

## **Statement by Cllr Frank McBrearty Jnr, Friday the 7th day of Jan 2022.**

I am a democratically elected member of local Government and I have an elected mandate to represent the Lifford/Stranorlar Municipal District (MD), who elected me on their behalf to serve as their County Councillor on Donegal County Council. That mandate allows me to make representations for anyone in the 26 counties of the Republic of Ireland, not just my MD in Donegal. With this mandate I have helped people from all over Ireland, which I have always done, long before ever entering Political life. The proof of this can be seen in how myself, my father Frank Snr and our lawyers, we know and trust successfully helped families that were unjustly treated by the Irish state achieve financial (justice) compensation in the Irish courts. While on that Journey we had to discharged the services of our first Solicitor and thankfully we found David Walley and Co Solicitors. We successfully got these families into to the Morris Tribunal's terms of ref and their cases were investigated in separate modules to ours. These cases can be accessed online for anyone who wishes to educate themselves by reading the Morris tribunal reports and findings. Our Lawyers got each one of these family's their compensation before the tribunal concluded its work at the end of 2008. The Morris tribunal, when established was given a very restricted terms of references, which should have included the systemic corruption of the political establishment and the murder of Eddie Fullerton. The FF and PD government at the time, had no intention of letting the full truth out about the true extent of our country's problems with systemic corruption and corruption, especially within Donegal politics and An Garda Siochana, that sadly still exists today.

My engagement in the Mica scandal started back in 2012, 2013, and 2014, when I advised home owners to sue the Irish Government for what has happened to their homes due to no fault of their own. I advised them that they did not have the right lawyer and that they were being given in-adequate advice at that time. This has now been proven to be correct as they say "beware of Greeks bearing gifts". There has been many Trojan Horses to date in this man-made political scandal and the current one, is called the EHANCED Scheme. At a public meeting in Burt in 2014, I was booed by some political trollers in attendance and I was also being bullied on political web sites such as Face Book at that time. As a result of continued abuse over the

years ahead, I stopped making any comment on Face Book and political web sites, due to the political abuse I was receiving. I completely disengaged myself from them, because of the affect it was having on my family and I mental health. This political abuse has had an immense effect on my family, which has not been fair to them, especially for what they have endured through due to the injustices we had to suffer at the hands of the Irish free State over the years. As a politician, when you put your name on a ballot box and you get elected, you automatically become open to criticism and rightly so. In my first election campaign in 2009 saw my posters spray painted with Murderer on them, which was investigated by An Garda Siochana, but guess what? they didn't do anything about it and I don't think anyone would be surprised at their inactions, when it comes to my family and I. I suppose when you become a public representative, abuse is part of the Job description, but your family is out of bounds or should be, which sadly sometimes is not the case in politics. Social media sites give people a voice to express what their rights should be in a democratic state like Ireland? Our constitution is supposed to uphold the right to the freedom of speech, equal rights and many other important rights that are enshrined in the Constitution of Ireland. This document is there to protect our rights and freedom as Irish men and women before the law, Country and GOD, but sadly this is not the case.

Social media can be nasty, vile and dangerous in the wrong hands, because of different people's agendas and opinions, especially political agendas and it has been abused in this scandal to date. Some of the campaign sites in this man-made scandal have now become propaganda sites for Government spin and for politicians that are only using victims for their own political gain and agendas. I am now going to deal with this and explain to the reader the truth, as I see it. In 2014 my family and I were also in denial, in denial that we had any problems with Mica? and that's what we wanted to believe at that time, as others have been doing. It should have never been called Mica or Pyrite scandal, it should always be called all Deleterious Materials and Sulphide Minerals man-made scandal, because that is the real problem in this catastrophic Human Disaster.

About 18 months ago my first cousin's husband Dermot (a native of Co Galway) came to me and said, "I think I have a problem with Mica in my home". I knew right

away about what was in my mind since 2014, when I stepped back from this scandal and I did so because of abuse being thrown at me. Wind the clock forward to the 31st Jan 2020, when Minister Joe McHugh FG announced the 90/10 scheme was passed into law. We all thought at that time this scheme would be deal with the problems we all still face today with our crumbling homes, but sadly we are no further forward. Cassidy's concrete and concrete blocks is what I couldn't get out of my head and why would a reputable company like this do such a terrible thing to people's lives and Yes Donegal Lives do matter to me as a proud Donegal man. We all bought concrete and concrete blocks in good faith not realising what was going to happen. We believed that our government had our backs covered when we built our homes/properties, which is far from the real truth, due to their failure to police a self-regulatory concrete industry. This industry has no accountability for Quarries or manufacturers that produce product to the open market and DCC and Government are to the blame for this. 6 months later my Mum, Rosiland wanted to paint their new home, which they self-built in 2008 to the highest standards. I know now that all our family that bought from Cassidy's have a problem with Mica (All deleterious materials and Sulphide Minerals) and even at that stage, I was still in the dark to the true extent of the crisis we were all facing. Dermot and myself were having many conversations about what to do and then Paddy Diver in May of last year 2021 starts the Boycott Cassidy's campaign. This ignited a fire in me, which was simmering for some time and I took a decision no matter what obstacles that would be put in front of me, I would expose this scandal fully. I decided that day, no matter what was going to be thrown at me politically, I would now finish what I started 25 years ago and that the people who caused this scandal would be held to account by me. Dermot said to me, "would it upset your Mum and Dad if I went to them about Mica" and I told him, leave this to me. I told Dad, Mum can't paint the house and his response made me realise he knew there was a big problem with his home, because of spider style cracking everywhere. I have always known my father is a very intelligent man, with a long history of business and life experience behind him and as he said to me that day, we will take this on in the same way as we did the State. He said we are going to have to test the house and I then went back to Dermot and told him what we were going to do. Dermot and I agreed we would seek out the services of a Consultant Chartered Engineer, who was qualified under I.S. 465 protocols (we didn't know much about I.S. 465 then) in order to begin testing both homes. In May

last year Chartered Engineer Ciaran Gallagher began that process for us and started the work that was needed to find out what was structurally wrong with both homes. This process began with visual inspections of both homes and as a result of this Ciaran advised that the homes should be tested under I.S. 465 protocols. Even at this stage we did not fully understand how unethical the 90/10 (S.I. 25) scheme actually was.

The first steps to the truth being exposed, started when Coring contractor John Paul Farren from Inishowen came to both homes on the same day and this was the first time I met him and Ciaran. What is a Chain of custody? many people have asked me this question to date. I will now explain this, so that people are no longer confused about how it actually works. The crime scene is your home, Coring Contractor begins coring supervised by your engineer, who must be present while this investigation begins. Engineer is handed each core sample separately when extracted from the property, then bags and tags each core sample as it is taken from the crime scene (the home). 8 samples, no less than 2 from the inside are required to be taken under I.S. 465 protocols from the crime scene (Home). After this process is under taken, the engineer then sent my family's core samples to Petro Lab, Cornwall, England and they are the best in the business. John Paul explained that it only takes up to 2 hours max to extract 8 core samples from a home with deleterious materials and a home with none of these materials can take several hours to extract. At that time, we hadn't a clue about the Sulphides in our block work and the devastation it will cause to every property and piece of infrastructure in Donegal that has it.

Test suite A took 6 weeks to come back, then the real reality set in for us and what was facing us all. Test suite B took 3 Months to come back. While this was ongoing it started to emerge that all the information on this subject, kept secret to date was starting to expose the failure of the 90/10 scheme. This was delivered by the then Minister Joe McHugh FG and he was assisted by the Mica Action Group in delivering what we see now to be an unethical, unworkable and unconstitutional scheme, why did they do this to us? In June 2020 when the scheme finally got up and running Quote: MAG/Joe McHugh "it's the best we could get" and if this was the case, I don't think that pill would have been so hard to swallow if the scheme had of been a true 90/10 grant, which turned out to be more like a 60/40 redress grant scheme. 100%

means demolish my home/property and rebuild it at no cost to my family and I. The 90/10 scheme and 100%, what did this really mean, well that's a question for other forums to answer and decide on now.

On the 17th and 26th of Nov 2021, almost 6 months since the coring had taken place at my parents and cousins' homes, test suite C results came back from Petro Lab. No one knew about a test suite C in May and even I didn't know about this at the time, until test suite B showed up a visual estimate of an abundance of Pyrrhotite and other Sulphide minerals in both my parents and cousins block work (other sulphides in the blocks, Minor Pyrite, Rare Pyrite, Chalcopyrite and Marcasite). This meant we had to get test suite C examinations conducted on the block work, which cost an extra 500-pound sterling. Now, people are asking me questions, what is test suite C and I will now explain this. S.I 25 does not cover all deleterious materials or Pyrrhotite and all other Sulphides minerals. What S.I 25 cover's, is Free Muscovite Mica and Reactive Pyrite. This was done deliberately by the creators of the Irish Standard I.S. 465 and the Statutory Instrument S.I. 25, in order to cover up the full extent of this scandal that has affected thousands of properties in Donegal. This includes engineering and construction projects right across the North west and this may also affect Northern Ireland and possibly beyond. Both my parents and cousin will have their foundations cored shortly and this will be further evidence gathered from the crime scene of what has been covered up in this scandal to date. I had my own home examined visually by our engineer and I hope to have coring done sometime in 2022 and our engineer is of the opinion that my home has deleterious materials and sulphide minerals in the structure, even the part built in 1996. Over the past 9 months I have worked night and day, sometimes into the early hours of the morning. I have researched, requested information from DCC, the Department of housing and I have made almost 50 FOIs to date in order to investigate what the hell has been going on, so I can find out the true facts about this Disaster and cover up. I have whistle blowers who have helped guide me on what to look for in my investigations and they have given me information that has been vital in exposing systemic corruption in this scandal. The further I dig, the more I am finding out, which is beginning to look more like this is all-out corruption, a word I don't use lightly In this scandal, Quote: Tom Gilmartin "they make the Mafia look like Monks"

Furthermore, I have neglected my family over the past year, who are far more important than anything else and my family have felt the pressure of what surrounds us all in this scandal to date, which is unfair to them as they don't like to see me being attacked for trying to uphold people's civil rights.

I began 3 months ago putting together piece by piece all the information and evidence that I have been gathering and putting together on this terrible crisis/scandal. I have put hours upon hours into this investigation and as one Cllr's comments directed at me recently at a council meeting, in an off the cuff remark "Cllr McBrearty is certainly forensic" thinking they were being smart and that is about all I agree with that Cllr on. I decided to put together a position paper 10 weeks ago on all the information I have uncovered to date, information that goes back over 2 decades. My 520-page position paper on the Donegal Mica Scandal is called: All Deleterious Materials and Sulphide Minerals, Republic of Ireland. This position paper document allows the reader to surf all the information contained in it, which will easily educate the reader on their journey through the Mica scandal, from when it surfaced its ugly head, right up to the present day. The first 20 pages at the start will allow the reader and help them navigate this very important information document. A document that should have been created and made available by other so-called experts in this campaign.

At the last council Mica Redress Committee meeting in Dec, DCC finally admitted for the first time publicly that there was a very big problem with the I.S. 465 protocols, which was affecting applications from homes owners being finalised to a proper conclusion and what they have to adhere to under those protocol Guidelines. This report was like listening to what I took out of my head and what I put on paper in my 520-page position document. I have been sharing information with DCC for months and I sent it to the engineer that presented the report to Cllr's (the council has come to a road block and can't move forward) in that meeting. The political waffle from all the elected member's that day was embarrassing to say the least, especially the praising of myself from Cllr's that have been criticizing me for months and some that have criticised me for years. This back clapping continued right through the meeting and all of a sudden, they are all agreeing with what my Documents has exposed, but they are giving more credit to the council engineer than me, which is not surprising.

The Council executive have this document, all the Cllr's have this document and many more have this document and I am hoping it will be put up on the DCC web site and Face Book page for all to read. My document will educate all who reads it, especially about all Deleterious Materials and Sulphide Minerals that have caused so much damage and hurt in Donegal. What I will not tolerate is the council taking credit for what I have exposed in this scandal to date or will I tolerate any Cllr pretending they knew all this information, so they can get their credibility back for what they have been ignoring to date and their new con job is the sliding scale, which is more pie in the sky.

The Chairman and Vice Chairman of the Mica Redress Committee, have so many questions that they have to answer from me on what they have been doing at the wheel while steering the Mica committee ship. It doesn't bear thinking about what they have done and I think everyone following this scandal will know where I am coming from on this. As for the committee becoming a statutory one, I can only describe this as another spin doctoring exercise by the political establishment as this committee like many others on the council are only talking shops and a get together so they grand stand on the great job they want the public to believe they are doing for them; they say look at me I'm great. This meeting was public and fully recorded and if people want to listen, they will hear all the members bar myself, throw the home owners under the bus that were on the working group and their opinions given, were that they should have had the Chair and Vice Chair on the Government Working Group. This is what you call political spin and political waffle at its best, because as they said in the meeting the home owners have failed and if it was them, they would have delivered justice for all. Well, that is what I believe they are suggesting, I hope nobody is fooled by that. I wouldn't like to be waiting for that justice train to come in at the station, I wonder what year or century it would arrive (All passengers on Board the SF, FF, FG. LP, GP shuttle train)

I have exposed this scandal single handily for what it is and that is a government cover up, which is incomprehensible due to what all the victims of this man-made Irish scandal have been through so far. An Irish solution to an Irish problem is what I call this. No hiding place for anyone as we now have enough evidence to prove this is a cover up. The cover up first started in 2016, when the Government established

the so-called expert panel, who delivered their report to Government in June 2017. Then in 2018, Government tasked the NSAI to create a new Irish standard for certain deleterious materials and deliberately left out all deleterious materials and sulphide minerals and we all now know why, which can be seen in my investigations to date. In Oct 2018 the Governments agents/friends delivered their unethical standard I.S. 465 and the only reason they did this was because they couldn't create a statutory instrument around the Irish and EU standards that were already in place for concrete and concrete blocks and that standard is I.S. EN 12620:2002, furthermore the Standard Recommendations S.R. 16:2004 for Pyrrhotite and Sulphide minerals of 0.1% in concrete has been ignored by all involved in this cover up. This was done so that the Government would not have to deal with the biggest problem we are facing, which is sulphide attack on Donegal properties, engineering and construction infrastructure projects in the Northwest and maybe further afield. Jan 31st 2020 minister Joe McHugh announces the S.I. 25, 90/10 defective concrete block grant scheme for Mica and Pyrite in Donegal and Mayo. 4 days before the Government announces the 2020 General election, make your own decision on this, I have made mine.

On the 15th Day of June 2021, a day that will go down in history, we all went to Dublin to protest for 100% redress no less for our homes. What is 100%, my definition: Demolish and Rebuild my home at no cost to my family and I as we did not cause this scandal. This protest achieved one thing and one thing only, awareness of what the Government has covered up to date. That same day we are led to believe the Government established a working group, but FOIs would now suggest otherwise as they show there was contact made with individuals 2 days prior to the rally and maybe before. It looked a good idea at the time, but I knew what the Government were manoeuvring to do from my experience, which was to slow down the campaign and kick the can down the road. The FOIs in my possession suggest that this political process was well on the way days before the protest took place.

Certain home owners and campaign groups have tried their best to date. The biggest problem I see in this campaign to date has been the failure of certain home owners and campaign groups to realise that when you fight the state you need a lot more than just protests. In my professional opinion these home owners are all suffering

from PTSD due to no fault of their own and I have some experience of this, due my own battles for Justice from a state that doesn't care about its citizens human rights.

Most of us are no further forward in this scandal and the previous scheme or the so-called enhanced scheme now proves this. All the efforts made by certain home owners with the right intentions have sadly failed to deliver 100% redress to date. The legal route has always been my preferred choice when dealing with this corrupt state, which I will continue give in this scandal and that is still my advice and position today. My parent's case is moving along nicely, now that all reports are in. The Draft proceedings are being worked on and when ready, we can enter the statement of claim for the first test case over coming months and year ahead. This will be followed by my cousin and her husband Dermot's case. There will probably be a few battles in this legal process, because in a case of this magnitude and importance, the state will do everything they can to delay justice. Any decision on these cases will ultimately lead to failure or success. As someone who has travelled this legal route before, I am confident we will get real justice in the end and if not in our own country, then in the European courts of Justice, but we will have to exhaust all avenues in our own country first. It is now time for home owners to re-evaluate where they are at and how best to continue their fight for real justice.

My opinion now is that home owners should step back from having any dealings with Government and allow professionals to negotiate on their behalf. Professionals such as independent Chartered Engineers, Geologists, Quantity Surveyors, Cost accountants, and other experts that my legal team will be working with over the coming months and years ahead. Nobody is saying not to continue to campaign or lobby and that includes me, but for God's sake allow people with expertise to help. As they say "you're a fool for a lawyer if you represent yourself" and there is a lot to say for that, when you look at where we all find ourselves today.

Going forward in this scandal I will continue to put political pressure on local and national government in order to force them to accept the mistakes and wrong doings that they have attributed to this man-made scandal to date. I will continue to investigate systemic corruption and possibly corruption in this Disaster/Scandal and I honestly believe that when I am finished with this scandal, it will be the biggest ever

corruption scandal seen in this Country for decades. My social media sites are being worked on at present and will be updated shortly. They will only be used for information and the sharing of information that will educate the reader. I will not engage with anyone, especially slagging, criticism, derogatory remarks or other types of behaviour that will affect people's stress levels. Anyone that acts in this manner will be removed automatically by me. Anyone that requires advice will be given it and the contact details are email [frankmcbrearty@donegalcoco.ie](mailto:frankmcbrearty@donegalcoco.ie) or if you're on Facebook the reader can privately message me (all details will be on there). We are also trying to have my 520-page position paper document uploaded to my Facebook so that people can have access to it and we are working with Donegal County Council and are hoping they will make it available on their DCC web site and Facebook page for all to read. I will continue to advise on deleterious materials, sulphide minerals and use my legal knowledge I have learned over last 25 years to help people that request it. I will share this knowledge with people contacting me for help and I will do this to the best of my ability. I just don't deal with Mica, I deal with all types of issues that come to me, some I can help with, some I may not be able to help with, but I can steer people in the right direction and I can recommend the services of good Lawyers and other professionals.

Finally, Independent Chartered Engineers are so important in this crisis and the right engineers, especially given the complexity of the issues we all face with all deleterious materials and sulphide minerals going forward. The one thing we all need is an engineer's report, whether you have gone the 90/10 scheme route or the high court route, but the enhanced scheme has put a? over this going forward for new applications. The Engineer, Coring contactor, Engineer and Petro Lab in that order is how the chain of custody works and this allows you to prove what is wrong with your home or property structurally (my 520-page position paper explains this in more detail). The right Engineers opinion in the report, is a must for the home/property owner to get into scheme or go the high court route in order to prove without any reasonable doubt that your case can be proven, just as you would prove your innocence in a criminal case, the fundamentals are similar. The Enhanced scheme will take this away from home and rental property owners as the right independent expert-chartered engineers are being substituted for the Government housing agency's bullshit. DCC have also been substituted and will now only be processing

the paper work that will be sent to the Government Housing agency. The council are free at last, is what comes to mind, but we would have been better with the devil we know than the one we don't. The inexperience of certain home owners and the working group have led us to this place of more uncertainty with many questions that are still unanswered.

Your Question Answered Defective Concrete Blocks Grant document published by our government, certainly doesn't answer the many questions all the victims have in their search for Justice. Your Questions Unanswered would have been a better title for this bullshit. Money for Misery, is best how to describe the Donegal Mica Scandal, because this is all anyone has got out this to date, including my own family.

Martin Luther King: An injustice anywhere is a threat to justice everywhere.

Latin Proverb: fiat Justitia ruat caelum "let justice be done though the heavens fall"

No Justice No Peace.

Justice delayed is justice denied.

The most important things we need now, is demolish and rebuild our homes/properties with 100% redress at no cost to us. Establish a Public Inquiry/Tribunal. Gives us Fair Play and Equality. Compensation and give us our rights back as Irish Citizens. Apologise and ensure Justice is served to everyone affected in this scandal, no matter what the cost is to the Irish Free State, who caused this Human Disaster in the first place.

End...