
10 I'm aware, the reason why it's a draft order at present is
11 because the order hasn't been perfected by the High Court
12 as of yet. You will see that the application was made
13 before Mr Justice O'Moore. It references the applicants
14 and the fact that the application was made under the
15 Companies Act. And then provides, "This matter coming
16 Ex-Parte before the Court on foot of an Ex-Parte Docket and
17 Petition filed herein on behalf of Otheca Group Limited,
18 Ferrybank Pharmacy Limited, McGrath and Connolly Limited
19 and O'Meara's Pharmacy Arklow Limited, the Companies in the
20 title hereof named (hereafter called 'the Companies').

21

22 Whereupon, and on reading the said Petition, the Affidavit
23 of John O'Meara filed herein on the 8th of October 2021 and
24 the Affidavit of Mark Degnan, consenting to act as Examiner
25 herein (if appointed) filed herein on the 8th of October
26 2021, the documents and exhibits referred to in said
27 respective Affidavits.

28

29

30

IT IS ORDERED that pursuant to Section 512(7) of the
Companies Act 2014, Mark Degnan, Accountant of Deloitte, be
appointed Interim Examiner of Otheca Group Limited,

1 Ferrybank Pharmacy Limited, McGrath and Connolly Limited,
2 and O'Meara's Pharmacy Arklow Limited, for the purposes of
3 examining the state of the Companies' affairs and
4 performing such duties in relation to the companies as may
5 be imposed by or under the Companies Act of 2014.

6 AND IT IS ORDERED that the hearing of the Petition be
7 remitted to the Eastern Circuit, County of Wicklow, and it
8 is ordered that the Petition is to be returnable at 10.30am
9 on Friday, 22nd of October 2021 in Bray Circuit Court.

10 IT IS ORDERED

11 1. That the appointment of the Interim Examiner and Notice
12 of the said application and the date and time appointed for
13 the Hearing thereof be advertised in the Irish Times
14 newspaper and the Irish Independent newspaper, with
15 specific notice of the said application and the date and
16 time appointed for the hearing hereof, together with the
17 affidavits and exhibits therein referred and a copy of this
18 order be served upon the following creditors."

19
20 And there is a list of the creditors set out. And it
21 indicates that the Court doesn't make any further order and
22 identifies the name of the Registrar who was sitting with
23 Mr Justice O'Moore and the solicitors who presented the
24 application on behalf of the petitioner.

25
26 I don't propose to open the documents that were presented
27 before the court, because I don't think they necessarily
28 add anything to the weight of the application, other than
29 to draw to your attention that, in the petition itself,
30 which is to be found in the examinership documents,

1 TV-63-2574 at paragraph 39. You will see that there is
2 specific reference to the fact that this hearing was to
3 take place before the PSI today, 12th of October 2021. So,
4 the High Court was on notice of the fact that this matter
5 was coming before you today when it made the order
6 appointing an interim examiner.

7

8 So, in my respectful submission, in light of those
9 developments, it would be appropriate to accede to the
10 application -- (technical difficulties)

11

12 So, those are my submissions. Unless there is any other
13 aspect that I can help the Committee on?

14 CHAIR: Thank you, Mr Kennedy. I appreciate that.

15 Mr Beatty?

16 MR BEATTY: Thank you, Chair. Certainly, the Registrar
17 accepts the position that the interim --

18 MS DUNNE: Apologies, Mr Beatty. Apologies to the Chair.
19 I just received a message that the logger has just
20 disconnected momentarily. She should be able to log on.

21 MR KANE: Chair, could I be so bold as to ask for a five-
22 minute comfort break until new --

23 CHAIR: I don't see why not. We are waiting for the
24 logger. So, absolutely, we will resume with a brief
25 interruption and we will resume again.

26 MR KANE: Thank you, Mr Chairman.

27

28 Resumed at 12.01 pm

29

30 CHAIR: Catherine, just to confirm we are in a good

1 position to carry on? You are muted, Catherine. Your
2 microphone says it is open. Ladies and gentlemen, this
3 day, like no other, we are plagued with technical
4 challenges.

5 MS DUNNE: Is that any better, Chair?

6 CHAIR: That's perfect.

7 MS DUNNE: Great. So the logger has now rejoined the call.
8 But I have now made her active. So it's Ms Ellen Ward.
9 You should see her there. So if at any point she drops off
10 again over the Inquiry, she is going to unmute her
11 microphone and interrupt, just so we can make sure we don't
12 miss anything. She has advised me that when she dropped
13 off right before the break, it was just at the end of
14 Mr Kennedy's submissions when he was saying -- and I have
15 made a note of what she said, when Mr Kennedy said, "in
16 light of those recent developments, in my respectful
17 submission, it would be appropriate to uphold the
18 application." So I'm not sure if Mr Kennedy wants to add
19 anything to that, but she missed Mr Beatty's subsequent
20 submissions.

21 CHAIR: Very good.

22 MS DUNNE: Take it from there. Thank you very much.

23 CHAIR: Thank you. Mr Kennedy, are you content with that
24 ending sentence?

25 MR KENNEDY: I am happy with that, Mr Chairman.

26 CHAIR: Thank you very much. Mr Beatty, you are free to
27 commence again.

28 MR BEATTY: Chair, you will be very happy to hear that I am
29 going to be very brief. The Registrar accepts the position
30 that the Interim Examiner finds himself in, having only

1 been appointed on Friday, and so has not objected to the
2 application. For the record, I should say that the
3 Registrar does question -- or I should say has questions
4 regarding the presentations, specifically the timing of the
5 application and reserves his position in that regard. It's
6 not a matter for today, but I think we should say that for
7 completeness, but we're not objecting to the application.

8 CHAIR: Thank you very much. I appreciate that. Any
9 questions from the Committee members? No. Mr Gleeson?

10 MR GLEESON: It is not a matter of law, it's really a
11 matter for your own discretion. If that's okay?

12 CHAIR: It is. But I'm sorry, you were breaking up.
13 Apologies.

14 MR GLEESON: Sorry. Sorry. Thank you. Thank you.

15 CHAIR: Thank you very much. Fine. With that in context,
16 at this stage, we will now adjourn to consider the two
17 applications. For the moment, I am going to guide 12.30.
18 It's as well that we take appropriate time to consider
19 these, because there have been lengthy submissions made.
20 So 12.30 for the moment, and I will see the Committee and
21 the Legal Assessor in the private hearing room. Thank you.
22 (Break taken.)

23

24 Resumed at 12.33 pm.

25 CHAIR: I will just clarify that we are all in attendance
26 and that the logger is in place, and we are good to go?

27 MS DUNNE: Yes. Good afternoon, Chair. Can you hear me?

28 CHAIR: I can, Catherine. Thank you.

29 MS DUNNE: It looks like everyone's back and we are just
30 waiting for Mr O'Meara to turn on his camera, but he has

1 done that now, so I think you are ready to proceed.

2 CHAIR: Thanks very much. We can reconvene, and thank you
3 all for your patience. We have remedied the technical
4 difficulties as well.

5

6 The Committee has listened to, and carefully considered the
7 submissions made in the two applications. In regard to the
8 application for the Inquiry to proceed, other than in
9 public, the Committee's decision is not to accede to the
10 request, for reasons that will be outlined in our report.
11 The Inquiry will therefore proceed in public, as directed
12 under Section 42(1) of the Act.

13

14 In regard to the application for the adjournment, as
15 outlined, in consideration of there being consent from the
16 Registrar, and in light of the examinership being put in
17 order, we accede to that adjournment.

18

19 So, with those two decisions, I suppose I will be really
20 asking if we are in a position now to -- Mr Beatty, if you
21 are in a position to open, or do you want a delay of any
22 kind at this point?

23 MR BEATTY: Well, I am happy to proceed, if the Committee
24 is happy?

25 MR MURPHY: Yes, Chairman, I am happy to proceed if that
26 that's being implemented.

27 MR KENNEDY: Yes, Mr Chairman, I might take my leave of
28 the --

29 CHAIR: Absolutely, Mr Kennedy. Thank you for your
30 contributions. Thank you.

1 MR KENNEDY: Thank you very much.

2 (Mr Kennedy left the Hearing Room.)

3 CHAIR: Mr Beatty, I will hand it across to you -- well,
4 before we do, can I just ask if Catherine is now in a
5 position to allow any members in who have applied to do so?

6 MS DUNNE: I can absolutely let the members of the public
7 gallery in. I wonder if I might just ask for a five-minute
8 break, essentially, just to contact those members that I
9 kindly ejected earlier on, just to let them know that
10 they're now allowed to rejoin the hearing room, if they so
11 wish. No more than five minutes.

12 CHAIR: Absolutely, I understand. I am just looking at the
13 time, and if it's agreeable to all, I am going to recommend
14 that we take a break now and return at a quarter to two.
15 So, we will take a lunch break, and we will put the house
16 in order and we will commence officially at quarter to two.
17 Is that agreeable to Mr Beatty?

18 MR BEATTY: Yes, that is certainly agreeable. Just for
19 information, I should tell the Committee that, ideally, our
20 first witness would be Inspector Seamus Ryan, who is
21 available, I understand, from 3.00 pm. So, it may be that
22 if we start at quarter to two, it may be that leaves a bit
23 of space, we will be able to fill it in. I think we will
24 work back.

25 CHAIR: If you're sure. We may need space, considering the
26 difficulties we have had this morning. So, if that's
27 agreeable, we will do that then. We will return officially
28 at 1.45.

29 MR MURPHY: Thank you, Chair. Just before we break, I have
30 no difficulty with what you propose at all. I wonder is it

1 appropriate if the members of the public who wish to attend
2 are identified to us? I don't know if that's appropriate
3 or not?

4 CHAIR: That's a very interesting question.

5 MR MURPHY: It's simply because they won't be active
6 participants.

7 CHAIR: I understand that. I would ask PSI to come in on
8 that one. I know -- I am often provided with ways, but Mr
9 Beatty, you may have a better ruling on this?

10 MR BEATTY: Well, as a matter of technology, I can't help
11 you at all, but as a matter of who is entitled to come in,
12 my understanding is the public, in the same way that it
13 would in a physical room, people could walk in and out. Mr
14 Beatty may have a view on that, but I'm not sure. If it
15 was public, we'd be entitled to know who it was. I'm not
16 trying to be difficult for Mr Murphy. I just don't know if
17 it's practical to do it, but ...

18 CHAIR: It's reasonable. That was my dilemma. It's not a
19 normal practice, as I understand it, Mr Murphy. They are
20 free to attend once they complete the protocols of joining,
21 et cetera, and not interrupting.

22 MR MURPHY: Look, I don't think a huge amount turns on it
23 anyway, Mr Chairman, and we respect the decision that the
24 Committee has made in respect of the application -- in
25 respect of the Inquiry.

26 CHAIR: Thank you very much. We will make enquiries across
27 the lunch break.

28 MR MURPHY: I am very much obliged for that.

29 CHAIR: Okay. Thank you very much.

30 MR MURPHY: Thank you very much.

1 CHAIR: It is 12.41 now. See you all at 13.45.

2

3 Resumed at 1.50 pm.

4 CHAIR: welcome back everybody. I intend to move forward
5 rather than cause any further delays. I just would ask
6 Mr Murphy to comment, in relation to your question
7 Mr O'Meara, before we proceed.

8 MR MURPHY: Thank you, Mr Chairman. My solicitor,
9 Mr Vallely, took an instruction over the break and I am
10 conscious that the public gallery is now open. But, my
11 instructions are that Mr O'Meara is finding proceedings
12 particularly difficult and he was, with the Committee's
13 permission, he would like to simply observe rather than be
14 listed as an active participant for the purposes of Trial
15 View.

16 CHAIR: Thanks very much, Mr Murphy.

17 MR MURPHY: I should say, Mr Chairman, sorry, that it was
18 obviously of course open to Mr O'Meara not to attend at
19 all, he doesn't wish to show any disrespect to this
20 Committee. I think he's just finding things very
21 difficult.

22 CHAIR: Thank you very much.

23 MR BEATTY: Sorry, I am not hearing you, Chair.

24 CHAIR: Sorry, Mr Beatty, thank you very much, I appreciate
25 that. I was asking you were there any comments from your
26 good self or any other members before I proceed?

27 MR BEATTY: No, I can understand that it is relatively
28 stressful for Mr O'Meara, and we take the position that is
29 a matter for the Committee purely.

30 CHAIR: Thank you very much. Are there any comments from

1 the Legal Assessor or any questions from the Committee?

2 MR GLEESON: No, just to reiterate what Mr Murphy said,
3 obviously that Mr O'Meara wasn't obliged to attend, he did
4 attend, and he has instructed a legal team and that's to
5 his great credit. I am not aware of the precedent because
6 this format is unusual but it would seem to me to be an
7 entirely reasonable position for him to adopt in all the
8 circumstances, but it is entirely a matter for the
9 Committee.

10 CHAIR: I appreciate that. Thank you very much. I
11 suppose, can I ask the Committee do they need, would they
12 wish to discuss this?

13 MR KANE: Chair, if I might just jump in there, I have no
14 difficulty with the Registrant taking a passive role, as
15 long as he is afforded the opportunity to give prompt
16 instruction to his solicitor and counsel at all times. But
17 otherwise, you know, he could turn off his camera and mute
18 himself and then he could still participate as much as he
19 feels he is able to, Chair.

20 CHAIR: Thank you, Mr Kane, I appreciate that. Ms
21 O'Connell? You are muted, sorry.

22 MS O'CONNELL: Can you hear me now?

23 CHAIR: Yes.

24 MS O'CONNELL: Apologies. If he is not obliged to attend
25 the hearing anyway, I wouldn't have an issue with him
26 turning off his camera and muting his mic, in fairness. He
27 will still be able to instruct his own counsel, I presume.

28 CHAIR: Thank you very much.

29 MR MURPHY: I can assure the Committee that we have taken
30 steps over lunch, that he is in constant communication with

1 Mr Vallely and myself.

2 CHAIR: Very good. That's appreciated and the comments and
3 contributions are appreciated.

4 Mr O'Meara, you can, absolutely, you have the appreciation
5 of your situation and you can go, as they call it,
6 "passive". Thank you.

7 Mr Beatty, I will hand across to you.

8 MR BEATTY: Thank you, Chair. What I propose doing is just
9 dealing with a few matters of housekeeping and then opening
10 the Notice of Inquiry. I can tell the Committee that there
11 is significant admissions being made and in that context
12 what I propose to do is to hand up the statements, the
13 contents of which are all admitted, to open one or two of
14 those statements, or excerpts from those statements, and
15 then I propose calling Inspector Seamus Ryan, Ms Amanda
16 Nevin and the expert. So, that's how I propose to proceed,
17 subject to the Committee.

18

19 So, if no issue arises in that respect I can tell the
20 Committee that we are happy that the standard of proof is
21 beyond reasonable doubt.

22 The only other housekeeping matter is if I could bring you
23 to the report of the expert, and you will find that just
24 under the Core Book, the experts in the core document -- I
25 am just trying to get it now. Just under the Core Book you
26 will see the expert report. And if you open that and
27 specifically if I could bring you to page 28 of that
28 report.

29 CHAIR: It is coming up now.

30 MR BEATTY: Take your time, it is a very detailed report,

1 and it is quite long.

2 CHAIR: Yes. We have that on our screens.

3 MR BEATTY: Yes, you will see that that is allegation 1(f).
4 And I should say that there is no allegation 1F(a). So,
5 the allegation that, "On or about 24th August 2008, had in
6 your possession at your residential address, for the
7 purpose of selling or otherwise supplying to other persons,
8 one or more of the following:

9 (a) up to 401 x Methylphenidate 10 mg tablets." That that
10 is not an allegation, it doesn't feature on the Notice of
11 Inquiry report predating the Notice of Inquiry. So,
12 allegation 1(f) would now read, "on or about 24 August
13 2018, you had in your possession at your residential
14 address, for the purpose of selling or otherwise supplying
15 to other persons up to 1700 x Alprazolam 1 mg tablets", and
16 that is the extent of allegation 1(f). And that is
17 consistent, I can tell the Committee, with the Notice of
18 Inquiry which I am about to open up to the Committee.

19 CHAIR: Excellent, thank you.

20 MR BEATTY: Thank you, Chair. Then just to open up then
21 the Notice of Inquiry, which you'll find at tab 1 of the
22 Core Book, book 1, and it has got the usual recitals and I
23 can open those up if the Committee wish me to, but if I
24 could just read from about a third into page 2, it says,
25 "NOW TAKE NOTICE that the Professional Conduct Committee
26 will proceed to hold the Inquiry at a time, date and venue
27 to be advised and providing a minimum of 30 days prior
28 notice.

29 AND FURTHER TAKE NOTICE that the following on the factual
30 allegations that will be considered at the Inquiry:

1 1. That you, whilst you were a Registered Pharmacist
2 and/or Superintendent Pharmacist at Wicklow CarePlus
3 Pharmacy, SuperValu Centre, Wicklow Town, County Wicklow
4 and/or Ferrybank CarePlus Pharmacy, Ferrybank Mall,
5 Ferrybank, Arklow, County Wicklow and/or O'Meara's CarePlus
6 Pharmacy, Upper Main Street, Arklow, County Wicklow;

7 (a) Caused and/or permitted one or more of the medications
8 as specified in Appendix A, including prescription-only
9 medications and/or controlled drugs and/or unlicensed
10 prescription medications, to be and/or to remain
11 unaccounted for in Wicklow CarePlus Pharmacy during the
12 period 1 January 2017 to 22 October 2018."

13 I don't propose opening up Appendix A now and you will see
14 that item number 1 is that between the 1st of January 2017
15 and 29th of August 2018, Ritalin 10 mg tablets, up to 300
16 tablets was the quantity. Item number 2 is between the
17 same date, the 1st of January 2017 and the 29th of August
18 2018, Xanax 1 mg tablet, up to 20,790 tablets. Item 3 is
19 the same date, 1 January 2017 to 29th August 2018, Zimovane
20 7.5 mg tablets, up to 258 tablets. Item 4, between 1
21 January '17 to 29 August 2018, Cialis 20 mg tablets, up to
22 956 tablets. Item 5, between 1 January 2017 and 29 August
23 2018, Efexor 150 mg tablets up to 109 capsules. Item 6,
24 between 1 January 2017 and 29 August 2018, Efexor XL 37.5
25 mg capsules up to 553 capsules. Item 7, between 1 January
26 2017 and 29 August 2018, Tylex capsules up to 565 capsules.
27 Item 8, between 1 January 2017 and 22 October 2018,
28 Androtardyl 250 mg, Ampules up to 152 Ampules. 9. Between
29 1 January 2017 and 22 October 2018, Testovis, 100 mg/2 mg
30 Ampules, up to 200 Ampules. Item 10. Between 1 January

1 2017 and 22 October 2018, Spiropent 0.02 mg tablets, up to
2 500 tablets. Item 11. 1 January 2017 to 22 October 2018
3 Pro-Viron 25 mg tablets, up to 150 tablets. And item 12,
4 between 1 January 2017 and 22 October 2018, Sudafed 60 mg
5 tablets up to 37,788 tablets." And that is allegation
6 1(a).

7
8 And allegation 1(b) is,

9 "That you, whilst you were Registered Pharmacist and/or
10 Superintendent Pharmacist at Wicklow CarePlus Pharmacy,
11 SuperValu Centre, Wicklow Town, County Wicklow and/or
12 Ferrybank CarePlus Pharmacy, Ferrybank Mall, Ferrybank
13 Arklow, County Wicklow and/or O'Meara's CarePlus Pharmacy,
14 Upper Main Street, Arklow, County Wicklow.

15
16 (b) Failed to keep and/or maintain and/or to cause to
17 maintain at Wicklow CarePlus Pharmacy an accurate and/or
18 complete controlled drugs Register in respect of the
19 controlled drug, Ritalin, for the period of 1 June 2018 to
20 30 June 2018 in accordance with legislative requirements.

21
22 (c) On or about 24 August 2018 you had in your possession
23 at your residential address a package containing in or
24 about 1 gramme of cocaine, a controlled drug.

25
26 (d) Sourced and supplied and/or caused to be sourced and
27 supplied to you from Wicklow CarePlus Pharmacy one or more
28 of the prescription-only medications as specified in
29 Appendix B, including one or more controlled drugs and/or
30 unlicensed medications in circumstances where there was no

1 valid prescription to authorise any or all of the
2 medications and/or the medications had not been prescribed
3 for you by a registered medical practitioner."
4

5 And I will open up Appendix B. Appendix B is item 1, Xanax
6 1 mg up to 1700 tablets. Item 2, Ritalin 10 mg, up to 330
7 tablets. Item 3, Testovis 100 mg/2 millilitres, up to 66
8 Ampules. Item 4 Pro-Viron 25 mg, up to 90 tablets. Five,
9 item 5, Androtardyl 205 mg/millilitres up to 22 Ampules.
10 Item 6, Efexor XL 37.5 mg and 150 milligrams, up to 182
11 capsules. Item 7, Dexamfetamine Sulphate 5 mg up to 12
12 tablets. Item 8, Proscar 5 mg up to 25 tablets. Item 9.
13 Spiropent, up to 36 tablets. Item 10. Solpado1 500 mg/30
14 mg up to 23 tablets. And item 11, Tramadol Hydrochloride
15 50 mg, up to 48 capsules."
16

17 Just continuing on the Notice of Inquiry, allegation 1(e):
18 "On or about 24 August 2018, had in your possession at your
19 residential address one or more of the prescription-only
20 medications as specified in Appendix B, including one or
21 more controlled drugs and/or unlicensed medications in
22 circumstances where (a) it was inappropriate to do so; (b)
23 no prescriptions had been presented to authorise the supply
24 of one or more of these medications.

25 (F). On or about 24 August 2018 you had in your possession
26 at your residential address for the purpose of selling or
27 otherwise supplying to other persons up to 1700 of
28 Alprazolam 1 mg tablets."

29 And 1(g): "Corresponded by message with one or more other
30 persons through the WhatsApp messaging platform in which

1 messages you offered and/or agreed and/or arranged to sell
2 and/or supply the prescription-only medicines, including
3 controlled drugs to other persons in circumstances where
4 you knew or ought to have known that those persons did not
5 have prescriptions to authorise, supply ..."

6
7 And then allegation 2 or allegation 2(a) to (d) is "that,
8 whilst you were a Registered Pharmacist on or about 6th
9 October 2020 at Dublin Circuit Court were convicted on the
10 date of four offences outlined in the Order of Dublin
11 Circuit Criminal Court, dated 6th October 2020 contained at
12 Appendix C namely:

13
14 (a) unlawful possession of a controlled drug, to wit
15 Cocaine, contrary to section 3 and section 27 as amended by
16 section 6 of the Misuse of Drugs Act 1984, of the Misuse of
17 Drugs Act 1977.

18
19 (b) unlawful possession of a controlled drug, to wit
20 Methylphenidate contrary to section 3 and section 27 as
21 amended by section 6 of the Misuse of Drugs Act 1984, of
22 the Misuse of Drugs Act 1977.

23
24 (c) unlawful possession of a controlled drug, to wit
25 Alprazolam contrary to section 3 and Section 27 as amended
26 by section 6 of the Misuse of Drugs Act 1984, of the Misuse
27 of Drugs Act 1977; and/or

28
29 (d) Possession of controlled drug [that should read] to wit
30 Alprazolam for the purpose of sale or supply contrary to

1 section 15 and section 27, as amended by section 6 of the
2 Misuse of Drugs Act 1984 -- of the Misuse of Drugs Act 1977
3 and in contravention of the Misuse of Drugs Regulations
4 2017 made under section 5 of the Misuse of Drugs Act 1977."

5
6 If I can just stop there for just one minute, I can tell
7 the Committee that Mr O'Meara is admitting allegations in 1
8 through to G as a matter of fact and it might be
9 appropriate now, subject to what the Committee would
10 prefer, for Mr Murphy to confirm that and then also to
11 confirm that he is also admitting as a matter of fact the
12 allegations at paragraphs 2, (a) to (d) of the Notice of
13 Inquiry?

14 MR MURPHY: Yes, Mr Chairman, I can confirm that is the
15 position.

16 MR BEATTY: That's very helpful. Thank you, Mr Murphy.
17 And just continuing then with the Notice of Inquiry, it
18 continues:

19 "And further by reason of one or more of the allegations
20 and for sub-allegations set out at 1 above, you are guilty
21 of professional misconduct and that you act in a manner
22 that:

23 (i) Is infamous and/or disgraceful in a professional
24 respect.

25 (ii) Involved moral turpitude and/or fraud and/or
26 dishonesty of a nature or degree which bears on the
27 carrying on of the profession of the pharmacist.

28 (ii) Is a breach of principles 1 and/or 4 and/or 6 of the
29 Code of Conduct for Pharmacists."
30

1 And again if I could just stop there, and I can confirm,
2 it's not for me to confirm, I can tell the Committee and
3 Mr Murphy I am sure will confirm, that Mr O'Meara is
4 admitting that professional conduct as set out at
5 paragraphs (i) to (iii).

6 MR MURPHY: Yes, Mr Chairman, that is the position.

7 MR BEATTY: Just continuing then the Notice of Inquiry.

8 "And further by reason of one or more of the allegations
9 and/or sub-allegations set out at 2 above you have been
10 convicted in the State of one or more offences triable on
11 indictment. And take notice that the nature of the
12 evidence proposed to be considered at the Inquiry, the
13 names of the witnesses whom it is the intention of the
14 Registrar to request to be in attendance at the Inquiry for
15 the purpose of giving evidence are to be found in the
16 document which is attached hereto."

17

18 Just before I go through that, I can also confirm that it
19 is accepted that one or more of the allegations under
20 sub-allegation set out at 2 'have been convicted in the
21 State of one or more of the offences triable on
22 indictment'. That again is not an issue with Mr O'Meara.
23 Mr Murphy might confirm that?

24 MR MURPHY: Yes, I confirm that as well. Thank you.

25 MR BEATTY: Thank you. Then just finally, "And take notice
26 that the Professional Conduct Committee, shall have the
27 power to award and authorise the recovery of costs."

28 Then: "And further take notice, that following the Inquiry
29 and Report by the Professional Conduct Committee, pursuant
30 to section 48 of the Act, the Council shall, if the

1 Committee finds the complaint substantiated, impose one or
2 more of the following disciplinary sanctions on you.
3 1. An admonishment or censure.
4 2. The attachment of conditions to your registration, which
5 may include restrictions on practice.
6 3. The suspension of your registration for a specified
7 period.
8 4. The cancellation of your registration.
9 5. A prohibition for a specified period on applying for
10 restoration to the Register."

11 That is dated 16th of July 2021.

12
13 So, those are the allegations and Mr Murphy has very
14 helpfully, and indeed Mr O'Meara has very helpfully made
15 the admissions that he has made. And what I propose doing
16 and, again, subject to the Committee is simply identifying
17 for the Committee, with reference to the document in the
18 data room. There is a booklet of -- sorry, there is first
19 of all an expert report of Mr McCrystal, and I can confirm
20 or I can tell the Committee that Mr O'Meara is admitting
21 the contents of that report, the written report without,
22 without invested form of proof, in fact, Mr McCrystal is
23 here and he can confirm it. He will also confirm the
24 content. And in relation to the booklet of statements, you
25 will see there are a number of statements. You will see
26 from the index of the booklet of statements, there are
27 statements numbered 1 through to 16. All those statements
28 have been admitted without the necessity or formal proof
29 and the contents have been admitted, and Mr Murphy might
30 just confirm that for the Committee?

1 MR MURPHY: Yes, I can confirm that.

2 MR BEATTY: That's very helpful. And then the position is
3 this, Committee, how I propose to deal with it, it is very
4 much to the subject Committee, is that I can obviously read
5 the entire of the witness statements into the record, if
6 the Committee wishes me to do that. I'm not sure it is
7 necessary because obviously the Committee can have
8 reference to those or read through those themselves knowing
9 that the contents are accepted.

10

11 If the Committee are happy enough with that, what I propose
12 doing is, I propose opening up just two of the witness
13 statements and the purpose of doing that is twofold; the
14 first is that it gives the Committee some insight into how
15 medications, both prescription medication and
16 over-the-counter medication were managed within the
17 Pharmacy without having to call a witness. Andrea Doyle is
18 the person whose statement I propose reading into the
19 record in that respect, she is available if the Committee
20 have any query in relation to different issues that might
21 arise, and obviously especially where it comes to the
22 technical issues of a pharmacy owner, there may be
23 questions. So, she is available if you wish to hear from
24 her.

25

26 The second reason that I propose, it's just that there is
27 one or two, the expert case is reliant on one or two
28 portions of those witness statements, so I just propose to
29 highlight those, and those are the witness statements of
30 Andrea Doyle, the other witness statement is of Ms Lynch,

1 Ms Claire Lynch. So, subject to the Committee, that's how
2 I propose to proceed. But if the Committee wish me to read
3 the entire of the admission statements, I can do that.

4 CHAIR: I haven't gone to the Committee, but I really don't
5 see the necessity to read all of them into the record.
6 They are there for the Committee to consider in due course,
7 as you say. So what, just so I understand it quite
8 clearly, you are proposing to read two statements, one from
9 Ms Doyle and one from Ms Lynch?

10 MR BEATTY: Yes, so it is Ms Doyle and I will just make
11 sure, I didn't have it in front of me here. It is Ms
12 Doyle, and yes, and Ms Claire Lynch. I don't even propose
13 opening up the entire of the statement, just portions of
14 the statement that I think may inform the Committee as to
15 what the position was on the ground in the pharmacy, so to
16 speak, because you will now hear -- after this you will
17 hear from Inspector Ryan who will give you some insight
18 into the investigation and you will also hear from Ms
19 Nevin, and that will give you an insight into the
20 investigation of the PSI in relation to the matter. But I
21 suppose this gives you some context of what the position
22 was on the ground, which will inform you, I hope.

23 CHAIR: Thank you very much. I mean you are entirely
24 right, insight for the Committee and context is very
25 important. I suppose, I will ask the Committee, are you
26 content that we proceed in that manner, are there any
27 questions you have?

28 MR KANE: No questions, Chair, happy to proceed.

29 CHAIR: Thank you.

30 MS O'CONNELL: Just one question. Is there any reason in

1 particular that you selected those witnesses? Are they
2 just a random selection?

3 MR BEATTY: I selected them mainly because their evidence
4 covered the headings, such as the ordering of medication,
5 stock control, control of drug register and they give more
6 detail in relation to those. So, in fact what I propose
7 doing, again subject to the Committee, is reading the
8 relevant extracts of Ms Doyle's witness statement and then
9 just identifying for the Committee where they would find
10 that in Ms Lynch's witness statements.

11
12 So, all of the witnesses who worked in the retail outlet in
13 Wicklow, they cover this in detail but in much more detail
14 in the case of Andrea Doyle. So, I thought that would be
15 helpful for the Committee.

16 MS O'CONNELL: Okay, thank you.

17 CHAIR: Mr Beatty, that's ideal. Thank you very much, if
18 you can proceed.

19 MR BEATTY: Thank you, Chair. So, you will find this
20 statement here. You'll find this statement at -- and I am
21 just looking up the statement now and I am missing it, but
22 I am sure it is here somewhere. Yes, you will find it at
23 tab 10 of the booklet of statements.

24
25 This is a statement that is dated 3rd of October 2019 and
26 it sets out the background, it sets out the CarePlus
27 Pharmacy in Wicklow Town, the staffing levels in the
28 CarePlus Pharmacy and I will invite the Committee to read
29 that for themselves, unless you wish me to open it. The
30 opening hours, the relationship with Mr O'Meara, the

1 procedures in CarePlus Pharmacy. And what I'm going to
2 read into the record is under the heading, "Ordering of
3 Medication", and that is paragraph 4. And it says,

4
5 "we use the standard pack replacement system of the MPS
6 system in the dispensary for ordering medicines. This
7 means that when medicine is dispensed, it is automatically
8 placed on the re-order list. This list is then checked at
9 the end of the day by the pharmacist on duty, and is sent
10 to the wholesaler, so we have replacement medicines
11 arriving the next day. When received, the medicines are
12 checked against the order list by a dispensary staff
13 member, checked off against the invoice, date checked and
14 put to shelf.

15 If only one specific product is required, this is ordered
16 through the web. We go on to the wholesaler's website and
17 place the order there. Delivery is by 2.00 pm the next
18 day. We then have to manually update our stock count on
19 the system.

20 For any unlicensed medicines an order has to be faxed. To
21 place these orders, you must be a Registered Pharmacist.
22 On receipt, the stock count on the system has to be updated
23 manually. For over-the-counter medicine Ms Moran managed
24 the ordering." That is Ms Siobhan, or Ms Sinead Moran who
25 is the manager of the retail outlet.

26 "This was done through a different system to the MPS
27 system, known as the EPOS system. There was an automatic
28 ordering process for this also. On receipt I think the
29 front-of-shop employees checked it in. Ms Moran did the
30 final check against the invoice. I do not deal with these

1 orders, so cannot be sure of the process. Ms Moran is
2 currently on sick leave currently so I am not sure who is
3 currently managing these orders."

4 "Stock control:

5 For stock control, we do a daily count. This involves a
6 manual check of the items against the stock sheet that the
7 system dispenses. We also have external stock takers
8 conduct the stock take annually. Any orders placed for
9 unlicensed products or web orders, or orders for parallel
10 import, require a manual update to the system. There is
11 therefore sometimes a discrepancy between the figure on the
12 system and the amount of medicine in the pharmacy.

13 Sometimes pharmacists can forget to manually update the
14 system if they are very busy in the dispensary.

15 Parallel imports are medicines that are created in another
16 EU country and imported. For example, Nexium, pharmacies
17 sometimes procure medicines from other countries at a
18 better price, such as France or Greece, so that they can
19 make a greater profit.

20 10. Our approach initially is to order from our primary
21 wholesaler. If the medicine is unavailable, we check to
22 see if it is available through parallel imports. The final
23 option is to order from our second wholesaler. The
24 dispensary staff input these orders.

25
26 Controlled drugs register:

27 The pharmacist on duty must update the controlled drugs
28 register within 24 hours of dispensing controlled drugs in
29 the dispensary. Controlled drugs must be kept in the
30 controlled drugs safe. Even CD4s are kept in the

1 controlled drugs safe in the pharmacy, which is not a legal
2 requirement. For CD2s and CD3s certain information must be
3 recorded in the controlled drugs register. This includes
4 the name and address of the patient, the name of the
5 prescribing doctor and the quantity being dispensed. The
6 pharmacist must then initial the prescription and write
7 his/her pharmacist number. The Supervising Pharmacist must
8 then check the register against the contents of the safe.
9 This used to be done on a monthly basis, but this is now
10 being done on a weekly basis, on every Tuesday. The duty
11 register is always left out for the pharmacist on duty to
12 sign. The pharmacist must sign their name and the hours
13 they have worked. Sometimes if it is busy all day they
14 may, on occasion, forget to do this.

15
16 We rarely use the Drugs Usage Analysis Report in the
17 pharmacy. This report gives you an idea of what to order
18 and how much of a particular medicine you are supplying.
19 It allows you to see how frequently you are not dispensing
20 a particular medicine and to stop ordering it or order
21 less. It gives an idea of patient demand over time.

22
23 The MPS stores all pharmacy information. It contains every
24 patient, patient medication record, names and dates of
25 birth, addresses and drug information. I am not up to date
26 on the EPOS system, but I expect that there would be a
27 similar report that you could develop on that. I'm not
28 trained on the EPOS system."

29
30 Then, just bringing you to a number of other paragraphs of

1 that statement which I will highlight into the record
2 because they feature, or issues feature in the expert
3 report in relation to them. So, if I could go to paragraph
4 21. It says, "I was alarmed when I read the folder of
5 documents and report from the PSI. I had no idea of the
6 extent of the drugs passing through the pharmacy. It looks
7 like a deliberate diversion of prescription and
8 over-the-counter drugs." I should say that this is
9 obviously the person who was acting -- sorry, who was
10 working in the pharmacy at the time.

11 22. "Concerns.

12 My first concern arose on 21 January 2016 when two boxes of
13 Ritalin 10 mg arrived in the morning delivery. This is a
14 standard quantity to order. I then proceeded to update the
15 quantity in the controlled drugs register. At this point,
16 I saw that 60 tablets of Ritalin 10 mg were dispensed by Mr
17 O'Meara to Mr O'Meara the day before, 20 January 2016 under
18 a prescription from Dr Nick Buggle. I was very surprised.
19 This was the first entry that I saw in the controlled drugs
20 register from Mr O'Meara to Mr O'Meara. I then checked the
21 prescription. It was dated 7 August 2015. This was the
22 only prescription that was on file for Mr O'Meara for
23 Ritalin. It was Ritalin 10 mg, to be taken DDPN as
24 required by 60, repeat by five. I noted that this
25 prescription was marked as 60 Ritalin having been dispensed
26 to Mr O'Meara on 8 August 2016. This was a red flag. It
27 was not a huge breach, but the prescription did not comply
28 with the prescribing requirements for controlled drug
29 prescriptions. I tried to contact Mr O'Meara about this,
30 but could not get through to him. The next day Ms Moran

1 was on the phone with Mr O'Meara and I asked to speak with
2 him. I told Mr O'Meara that the prescription did not meet
3 the requirements and did not have the full name or address
4 of his prescriber. I stated that I was not happy to have
5 this prescription dispensed. I asked Mr O'Meara to provide
6 the correct prescription to me the next day, but I heard no
7 more. Mr O'Meara said not to worry as he was the
8 Superintendent Pharmacist which was the ultimate, and that
9 the liability would lie with him. I asked him to have the
10 correct prescription the next day when he was on duty. I
11 heard no more about the matter. On 13 August 2016,
12 Mr O'Meara was working a half day in the pharmacy.
13 Mr O'Meara's mother was working the other half of the day.
14 The next day, eight or 10 boxes of Ritalin arrived in the
15 morning delivery. I then saw that there was a prescription
16 for Mr O'Meara dated 12 August 2016 for 360 Ritalin, 10 mg
17 tablets. There was no address on the prescription and it
18 did not comply with the controlled drugs regulations. This
19 was dispensed as a private prescription. I tried to
20 contact Mr O'Meara about this prescription, but could not.
21 I discussed the matter anonymously with colleagues and they
22 said that it is not a matter for the PSI as it relates to
23 personal usage.

24
25 **Authorised officers report:**

26 I submitted a document to the PSI in March 2019 in respect
27 of report of their investigation carried out at the
28 pharmacy. This document is appended to the statement,
29 marked Appendix 1." [That is available to the Committee.]
30 "I was shocked and disgusted at the contents of the PSI

1 report and that these things happened under my watch. I
2 had never ordered or dispensed Xanax 1 mg in the pharmacy.
3 This is the highest dose available and is not dispensed
4 very often. We had one box in the pharmacy for the year.
5 All boxes of this were ordered when I was off duty. I had
6 no idea that this was being ordered until I saw the PSI
7 inspection report. Ms Moran might have known as she is the
8 employee responsible for balancing the monthly invoices
9 received from the wholesalers. Monthly invoices are
10 received from the wholesalers which combine all of the
11 individual invoices. Therefore, if invoices were being
12 removed, these would have shown on the monthly invoices.
13 Ms Moran would have been the only person able to spot if
14 there were any missing invoices.

15
16 Zimovane 7.5 mg tablets is a normal drug line that we
17 stock. All boxes were ordered on 24 August 2018. I was on
18 annual leave that day, but it is not unusual to see four to
19 six boxes of this come in and I never noticed an anomaly.
20 I was in complete shock in relation to the ordering of
21 Cialis 20 mg tablets. I was not on duty the day these
22 arrived into the pharmacy. I was completely unaware that
23 these were being ordered and removed from the pharmacy. I
24 did not know Mr O'Meara was taking Efexor XL 150 mg. Mr
25 O'Meara told me that he takes this medication" -- sorry,
26 "Mr O'Meara told me that he'd take this medication at a
27 previous Christmas." Sorry, it's "I did know", not "I did
28 not know".

29
30 29. "It was normal years ago for there to have been

1 medicine transfers between stores in the Group. I have
2 seen transfers of Efexor to the Ferrybank CarePlus Pharmacy
3 before. There are very few patients of ours on Efexor. As
4 far as I can recall we only have one patient on it now. I
5 did not notice a large quantity being transferred, however.
6 In relation to the 16 boxes of Efexor XL 37.5 mg that were
7 ordered on 1 August 2018, I was working this day" -- "I was
8 not working this day", sorry. "I was off when the drugs
9 were ordered. I did not notice anything untoward on 3
10 August 2018 when they were returned. Tylex is a normal
11 stock line. I was off duty in July 2018 when the six boxes
12 were ordered, three boxes were being ordered not to arrive
13 in the order.

14 when the investigation kicked off on 4 October 2018 I was
15 trying to get the printer in the pharmacy working. A
16 medicine called Spiropent was on the counter beside the
17 printer with an invoice attached. I knew that this
18 medicine was unlicensed. Ms Moran had found it behind the
19 printer. I Googled this drug and learnt that it could be
20 abused. I added a note for myself to remind myself to
21 speak to the Superintendent Pharmacist about it. Another
22 time I was tidying up the top-shelf injections. There was
23 nine boxes of Androtardyl, one box of Testovis and one box
24 of Nebido. These were hidden from view and it looked like
25 this was deliberate. These are not normal stock lines and
26 not for any patients of the pharmacy. I never dispensed
27 any of these drugs to patients. I did not order these
28 medicines. I suspect that Mr O'Meara did. The stock order
29 forms were filled in by Mr O'Meara. I do not know what
30 these drugs are for. They are all unlicensed and very

1 specific. A consultant doctor would prescribe these.
2 Ms Fernandez agreed that we needed to inform the PSI.

3
4 The over-the-counter drugs were managed through the EPOS
5 system. They were scanned on the till and automatically
6 added to an order list. The front-of-shop girls reviewed
7 this list at the end of the day and ordered for the next
8 morning. For vitamins, these orders were placed through
9 the sales representative. This stock would then have to be
10 added manually to the stock list.

11 In relation to Sudafed, I was completely unaware of the
12 amount being ordered into the pharmacy. It was brought to
13 my attention by the front-of-shop girls when they realised
14 that the PSI investigation is a serious matter beforehand
15 and sometimes when an order arrived in Mr O'Meara would say
16 that it was a personal order, not to touch it, and he would
17 then take it to his car. The girls did not ever see inside
18 any of these orders. I have never ordered Sudafed to the
19 pharmacy. The orders for Sudafed were placed when I was
20 not on duty. I do not know who ordered Sudafed."

21
22 And then just paragraph 39, "I believe that I am an
23 excellent supervising Pharmacist. It was impossible for me
24 to spot what was going on. I had no reason to search for
25 missing medicines." Those latter paragraphs focus on
26 something that the expert focuses on in his report in
27 relation to Ms Doyle, so I thought I should just highlight
28 those for the Committee.

29
30 So she, as I say Ms Doyle remains available if the

1 Committee wish to hear from her in relation to how stocks
2 were controlled and the drug register, if the paragraphs
3 that I have read out does not inform them enough or if
4 queries remain. So, if she needs to be called, she is
5 available.

6
7 Then subject to that, the statement, the final statement,
8 the statement of Claire Lynch, and this is not a statement
9 I intend to read into the record, except in relation to one
10 or two paragraphs, and again because they feature in the
11 expert's report. But if one looks at paragraphs 18 through
12 to 21, Ms Lynch goes through the ordering of medication
13 again. She refers to an Axiom process, which I think is
14 kind of a filter process that is used, but it is in
15 conjunction with the MPS system. So, again, if there is
16 any confusion that can be clarified. But she refers to the
17 ordering of medication at paragraphs 80 through to 21.
18 Stock control at paragraphs 20 through to 25, the
19 controlled drugs register at paragraphs 26 through to 29,
20 the duty register at paragraph 30.

21
22 Then I will refer to concerns that she had, which are
23 referred to at paragraph 31. She says as follows:
24 "Sometimes I saw orders come in for people that were not
25 customers of the pharmacy. The orders then disappeared. I
26 did not query this as it was a small dispensary. I thought
27 on one occasion when drugs arrived in that there was a
28 mistake on the part of the supplier as I had been working
29 the day before and had not ordered the drugs. I was
30 getting ready to return the drugs to the wholesaler when Mr

1 O'Meara arrived into the pharmacy and said that the order
2 was his. Mr O'Meara told me that he had ordered the stock
3 remotely from his home. This was at some point in 2017 but
4 I do not recall exactly when.

5
6 32. The drugs that were ordered were as follows:

7 a. Efexor

8 b. Cialis

9 c. Viagra

10 d. Xanax.

11
12 33. I cannot recall any of the dosages. I noticed Efexor
13 as strange as we were trying not to stock branded
14 medicines, which this drug is. This order came in from
15 either United Drug or Uniphar. I did not dispense any of
16 these drugs to patients of the Pharmacy.

17
18 34. There were other days that there was stuff left for
19 Mr O'Meara to collect from the pharmacy. I was told that
20 these drugs were not for Mr O'Meara, but were for his
21 friends. Sinead Moran told me that the orders were for
22 Mr O'Meara.

23
24 35. One day I saw boxes of Testosterone sitting on the
25 counter-top. I do not know how many as they were wrapped
26 up in cling film, as if they had come directly from a
27 wholesaler. There was not just one box; but quite a
28 number. I do not know where these orders came from as they
29 arrived when I was not in the pharmacy."
30

1 Paragraph 41 just concludes her statement by saying:
2 "It was brought to my attention, through gossip, that
3 Mr O'Meara did things and took things. I stopped looking.
4 As long as I knew I was doing the right thing, ordering
5 correctly, dispensing correctly. When I raised it with
6 Sinead Moran, the shop manager, she said this is the way
7 Mr O'Meara was.

8

9 42. This was the reason that I finished up in the
10 pharmacy. I did not want to be involved and I did not want
11 to know about it any more. I thought Mr O'Meara would end
12 up overdosing or that the Guards would catch up with him
13 eventually for having drugs that he should not have."

14

15 So, again, those are issues that are touched upon by the
16 experts, I thought I should highlight them. And subject to
17 the Committee then, I propose calling witnesses, and if the
18 Committee either want to hear from the two witnesses
19 regarding the statements I have just read out. Now, I do
20 know that Inspector Ryan is available from 3.00 pm, I am
21 uncharacteristically shorter than I usually was, so I don't
22 know what the Committee wish to do?

23

24 CHAIR: Thanks very much, Mr Beatty. First of all, let me
25 ask the Committee have they any questions in light of the
26 content of what you have just presented to us? Are there
any?

27

28 MR KANE: The only question that I'd have is if Mr Murphy
29 has anything that he'd like to ask those particular
30 witnesses, is there anything in his client's interest that
he would like to tease out with them?

1 MR MURPHY: No, thank you very much for the opportunity. I
2 don't have anything to add. It is admitted.

3 CHAIR: Yes, thanks, Mr Murphy. Thank you, Mr Kane.

4 MS O'CONNELL, have you anything?

5 MS O'CONNELL: No.

6 CHAIR: No, I appreciate that. Nor have I, Mr Beatty, and
7 thank you very much. I understand the timing situation and
8 it came about indirectly, which is the way these matters
9 have turned out. Again if there is no matter that can be
10 moved forward at this stage, then we should take the
11 opportunity of one final, I suppose, comfort break, if
12 necessary. Let's say for 15 minutes, so we will come back
13 five minutes before the hour just to be sure everything is
14 in line for yourself?

15 MR BEATTY: That's very helpful.

16 CHAIR: Very good. We will do that then. We will adjourn
17 until 14.55.

18 MS O'CONNELL: Thanks.

19 (Break taken.)

20

21 Resumed at 2.55 pm

22 MS DUNNE: Good afternoon, Chair, can you hear me okay?

23 CHAIR: Yes, I can thanks.

24 MS DUNNE: I can confirm everyone is online, including the
25 Logger and Inspector Seamus Ryan has joined as a passive
26 participant, so he is ready to be made active whenever you
27 are ready, but otherwise we are ready to proceed.

28 CHAIR: That's very good. Thank you very much. So, we
29 will resume and Mr Beatty I will hand across to you.

30 MR BEATTY: Yes, thank you. Before I call Inspector Ryan,

1 I should, I suppose, just also make it clear that if one
2 looks at the Court bundle, the Core Book is admitted, the
3 contents, the documents are admitted without the necessity
4 of formal proof and their content is admitted by Mr
5 O'Meara. Also, so is the expert report I had mentioned
6 that, so is the booklet of statements, I have mentioned
7 that, and so is the article in the newspaper, and I have
8 mentioned that. In as much as there is documentation in
9 the Core Book, and as much as I am referring to documents,
10 all of those are agreed and the Committee can take them as
11 agreed, Mr Murphy may want to just confirm that on the
12 transcript first, that it is all agreed?

13 CHAIR: Thank you, Mr Beatty. Mr Murphy?

14 MR MURPHY: Yes, I can confirm, that is all agreed.

15 CHAIR: That is very good, thank you.

16 MR BEATTY: Thank you, Mr Murphy. The position then is if
17 I can call Inspector Seamus Ryan.

18 CHAIR: Very good. Inspector Ryan, can you see us and hear
19 us?

20 INSPECTOR RYAN: Yes, I can I can see you.

21 CHAIR: Just before you give evidence, can I ask you, do
22 you wish to do so on oath or on affirmation?

23 MR RYAN: I will take the affirmation, please.

24 CHAIR: Very good.

25

26 INSPECTOR SEAMUS RYAN (affirmed) - examined by Mr Beatty

27
28 **Q.** Thank you, Chair. Inspector Ryan, before I ask you
29 questions, I should just tell you that the Committee have
30 received papers, or are going through the papers today so

1 they have had very little opportunity to obtain any
2 information in relation to the detail, certainly of your
3 involvement, so I suppose I would just ask you to consider
4 that when giving your evidence. Don't presume that the
5 Committee know anything about this, they have received the
6 papers, and no doubt they have read them as much as they
7 can, but you should just presume that you are informing
8 them of all of the details that are involved, is that okay?

9 A. Okay, that's correct.

10 1 Q. Just before I start I should just say through the Chair, I
11 don't propose to do this to any great extent, but leading
12 this witness to some extent insofar as his evidence is
13 agreed, if Mr Murphy has a difficulty with that, he can
14 stop me and I have no difficulty then if that is the case?
15 MR MURPHY: I have no difficulty with that, Mr Beatty.

16 2 Q. MR BEATTY: Inspector Ryan, I understand that in 2018 you
17 were a Sergeant, is that correct?

18 A. That's correct.

19 3 Q. Can you just tell the Committee where you were based and
20 what division you were working at that time?

21 A. I was in the Divisional Drugs Unit and we were based out of
22 Dundrum Garda Station and we cover what is referred as to
23 the DMR East, so it had its headquarters, let's say
24 Blackrock Station, Dun Laoghaire Station and basically all
25 the ways from the Merrion Gates, as such, all the way down
26 as far as Old Connaught Avenue in Bray, that whole area
27 there, but we were working on information received and
28 intel received in relation to drug-dealing activities of
29 certain individuals and progressed that information to a
30 conclusion. That's basically what our goal was.

1 4 Q. Thank you. How did Mr O'Meara come to your attention?

2 A. Well, I had received information from several sources,
3 mainly centring around the fact that Mr O'Meara was engaged
4 in the supplying and sometimes the sale of prescription
5 drugs, mainly prescription drugs. There was also the
6 possibility that cocaine was being, the sale of that as
7 well, or the supply of it, and as a result of those further
8 enquiries carried out he became a suspect in that regard
9 and we decided to progress that line then.

10 5 Q. Thank you. When was that?

11 A. It was in or around August 2018 that we would have worked
12 on kind of progressing our enquiries on it and then we
13 would have ultimately decided to move on that, and it would
14 have been the end of August, 23rd August then I would have
15 went to before a court, before a CCJ, Judge Doyle, and I
16 would have sworn information to obtain a search warrant,
17 that would have been under the Misuse of Drugs Act 1977-84
18 to search Mr O'Meara's address at [REDACTED]

19 [REDACTED]
20 6 Q. I see. What I'm going to do is, I am hoping now that you
21 have access to the documents and I am going to bring you to
22 the Core Book and tab 20. This is the search warrant, I am
23 just making sure that I have -- sorry, can somebody get
24 that up, I can't tell the difference. Sorry, you will see
25 it under "exhibits" there at number 28 of the Core Book.
26 Do you have that in front of you?

27 A. The screen is splitting now, just a minute. Yes, I can see
28 that they are there, yes, the search warrant and warrant ID
29 1472638, yes, that's the search warrant.

30 7 Q. That's the search warrant. Can you just outline for the

1 Committee how you acted and what were the circumstances of
2 your search?

3 A. We obtained a search warrant, we would have moved on it on
4 the 24th of August, the following day, 2018, and at
5 approximately at 8.00 am I would have briefed my colleagues
6 at Dundrum Station. I was aware of the premises, having
7 carried out a recce surveillance of the premises, and I
8 noticed that there was an intercom system and a CCTV system
9 attached to the house. In some cases what we do, instead
10 of forcefully entering the house, what we do is we wait
11 outside until someone emerges, until we get a soft stock,
12 as it were, and just ask him to accompany us back to the
13 house. There was no sinister motives insofar as we were
14 concerned about what Mr O'Meara might do, it was just, it
15 would mean we'd not have to forcefully enter the premises
16 and we could do without causing damage to the premises.
17 And again, you know, out of consideration to Mr O'Meara and
18 his neighbours and what they might think, so it was with
19 considerations around those that we decided we would wait.
20 He left his premises at, I think, shortly after 8.00 am.
21 Around 8.45 he drove out of the estate in his own car, a
22 blue BMW 12-D registration and he was stopped by a
23 colleague of mine and informed that we were in possession
24 of a warrant and we would have to return to the house, that
25 this warrant was issued under Section 26 of the Misuse of
26 Drugs Act 1977-84. He immediately complied with the
27 request, and a colleague of mine would have driven Mr
28 O'Meara's car back and he would have sat into the back of
29 the patrol car, this would have been an unmarked Garda car
30 so there wouldn't be a uniform car as such. I would have

1 arrived back separately, but I would have arrived back at
2 the same time to the address and I would have introduced
3 myself to Mr O'Meara and I would have shown him my official
4 identity card and I'd have shown him a copy of the search
5 warrant as well, and I would have explained that to him. I
6 would have asked if, I usually would ask in these
7 situations if there was any drugs on the premises and
8 immediately he informed me that there was a bag of cocaine
9 in one of the rooms that he specifically used as an office.
10 Because he had made that admission, I immediately gave him
11 the official Garda caution by saying, "you are not obliged
12 to say anything, unless you wish do so, but anything you do
13 say will be taken down in writing and may be given in
14 evidence." Again he replied that he understood, he
15 immediately brought me to the office and he handed over a
16 small, clear plastic bag. I could see it did contain a
17 white powder and there was also a Tesco clubcard in with
18 the powder. That would have been, that would have been
19 bagged up in a tamper proof evidence bag and it would have
20 been assigned an exhibit number. We then went into the
21 living room area and he informed me that he would have kept
22 prescription drugs there primarily in the safe, he did open
23 the safe for us -- in fairness to him he complied with all
24 our requests through the entire search -- but he opened the
25 safe and there was several boxes of Xanax tablets, which I
26 know to be prescription drugs, I know to be on the
27 schedule, to be controlled drugs. They were 1 mg strength
28 and at least a rough count of the boxes we established
29 there was 1,700 tablets in total. Again, these would have
30 been placed in a tamper proof evidence bag, it would have

1 been sealed and assigned an exhibit number. We also found
2 boxes of Ritalin tablets in 10 mg strength and we counted
3 those up to be approximately 330 tablets that there in the
4 living room. Again, these were placed in a tamper proof
5 evidence bag. They are the two main tablets that I was
6 aware that were on, that were controlled drugs under the
7 schedule. There was various other tablets found in the
8 premises, including in Mr O'Meara's bedroom, and they did
9 not come back as controlled drugs, but they were taken
10 during the course of the search for completeness of the
11 investigation. There would have been approximately 10 or
12 12 different other types of drugs but, again, they all came
13 back as not on the schedule, so they were later discounted.

14 8 Q. Could you just identify what they were for the Committee,
15 if you can't, that's fine but --

16 A. Yes, I have a list. If I can read out my list of what
17 those drugs were for the sake of the Committee. Testovis
18 Ampules -- pardon my pronunciation, I might get it wrong --
19 but Testovis Ampules 100 mg, and there was 66 tablets as
20 such and they were Ampules, I think. There was Pro-Viron
21 tablets, 90 of those. There was Androtardyl, 22 Ampules.
22 There was the Efexor, 182 tablets. There was Tylex, 30 mg
23 strength, six tablets. There was Dexamfetamine sulphate,
24 12 tablets. There was Proscar, 25 tablets. There was
25 Spiropent, 36 tablets. There was Solpado1, 19 tablets.
26 There was Tramadol Hydrochloride, 50 mg strength, 48
27 tablets. There was some other unknown tablets at the time,
28 yellow and white tablets, again that came back as
29 controlled drugs. Again, we'd have photographed all these
30 tablets as well and would have been taking out those drugs

1 at the time as well.

2 9 Q. I can tell you your pronunciation was much better than
3 mine. We have put a photograph up that was taken at the
4 time and that would be at tab 24, just for the Committee.
5 Can you see those?

6 A. Yes.

7 10 Q. Are those the photos in question?

8 A. Yes, they are the drugs, they would have been the
9 photographs I took of those tablets.

10 11 Q. Again, the bottom one is presumably the Clubcard, that's
11 the -- sorry I am --

12 A. Oh yes, you just need to scroll down a bit more. Yes,
13 that's the Clubcard with the white powder and the
14 approximate weight of it is less than 1 gram, it was just a
15 very small amount, consistent with possession for personal
16 use as such.

17 12 Q. Yes. And what did you do with those drugs?

18 A. Yes, all drugs would have been placed in a tamper proof
19 evidence bag, like the one in the picture there, and
20 sealed, and assigned exhibit numbers, and these would have
21 been handed over to my exhibits liaison officer. They
22 would ultimately go to the lab, to the Forensic Science Lab
23 in Garda Headquarters for analysis.

24 13 Q. As I say, a drug analysis report, and that's at tab 26 just
25 for the Committee, if we could just get that up.

26 A. Yes, that's the Certificate of Analysis back from the
27 Forensic Science Ireland in relation to all the exhibits
28 submitted.

29 14 Q. Yes. Just for the Committee, that can also be found in the
30 statements at tab 18 and that goes through the different

1 drugs that you found, is that correct?

2 A. That's correct.

3 15 Q. It is not your document, so I won't go through it, but the
4 document is admitted and is available for the Committee if
5 they wish to go through it. So, that was the issue in
6 relation to the drugs that were found in Mr O'Meara's
7 house. Was that the extent of the search or was there any
8 other property that was found?

9 A. Yes, we would have, as part of the search we would have
10 looked for any other evidence. A colleague of mine then
11 had searched Mr O'Meara's car and he had returned with a
12 Samsung mobile phone. There was also a second phone in Mr
13 O'Meara's possession, a Nokia phone, a kind of a cheap
14 enough, you know, text and call phone, so he had two
15 phones. I noticed that the Samsung phone was locked and I
16 asked him to open it for us and he immediately complied
17 with the request and opened, gave us the unlock code which
18 I noted. That would have been placed in a tamper proof
19 bag. Again, he unlocked the Nokia phone, and again that
20 was placed in a tamper proof bag. There was two Airsoft
21 replica firearms also found during the course of the
22 search, but again I think one of them was faulty, it wasn't
23 working, but we did send them to ballistics in Garda
24 Headquarters to be examined --

25 16 Q. There was no issue arising on those, they weren't deemed to
26 be unlawful, isn't that correct?

27 A. That's correct, they are not deemed to be a firearm, no.

28 17 Q. So, if we just move on then in relation to the phones. Do
29 you remember who the phones were registered to?

30 A. Yes, I would have enquired to find out who the phone was

1 registered to and it did come back registered to Mr O'Meara
2 and I got confirmation from his service provider to that
3 effect.

4 18 Q. Then just in relation to the nature of the communication,
5 you will see at tab 23 there is a sample of the WhatsApp
6 text messages, is that correct?

7 A. Yes. Well, possibly 28th August 2019, I would have
8 examined the phones seized and the main phone was a Samsung
9 there. There was several conversations and he was
10 primarily using the WhatsApp platform and a lot of the
11 activity, the conversations all around that were regarding
12 the sale or supply of controlled drugs, mainly the Xanax in
13 the vast majority of these conversations. I would have
14 used my official phone to take screen shots of these
15 conversations and they would have been all assigned exhibit
16 numbers. The same with the Nokia phone, or there wasn't
17 that much on the Nokia, so that seems to be primarily kind
18 of a work phone as such, but the majority were on the
19 Samsung phone. Again, I would have exhibited a lot of the
20 screen shots in relation to that, and again I was happy
21 that they were, all conversations were consistent with
22 someone who was involved with the sale and supply of these
23 drugs.

24 19 Q. I just want to get those up for you, if I could. They are
25 at tab 23. But the Committee will also find them in a Book
26 of Exhibits at Tab 25, in relation to the exhibits for the
27 Committee. If you we could just take the first one there.
28 If you just scroll up?

29 A. Oh yes. That's the top one, is it?

30 20 Q. Yes?

1 A. Oh yes.

2 21 Q. We will start at the top one, if we could, please?

3 A. All right. Yes, Mr O'Meara's conversation is highlighted
4 in green and then in white would be the potential buyer or
5 a customer or a friend who was looking for the tablets. He
6 obviously in this one here he asks if -- actually could you
7 scroll up a little bit there, I just missed the top part of
8 that. Yes: "2 or 3 Xanax for said trip. Would one be
9 amenable to helping me out. Please. And thanks." "Sure
10 thing." His friend replies, "thanks, old friend". Mr
11 O'Meara then says, "In work today but I'll be home later.
12 What exactly do you need?" Then we can see a big list of
13 all the, "2 boxes of purples", and purples would be street
14 slang for Xanax, they come in various different colours
15 depending on the strength of them, but purples would be
16 street slang for Xanax. "I was looking for the other drug,
17 that Codeine, Promethazine". And Mr O'Meara indicates he
18 be home at 7.30, if that suits. And his friend replies,
19 "perfect."

20 22 Q. Just going down to the next one?

21 A. Yes. He replies, "10 minutes, J", that's later on he is
22 coming in, "all good. Thanks. Was hoping to get a few
23 bits off you." Again, Mr O'Meara asks him, "I'll be in
24 Wicklow tomorrow and Saturday, so I can grab them,"
25 presumably referring to the pharmacy. "What do you need?"
26 Again his potential customer gives him a shopping list
27 there; "Stilnox x 2, Zimovane x 4, Difene x 1, Citrine x 2.
28 As many Cialis as you can spare. A box of condoms. And the
29 antibiotic I was talking about. Thanks, John, hopefully
30 get to see you tomorrow, if you want to text me how much I

1 owe, I will have the cash ready by you." "Will do."
2 "Thanks."

3
4 So, that to me, would indicate a discussion in relation to
5 payment for the drugs mentioned there. Again, "hi, how are
6 you. I wanted to ask you if I could get a few boxes of
7 Xanax off you." John replies then, "I'll give you a call
8 tomorrow." This clip here, it is his full address that he
9 is passing on to the individual, his home address,
10 including his Google map, so that screenshot there is
11 basically where to find him. His customer says,
12 "10 minutes, I'll be there." We see then conversations,
13 "Don't tell anyone about this. With my job, I would get
14 into serious trouble," so to me that would indicate that he
15 was aware of the ramifications of what he is engaged in.
16 In this one it would indicate that he was concerned about
17 Facebook, and again he talks about Xanax, the fact that he
18 was aware they are controlled drugs. "Let's see how I'm
19 fixed tomorrow evening." "Have you had them before? What
20 strength have you used?" "I've had the 1 mg purple ones"
21 -- they are the purple ones referred to earlier -- "strong
22 ones."

23 23 Q. All right. Just moving on then, can you just tell the
24 Committee about the arrest and charge of Mr O'Meara?

25 A. We would have asked Mr O'Meara to -- at the time he
26 wouldn't have been arrested during the search and we said
27 we would have been in touch with him at a later date,
28 mainly due to the fact that we needed to examine the phones
29 and to get some kind of analysis done on the drugs seized.
30 We were going to be in contact with him and advised him to

1 attend at Blackrock Station, by appointment, to be formally
2 arrested and questioned in relation to it. On the 16th of
3 October 2018 at 12.00 midday he presented at Blackrock with
4 a solicitor from, the solicitor representing him. At 12.05
5 I arrested him for the offence, contrary to Section 15 of
6 the Misuse of Drugs Act, again he was cautioned in the
7 usual manner and, again, I would have explained to him in
8 ordinary language what was going on and just answering
9 questions he may have had in relation to it. We told him
10 in layman's language he was arrested for basically the
11 possession of drugs for the purpose of sale or supply. His
12 details would have been put in a custody record, he would
13 have been given his Notice of Rights by the Member in
14 Charge and these rights would have been explained fully to
15 him. He was asked if he understood and he would have
16 signed the custody record, acknowledging receipt of those
17 rights and that he understood those rights. Sergeant
18 Fitzpatrick was the Member in Charge at the time in
19 Blackrock Station. I would have had a full conversation
20 then with Sergeant Fitzpatrick and as a result of that
21 conversation Sergeant Fitzpatrick was happy to detain Mr
22 O'Meara under Section 4 of the Criminal Justice Act 1984,
23 which gives us the powers of detention for the purpose of
24 questioning. Also, Inspector Pat Flynn would have
25 authorised, via the conversation, the taking of his
26 photographs, fingerprints and hand prints, that would be
27 pursuant to Section 6 of the Criminal Justice Act 1984.
28 Also, the Member in Charge, Sergeant Fitzpatrick, would
29 have authorised the taking of non-intimate samples for the
30 purpose of forensic testing. Basically his DNA under

1 Section 11 of the Criminal Justice Forensic Evidence and
2 DNA Database System Act of 2014. At 1.00 pm I would have
3 taken those samples off him, photographed fingerprints and
4 hand prints and the DNA sample. Then at approximately
5 2.32 pm we brought him to an interview room with the
6 solicitor to conduct the interview. Again, he would have
7 been informed that the interview was being conducted as
8 regards the 1984 Electronic Recorded Interview Regulations
9 and given the usual caution. He tendered a prepared
10 statement which he had brought with him and I had read that
11 into evidence as such during the interview and he would
12 have signed a statement. During his detention he was
13 interviewed twice, the first one was from 2.32 pm and
14 finished at 4.34 pm. We did extend his period of detention
15 because we were close to the six hours, the first period of
16 detention only allows for six hours, so Superintendent
17 McDonald in a final conversation with him, he authorised an
18 additional six hours' extension to progress the matter.

19
20 The second interview began at 6.05 pm and it finished at
21 8.28 pm. During that time we would have showed a lot of
22 exhibits to him. He was eventually released from custody
23 for a file to be sent to the DPP. In his first interview
24 he did admit to using cocaine and alcohol and stockpiling
25 medication in his house for his own personal use. During
26 the first interview he denied the sale and supply of drugs
27 in his prepared statement, but he did concede that he, he
28 volunteered about the cocaine during the course of the
29 search to us and he acknowledged that there were drugs
30 found during the search, that they had been found in his

1 house.

2

3 In the second interview, the drugs related messages were
4 put to him, he acknowledged that the messages were there
5 all right but stated that they were old and he made no
6 further comment in relation to drug-related messages. But
7 he stated he did trust the methodology used to capture the
8 photographs of the messages taken, but he made no comment
9 regards contents of the messages during that second
10 interview.

11 24 Q. Do I understand then that, and this is my understanding, so
12 correct me if I am wrong, that in the first interview he
13 admitted possession in relation to the cocaine and in
14 relation to the stockpile of medication, but not for the
15 purpose of supply, is that correct?

16 A. That's correct.

17 25 Q. Then in the second interview did he change that position or
18 was it the same position?

19 A. No, it was the same position. We would have shown him all
20 the messages that were taken from his phone and he
21 acknowledged the messages. I take it he was more or less
22 saying under the advice of his solicitor, and the fact that
23 I think that there was other proceedings ongoing by the PSI
24 in relation to his premises that he couldn't comment at
25 that time.

26 26 Q. I see. If I could just move on then in relation to the
27 charge and court attendance; what happened then?

28 A. A file was submitted to the Director of Public Prosecutions
29 and on the 31st of July 2019 the DPP directed summary
30 disposal initially and a guilty plea directed three counts

1 of unlawful possession contrary to Section 3, which is
2 personal possession, simple possession, and that was
3 regarding the cocaine, the Xanax and the Ritalin. And
4 recommended two counts of possession with intent for sale
5 or supply, that is contrary to Section 15, and that's
6 regarding the Xanax and the Ritalin. The DPP advised that
7 she considered proceeding and tried him on the basis of the
8 fact that O'Meara had no previous convictions, and other
9 mitigating circumstances. That was her rationale for
10 recommending summary disposal on a guilty plea only.

11
12 On the 12th of August 2019, I again met Mr O'Meara at
13 Dundrum Station, where I formally charged him, as directed
14 by the Director of Public Prosecutions. He was given two
15 copies of the charge sheets and was released from the
16 station to attend before Dun Laoghaire Court on the 6th of
17 September 2019. He came before the District Court on the
18 29th October 2019 basically for a Book of Evidence to be
19 served as the matter had been decided, they had decided to
20 opt for trial on indictment. So, the matter was put back
21 for the service of a Book of Evidence until 9th of November
22 2019. The Book of Evidence was served and then it came
23 before the Circuit Court on the 20th of December 2019 for
24 arraignment. I think it was for further consultation
25 between the DPP's office and Mr O'Meara's legal team, the
26 charges in relation to Ritalin were withdrawn and there was
27 a guilty plea entered in relation to the other charges.
28 There was a couple of more remands on that and the fine
29 disposed of on, let me see, to the 6th October 2020 for
30 finalisation. The facts of the matter were given and,

1 before Judge Codd, that was at CCJ Court 5 on that date and
2 Mr O'Meara was sentenced to 18 months in regard to the
3 Section 15 matter in relation to the Xanax charge, but that
4 was a suspended sentence, 18 months' suspended sentence in
5 relation to that. The conditions attached to that, to be
6 of good behaviour and to sign a bond to that effect. Count
7 1 was in section 3, yes, the written matter was nolle
8 prosequi in relation to the Ritalin. In relation to
9 Section 3 for Xanax, the simple possession, it was taken
10 into consideration with the Section 15 matter and as well
11 as the Section 3 possession of cocaine, that was taken into
12 consideration, again with the Section 15 Xanax matter.
13 That basically was the sentencing in relation to those
14 matters.

15 27 Q. If I can just bring you Tab 30, which is the conviction,
16 the order of conviction, which I might just put up on the
17 screen there, if you might just confirm that that is the
18 Conviction Order? I hope that is the conviction order, it
19 should be Tab 30. If you just scroll down that page, yes,
20 that's right. If you could just confirm that those are the
21 convictions?

22 A. That's correct, yes, that's the Conviction Order from the
23 Circuit Court, yes.

24 28 Q. If you could just go to the next page, it confirms the
25 convictions in relation to Count 3 of unlawful possession
26 of a controlled drug, contrary to Section 3 and Section 27
27 of the Misuse of Drugs Act. Count 4, possession of a
28 controlled drug for the purpose of sale or supply, contrary
29 to Section 15 and Section 27 of the Misuse of Drugs Act; is
30 that correct?

1 A. That's correct.

2 29 Q. Then, if I could just ask you one final question, and I
3 think it is clear from your evidence, during the search and
4 thereafter how would you clarify Mr O'Meara's, I suppose,
5 cooperation or help and assistance in relation to all of
6 these matters?

7 A. No, Mr O'Meara was very helpful throughout. He complied
8 with all our requests and, you know, as a member of a Drugs
9 Unit you can appreciate we go into certain houses and we
10 are not welcomed in a lot of places and we get a lot of
11 resistance, whereas Mr O'Meara was very helpful and
12 complied with all our requests. And at the end of the
13 detention and the whole process he expressed his gratitude
14 for the way in which the whole thing was dealt with. And,
15 you know, I think for Mr O'Meara I felt this was, you know,
16 turning a corner for him and it was kind of the wake-up
17 call he needed. And, you know, we had a long conversation
18 with him about it about his lifestyle at the time and about
19 that, you know, the associations he had with different
20 people brought him down the wrong path in life as such and
21 that he seemed to have been kind of living a Jekyll and
22 Hyde life, as it were. He was a respectable businessman
23 during the week and, you know, a member of society and a
24 pillar of the community, but at the weekend was into the
25 party scene and mixing with celebrities and, you know.
26 Just basically he got into the wrong company, as it were.
27 But no, I have to say I maintained contact with Mr O'Meara
28 throughout and I am satisfied he definitely has turned a
29 corner, as it were, in relation to this and he has gone
30 back to education and has turned his back on his previous

1 lifestyle.

2 I'd be checking in every now and again with him and I would
3 be satisfied that that is the case today and he has made
4 commendable progress with his life after such an ordeal.

5 So, I have a lot of positive things to say about Mr O'Meara
6 in relation to the whole manner in which it was conducted.

7 30 Q. Thank you, Mr Ryan. Mr Murphy may have a few questions for
8 you, and the Committee may also have a few questions for
9 you. I suspect I won't after that, I may, but I suspect I
10 won't. So, thank you for giving your evidence.

11 A. Thank you.

12 CHAIR: Mr Murphy?

13

14 witness cross-examined by Mr Murphy

15

16 31 Q. Thank you, Inspector Ryan. Firstly, I think
17 congratulations on your recent promotion, you were a
18 sergeant the last time that we dealt with each other.
19 Congratulations anyway.

20 A. Thank you.

21 32 Q. Just, in respect of your investigation generally, and I
22 think, and I am grateful to Mr Beatty, I think he has led a
23 lot of the evidence that I was hoping to lead from you,
24 Inspector. I think it is fair to say that from the
25 beginning, from beginning to end of this sorry tale I think
26 Mr O'Meara co-operated fully with you; isn't that right?

27 CHAIR: You are muted, Mr Ryan.

28 A. No, I don't believe I am, Mr Chairman. Can you hear me
29 now?

30 CHAIR: Yes, we can hear now.

1 A. I agree with that last statement you made there, yes, 100%.

2 33 Q. Yes. And to be fair to the Gardai, I think it was quite a
3 sophisticated surveillance operation, but I think it is,
4 and this is not a criticism, but I think when you arrived
5 at the house you were highly suspicious and fairly
6 confident that you would find drugs, but you weren't
7 entirely sure; would that be fair to say?

8 A. That's correct, yes.

9 34 Q. And I think Mr O'Meara, I'm sorry, there's terrible
10 feedback at my end. I don't know if everybody else is
11 experiencing that?

12 CHAIR: We are, yes. I can't see anybody's mic's on. Just
13 try it again, Mr Murphy.

14 35 Q. MR MURPHY: Does that sound any better? It seems to have
15 gone away, I don't know, apologies for that.
16 I think when you arrived at Mr O'Meara's home, and he let
17 you in, I think it was the case that he volunteered a lot
18 of information in respect of what he had; isn't that right?

19 A. Yes, that's correct. He immediately volunteered everything
20 in relation to it, and in fact some of the drugs were
21 unknown to us and he happily provided an explanation for
22 all of the drugs found.

23 36 Q. And I fully accept you are a very experienced drugs Guard,
24 but I think he was even helpful in terms of identifying
25 what everything was and in respect of some of them he gave
26 the basis upon which he had them; isn't that right?

27 A. That's correct. And I accept that a lot of drugs he would,
28 would have had prescriptions probably in the past for them
29 as such and some of those drugs would have been prescribed
30 to him all right.

1 37 Q. Yes, and I think, Inspector, there is no doubt, there was
2 never any doubt in respect of this incident that a
3 prosecution would follow, Mr O'Meara is an intelligent man
4 and he knew that. But, notwithstanding that, he continued
5 his cooperation at all times; isn't that right?

6 A. That's correct, yes. Continued throughout, 100%.

7 38 Q. Yes. And I think we have already heard he wasn't arrested
8 at the time, and I think that was partly because there was
9 probably a larger than expected haul of drugs found, isn't
10 that right, and it subsequently became a more complex
11 investigation than that of your ordinary street dealer that
12 you might be dealing with?

13 A. That's correct, yes. And again to analyse the phones, a
14 lot of phone data to go through and again, as it were, you
15 know, he volunteered to open the phones for us. We could
16 have been months with our technical side of things trying
17 to crack into the phones.

18 39 Q. Yes.

19 A. Again, Mr O'Meara wouldn't have presented as someone who
20 wasn't a flight risk as well, so we were happy to just play
21 the waiting game on that really.

22 40 Q. Yes, and in respect of the phones I think that means -- in
23 as much as there was sale and supply of drugs, and
24 Mr O'Meara is not moving away from that at all, there was
25 nothing sophisticated about this at all. In fact, I would
26 suggest to you it was completely amateurish when you
27 compare it with perhaps the more sophisticated operations
28 that you would deal in your professional life?

29 A. That's correct. Yes, that's the -- yeah, I mean we do meet
30 all walks of life now but, and drugs tend to affect all,

1 you know, all strata of society, no matter who you are, but
2 at the same time, you know, it's people from more, you
3 know, socially economically deprived areas really is what
4 we would find. But, you know, there was not a
5 sophisticated -- there was no high homes or nothing
6 elaborate about it. And I think once we got into it, the
7 phone, I mean it was an open and shut case.

8 41 Q. I appreciate that, but I think I'd suggest to that, you
9 know, the lack of sophistication perhaps suggested some
10 naïvety on Mr O'Meara's part insofar as he was not a
11 hardened criminal, he was, you know, very, very different
12 from the type of dealers that you would usually deal with?

13 A. Yes, you know, that's 100% agreed. There's nothing
14 complicated about it, you know, straightforward.

15 42 Q. In respect of looking at these directions, and perhaps you
16 could remind me, I recall that, and perhaps the members of
17 the Committee may not be familiar with this, I think the
18 investigating Guards in any case, when preparing a file for
19 the DPP, will make their own personal recommendations,
20 isn't that right, in respect of how the matter should be
21 dealt with, but ultimately it is a matter for the DPP;
22 isn't that right?

23 A. Yeah, that's correct. You know, we go with our
24 recommendations and put down, you know, what our opinions
25 are and our rationale behind it and the DPP may or may not
26 go with us on it, you know, and they'd have their own
27 decision-making process on it.

28 43 Q. And for what it's worth, I think that you had recommended
29 summary disposal, albeit it was always ultimately a matter
30 for the DPP and they ultimately came back with summary

1 disposal and a guilty plea only, isn't that right? Sorry,
2 we didn't quite catch you there, Inspector?

3 A. Yes, that's correct. Sorry, yes.

4 44 Q. I think we have already heard that Mr O'Meara attended the
5 Garda station by arrangement and he handed in a prepared
6 statement. I think that you had been in contact with Mr
7 Vallely, Mr O'Meara's solicitor, isn't that right?

8 A. That's correct.

9 45 Q. And I think Mr Vallely is very experienced with these types
10 of investigations, and I think even when legal advice had
11 been taken, the cooperation continued, isn't that right?

12 A. That's correct.

13 46 Q. Now, I think you very fairly said that at the conclusion of
14 the period of detention you had a conversation with
15 Mr O'Meara, and I think he expressed his gratitude and
16 words to the effect that he was in some ways grateful that
17 he was caught, isn't that fair to say?

18 A. Yeah, that would be correct. I think he felt he knew that
19 the day was coming when this would happen, and I take it,
20 yeah, I think the realisation just dawned on him all right.

21 47 Q. He seemed to have some limited insight in respect of the
22 fact that, I suppose, his life was really spiralling out of
23 control; would that be fair to say?

24 A. That's correct, yes.

25 48 Q. Now, in respect of a plea of guilty, I think that there was
26 extensive communication between Mr Vallely and yourself all
27 through the District Court procedure, isn't that right?

28 A. That's correct.

29 49 Q. And you were, at all stages you were aware that ultimately
30 there would be a plea of guilty, isn't that right?

1 A. That's correct.

2 50 Q. And in respect of any delay, you made reference to various
3 remands in court, and I'm just anxious that the Committee
4 understand the criminal process. This is because there
5 were various legal issues that had to be ironed out, as
6 opposed to any prevarication or procrastination by
7 Mr O'Meara, isn't that right?

8 A. That's correct.

9 51 Q. And I think within the context of how, I suppose, criminal
10 practice and procedure, I think it was accepted by yourself
11 and by the DPP that Mr O'Meara's plea of guilty was what's
12 known as an 'early plea of guilty' for the purposes of
13 sentencing and it's more valuable than a regular plea of
14 guilty, isn't that right?

15 A. That's correct.

16 52 Q. And I think the practical effect of an early plea of guilty
17 is that notwithstanding the fact that you would ultimately
18 have achieved a conviction, it did save both Garda time and
19 court time and expense in respect of a trial, isn't that
20 right?

21 A. That's correct.

22 53 Q. I think you have referred to, I think you referred at
23 sentencing to a Jekyll and Hyde type persona and I think
24 that Mr O'Meara is very much Dr Jekyll now, as opposed to
25 Mr Hyde, would that be fair to say?

26 A. That's correct.

27 54 Q. And I think at sentencing, which you were obviously present
28 for, I think Judge Codd accepted that Mr O'Meara was
29 somewhat of a vulnerable person and, to be fair to you, I
30 think part of the reason that the learned judge may have to

1 come to that conclusion was on foot of your own view, isn't
2 that correct?

3 A. That's correct. I mean I'd say, I'd deem Mr O'Meara to be
4 a very intelligent person but maybe wouldn't have the, as I
5 say, the street smarts maybe some, you know, hardened
6 criminals would have, as such.

7 55 Q. Yes. And I think it would be fair to say that in the three
8 years since being caught, so back in August 2018, you were
9 aware that he has been living an entirely law-abiding,
10 quiet life and he is in fact somewhat of an introspective
11 character, would that be fair to say?

12 A. That's correct.

13 56 Q. Not coming to any Garda attention at all?

14 A. No.

15 57 Q. Or certainly no negative Garda attention. I think that you
16 are aware that he has completed a Master's degree in UCD in
17 computers, isn't that right?

18 A. That's correct.

19 58 Q. And at all times in his dealings with you, he certainly
20 indicated that he was very well aware that there was a
21 significant chance, if not an almost inevitability, that he
22 would have his registration as a pharmacist removed, he was
23 always aware of that and realistic about that, isn't that
24 fair to say?

25 A. Yes, that's correct.

26 59 Q. He appears, notwithstanding the fact that he now has
27 convictions for offences against the Misuse of Drugs Act, I
28 think he does appear to have turned his life around very
29 significantly, would that be fair to say? He seems to have
30 left the party lifestyle far behind him, wouldn't that be

1 fair to say?

2 A. That's correct.

3 60 Q. Thank you very much, Inspector. I am grateful for your
4 evidence. Thank you.

5 A. Thank you.

6

7 CHAIR: Thank you very much. I will just ask the Committee
8 members, have they any questions for Inspector Ryan?

9 MR KANE: No questions, Chair.

10 CHAIR: Thank you. Nor do I. Unless, Mr Beatty, you have
11 further questions for the Inspector?

12 MR BEATTY: I don't, thank you.

13 CHAIR: That's fine. Well then, Inspector Ryan, all I can
14 do is thank you for your time and your evidence. It is
15 greatly appreciated. Thank you very much.

16 MR MURPHY: Thank you, Inspector.

17 THE WITNESS: Thank you, Committee.

18 CHAIR: Sorry, Mr Beatty, I can't -- we seem to have lost
19 some pictures.

20 MR BEATTY: Sorry, I had my video off for some reason. I
21 don't know, has Inspector Ryan left the building, so to
22 speak? I'm sure he has? In any event, it's a public
23 hearing.

24 So, I am in the Committee's hands, it is now eight minutes
25 to four. I have two more witnesses, Ms Amanda Nevin, who I
26 suspect is just going to be maybe a small bit longer than
27 Inspector Ryan was in relation to her investigations of the
28 pharmacy. So, the Committee have heard about the
29 investigation in relation to the possession and supply, and
30 now in relation to the pharmacies you are going to hear

1 from Ms Amanda Nevin. So, I am completely in the
2 Committee's hands as to whether that occurs today or starts
3 tomorrow.

4 In addition to that, then, there is just the expert, who
5 again I would have thought would be about the same amount
6 of time again. So, I am in the Committee's hands.

7 CHAIR: Thanks very much, Mr Beatty. I would suggest that
8 we adjourn for the day, for the evening, and commence with
9 Ms Nevin's evidence tomorrow, followed by the expert Dr,
10 McCrystal, if that's in order?

11 MR BEATTY: It is.

12 CHAIR: So, we will recommence at 10.00 am tomorrow
13 morning.

14 MR BEATTY: Thank you very much, Mr Chairman.

15 CHAIR: Thank you very much. See you all tomorrow. Thank
16 you for your time.

17

18 Adjourned at 4.00 pm.

19

20 (The hearing was then adjourned until wednesday, 13th
21 october 2021 at 10.00 am)

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