



**Northern Ireland
Assembly**

COMMITTEE FOR FINANCE AND PERSONNEL

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5 November 2015

Mr Frank Daly
Chairperson
National Asset Management Agency
Treasury Building
Grand Canal Street
Dublin 2

Dear Mr Daly,

Review of the Sale of the National Asset Management Agency (NAMA) property loan portfolio in Northern Ireland

Thank you for your letter of 4 September 2015 providing NAMA's response to the previous submission of written questions from the Committee for Finance and Personnel (CFP).

I am attaching in an **Appendix** to this letter some further questions in respect of the Committee's review and would appreciate your response to each of these by no later than noon on Tuesday, 1 December 2015.

Should you have any questions in this regard, please contact the Committee Office on 02890 521843.

Yours sincerely,

Daithí McKay MLA
Chairperson, Committee for Finance and Personnel

Appendix - Questions to NAMA for written response

1. Following on from its reply to CFP question 2(b), would NAMA please explain in detail its '*constructive working relationship*' with the NI Executive?

(See page 8 of NAMA's reply dated 4 September 2015.)

2. What was the established practice and or policy for communications between NAMA (including the NAMA Board and the NAMA NIAC) and the NI Executive?
3. Within the Internal File Note dated 19 December 2013 regarding a conference call between NAMA and the NI Finance Minister, it states:

...FD asked if the DFM was aware of the interest and SH confirmed this to be the case with updates provided by the FM. SH indicated that he would confidentially briefing both the FM and DFM following the call.

(See Appendix 5 of the NAMA's reply dated 4 September 2015.)

Is this representative of the usual practice that NAMA relied on to ensure the NI Executive was fully and properly briefed in matters relating to the NAMA and the sale of Project Eagle?

4. In relation to the CFP question 2(c-d) regarding the establishment of the NAMA NIAC, NAMA advises that the ROI Finance Minister:

...consulted with the NI Executive. Following this consultation process, the DFP wrote to NAMA on 21 April 2010 indicating the Minister's agreement to the appointments of Mr Brian Rowntree and Mr Frank Cushnahan as external members of the NIAC...

(See page 8 of NAMA's reply dated 4 September 2015.)

Please provide a copy of this letter.

5. What was the established practice and or policy for communications between the NAMA Board and the NAMA NIAC?
6. What information was shared by the NAMA NIAC with the NAMA Board, and the NAMA NIAC with the NAMA Board? Please provide full details for each occasion information was shared, including copies, notes, minutes, communications, papers and other.
7. What were the specific reasons for each redaction appearing in all minutes of NAMA NIAC meetings?

(See Appendix 4 of NAMA's reply dated 4 September 2015.)

8. What were the specific roles and responsibilities of the NAMA NIAC External Members?
9. How did the NAMA NIAC External Members' roles and responsibilities compare to other Members'?
10. On each occasion when a NAMA NIAC External Member declared a conflict of interest, how did the NIAC Chair address the issue? For example, did the External Member leave the meeting?

(See Appendix 4 of NAMA's reply dated 4 September 2015.)

11. Why did the NAMA NIAC secure legal advice regarding the scope of application of Section 202 of the *National Asset Management Agency Act 2009*?

(See Appendix 4 of NAMA's reply dated 4 September 2015.)

12. On each occasion when NAMA NIAC External Members provided 'feedback' to NAMA, including the NAMA Board and the NAMA NIAC, what were those views, opinions, comments and or communications? Please provide full details for each occasion, including copies, notes, minutes, communications, papers and other.

(See Appendix 4 of NAMA's reply dated 4 September 2015.)

13. Why did NAMA NIAC External Members attend NAMA Board away days?

(See Appendix 4 of NAMA's reply dated 4 September 2015.)

14. What was discussed at those NAMA Board away days? Please provide copies of all documentation relating to those away days, including copies, notes, minutes, communications, papers and other.

15. Please detail how NAMA secured Lazard to undertake the sales process for Project Eagle.

16. Please provide full details of any and all communications and contact between the deputy First Minister (dFM) and NAMA regarding PIMCO in relation to the Project Eagle sale.

17. In relation to any and all such contact or communications, please provide full details, including all records, copies, notes and minutes.

18. Please provide full details of any and all communication and contact between the First Minister (FM) and NAMA regarding PIMCO in relation to the Project Eagle sale.

19. In relation to any and all such contact or communications, please provide full details, including all records, copies, notes and minutes.

20. Did NAMA verify whether the dFM was aware of the position of PIMCO in relation to the Project Eagle sale? If so, how?
21. Did NAMA have any concerns regarding the payment or proposed or suggested or planned payment of any fee in relation to the Project Eagle sale?
22. What were those concerns, if any?
23. How were those concerns, if any, addressed?
24. Did NAMA change any practices or procedures in response to any such concerns?
25. What steps, if any, did NAMA take to satisfy itself that the winning bidder, Cerberus, was complying with its legal obligations in relation to any payments made in connection with the Project Eagle sale?
26. Please provide details of any communications between Cerberus and NAMA relating to any payment of professional fees in connection with the Project Eagle sale? In relation to any such communication, please provide all records including copies of all correspondence, notes, memos and minutes.
27. Did NAMA change any of its procedures relating to the sale of Project Arrow and other proposed asset disposals following the Project Eagle sale?
28. Please provide details of any communication between NAMA and Mr Frank Cushnahan since Mr Cushnahan stepped down as a member of the NIAC?
29. Has NAMA received any contact from the US Securities and Exchange Commission or the US Department of Justice?
30. If so, what has been the nature of that contact?
31. Has NAMA received any contact from the National Crime Agency or the PSNI? If so, what has the nature of this contact been?
32. Has NAMA received any contact from the Law Society of Northern Ireland?
33. If so, what has the nature of that contact been?
34. Can NAMA provide full details of all communications, either direct or through a third party, between NAMA and politicians both north and south of the border in relation to the Project Eagle sale?
35. In the NAMA NIAC minutes of 7 October 2013 it states (under heading Project Eagle) that discussion included external members' feedback on the proposed approach to support the Boards consideration of the matter at its meeting on 10 October. Could

you outline what was the external members feedback at this meeting was? Was there any papers submitted in relation to this feedback? Can we have copies if so?

36. How many times has NAMA received bids below the reserve price in relation to the sale of assets?
37. Has NAMA ever sold assets below the reserve price?
38. Can they confirm a part of Botanic Inns remains in their portfolio of properties?
 - a) If so, can they release any correspondence around this portfolio?
39. Was NAMA aware of any 'MoU' involving Cerberus relating to the sale of Project eagle having been sent to the Office of the First Minister?
40. Please provide full details of any communications between NAMA and Paddy Kearney, David Watters, Lagan Group or Andrew Creighton respectively in relation to the Project Eagle sale or any matter concerning the sale of the NAMA loan portfolio in Northern Ireland.
41. What were the initial and final reserve prices and the receipt for the Project Eagle portfolio?
42. What was the nature and the amount of investment by NAMA in relation to its Northern Ireland portfolio?