



AN ARD-CHÚIRT  
THE HIGH COURT

**PROCEEDS OF CRIME**

**IN THE MATTER OF S.3(1) OF THE PROCEEDS OF CRIME ACT 1996**

**[2024] IEHC 354**

**[2023 No. 8 CAB]**

**BETWEEN:**

**CRIMINAL ASSETS BUREAU**

**APPLICANT**

**-AND-**

**YAN-YAN FAN AND GUANG YING WANG**

**RESPONDENTS**

**JUDGMENT of The Hon. Mr. Justice Alexander Owens delivered on the 7th day of June 2024.**

1. These proceedings were commenced by an originating notice of motion in June 2023.
2. The Criminal Assets Bureau ("the Bureau") seeks orders under s.3(1) of the Proceeds of Crime Act 1996 ("the 1996 Act") relating to 100 items of property.
3. The main items consist of a bank draft for €229,990.47 which represents proceeds of sale of an apartment off Liffey Street in Dublin 1 and a €139,347 credit balance in Yan-Yan Fan's Bank of Ireland current account.
4. The other items comprise €7,000 held by estate agents as a booking deposit for an intended purchase of a property, €14,255 in cash seized from an apartment occupied by Yan-Yan Fan and Guang Ying Wang at Cedarhurst Road, Ashtown, Dublin on 14 July 2021, and numerous items of designer-label goods seized from that apartment and from another location on 19 March 2021 and 14 July 2021.

5. Yan-Yan Fan was born in China in 1977. She uses the name "Ivy," which forms part of her internet address. Her parents, Xi Min Fan and Gui Yu Bi, live in China. She came to Ireland in 2001. She was around 24 years of age at that time. She holds an accountancy qualification from China and an accountancy and financial management qualification from Griffith College in Dublin.
6. Guang Ying Wang was born in China in 1975. He came to Ireland in 2003. He is also known as "Richard" or "Ritchie" Wang.
7. In July 2014 Yan-Yan Fan organised the purchase of an apartment in Academy Square, Navan, County Meath ("Academy Square") for €81,000. This unit was bought in the name of Gui Yu Bi. Yan-Yan Fan paid a deposit of €3,000 to the agent for the seller in January 2014. €52,995 of the money to buy Academy Square was routed through an Irish bank account of Gui Yu Bi.
8. A further €15,000 of the cost of Academy Square was funded by a Bank of Ireland bank draft. This was bought by Yan-Yan Fan on 23 July 2014. It was funded by an ATM credit transfer of €14,600 into her Bank of Ireland current account that day. The funds to meet the balance of the purchase price of Academy Square and to discharge associated legal fees came from unascertained sources.
9. The Bureau claims that Yan-Yan Fan bought Academy Square with proceeds of crime and that she was the real owner of this apartment.
10. Academy Square was sold in May 2016. €127,110 net proceeds of sale were remitted Gui Yu Bi's current account in the Navan branch of AIB Bank. It was then moved into Yan-Yan Fan's bank accounts. Most of it was spent by February 2017. A further €10,000 received by Gui Yu Bi, Xi Min Fan and Guang Ying Wang in early August 2017 may have related to this sale.
11. In March 2015 Yan-Yan Fan decided to buy an apartment at Liffey Walk Lower, Dublin 1, ("Liffey Walk"). The Bureau's evidence is that the price of this property was €145,300. Yan-Yan Fan stated in an interview with Gardaí that it cost €167,000.
12. Liffey Walk was bought in the name of Gui Yu Bi. €145,300 of the cost of Liffey Walk was paid for by a cheque drawn on Navan Credit Union for €50,000 and two bank drafts issued in April 2015. The first of these bank drafts was issued by AIB bank in Blanchardstown and was for €45,300. The second draft was issued by Bank of Ireland, Navan and was for €50,000.

13. Nearly €90,000 was remitted to Irish current accounts of Yan-Yan Fan's parents from China at that time. This money was used to fund the draft for €45,300 and to repay the provider of the bank draft for €50,000. The provider of the cheque for €50,000 was reimbursed by Yan-Yan Fan in April 2016.
14. The Bureau claims Yan-Yan Fan was the real owner of Liffey Walk and that she used proceeds of crime to reimburse the providers of the cheque for €50,000 and the draft for €50,000. The Bureau claims that she used proceeds of crime to fund the €45,300 bank draft. The Bureau claims that she funded other payments which were used to purchase Liffey Walk from proceeds of crime.
15. In January 2017, a decision was made to buy an apartment at Distillery Quay, Navan, County Meath ("Distillery Quay") for €115,000. Malone & Martin, Solicitors, of Trim in County Meath were instructed to act in this purchase. This apartment was bought in the name of Gui Yu Bi.
16. €50,000 of the purchase price of Distillery Quay came from the provider of the bank draft for €50,000 which had been used to pay for Liffey Walk. On this occasion he gave Malone & Martin three bank drafts for a total value of €50,000. This value corresponded with bank draft for €50,000 which Yan-Yan Fan bought on 12 May 2017. She used a mixture of money from the sale of Academy Square and accumulated into her Ulster Bank savings account to buy this bank draft.
17. The balance of the money to buy Distillery Quay was provided by Yan-Yan Fan. Some of this money was routed through Irish bank accounts of her parents.
18. The Bureau claims that the money used to buy Distillery Quay originated in Yan-Yan Fan's proceeds of crime and that she was the real owner of Distillery Quay.
19. Distillery Quay was sold in March 2020. Net sale proceeds from this sale of €134,280 were remitted to Yan-Yan Fan's Bank of Ireland current account.
20. €80,000 of these funds were withdrawn by transfer in April 2020. An equivalent amount was later credited to this account in eight funds transfers of €10,000 between 19 June 2020 and 29 June 2020. Each of these credits was described in the bank statement narrative as "repayment."
21. The Bureau evidence is that on 12 June 2023 the credit balance on Yan-Yan Fan's Bank of Ireland current account was €139,347. The Bureau claims that this credit balance is derived from sale proceeds of Distillery Quay and that, as such, it represents proceeds of crime.

22. Liffey Walk was sold in March 2021. Malone & Martin acted for the vendor in this sale. They received a bank draft for €229,900.47 from the purchaser. The Bureau claims that the value in this bank draft was derived from Yan-Yan Fan's proceeds of crime.
23. In July 2021 Yan-Yan Fan was in the process of buying an apartment in Smithfield, Dublin 7 for €320,000. She paid a booking deposit of €7,000 to the vendor's estate agent. €3000 of this came in the form of credit transfer funded by cash lodged at Ulster Bank in O'Connell Street on 9 July 2021. The Bureau claims that the balance of €4,000 also cash. The Bureau claims that this money came from Yan-Yan Fan's proceeds of crime.
24. On 19 March 2021 Guang Ying Wang was arrested and questioned in relation to suspected involvement in a "grow-house" located by Gardaí in a house in Phibblestown, County Dublin where cannabis worth €400,000 was discovered. As a result of this discovery, Gardaí searched Yan-Yan Fan's apartment at Cedarhurst Road. Guang Ying Wang was also living there at that time.
25. These searches were carried out on 19 March 2021 and 14 July 2021. Gardaí also searched an apartment in Dublin City Centre leased to Yan-Yan Fan which was now occupied by her sub-tenants.
26. In the first search Gardaí seized and took away 87 items of designer-label ladies' fashion goods, stated to be worth €100,951. In the second search Gardaí seized and took away nine items of designer-label goods, stated to be worth €18,795. They also took a coat which was bought by Yan-Yan Fan in "*Barnardo's*" furriers on Grafton Street in 2011.
27. Gardaí also seized €14,255 cash during their search of Yan-Yan Fan's apartment at Cedarhurst Road on 14 July 2021.
28. The Bureau claims that Yan-Yan Fan did not have legitimate income to buy the designer-label goods and the coat. The Bureau claims that these articles were bought with proceeds of crime.
29. The Bureau claims that the €14,255 cash did not represent legitimate earnings of Yan-Yan Fan or Guang Ying Wang and came from proceeds of crime.
30. Section 1(1) of the 1996 Act defines "proceeds of crime" as meaning "any property obtained or received at any time (whether before or after the passing of this Act) by or as a result of or in connection with criminal conduct." Section 1(1) specified that "property," in relation to proceeds of crime, includes- (a) money and all other property,

real or personal, heritable or moveable, (b) choses in action and other intangible or incorporeal property, ...and references to property shall be construed as including references to any interest in property.”

31. It does not automatically follow from failure to make tax returns or pay tax that assets held by a tax defaulter represent proceeds of crime. Material relied on by the Chief Bureau Officer in forming his beliefs in this case goes further than that. This material, which is mainly contained in bank statements, shows that since 2005 Yan-Yan Fan has moved very large sums in cash and has lived off untaxed cash income from undisclosed sources.
32. Bureau investigators suspect that Yan-Yan Fan and Guang Ying Wang were in league with other Chinese nationals involved in operating cannabis grow-houses. They rely on a connection between premises leased by her in Henrietta Place in Dublin in early 2012 and a grow-house found on those premises in late 2012. They rely on intelligence linking them to a suspected grow-house in Cavan in the same period and connection of Guang Ying Wang to money laundering and supply of cannabis in 2022. They assert that the cash seized from Yan-Yan Fan’s apartment was indicative of handling of proceeds of drug dealing. They suggest a link between Guang Ying Wang to a cannabis grow-house which they found in Phibblestown, County Dublin. They point to large amounts of cash which passed through Irish bank accounts of Yan-Yan Fan and of her parents and of Guang Ying Wang over the years and say that these bank accounts were used to launder illegitimate income in the black economy.
33. The Bureau relies on belief evidence of the Chief Bureau Officer that Yan-Yan Fan and Guang Ying Wang were in control of the assets claimed in this application and that these assets represent proceeds of crime or property acquired with proceeds of crime.
34. While it is not necessary for the Chief Bureau Officer to identify a precise offence when forming a belief that property is derived from proceeds of crime, such material as is put in evidence or relied upon as the basis for belief evidence, must be sufficient to enable the Court to draw a clear inference on the balance of probabilities that criminal activity was a source of financing of acquisition of any asset said to be “...acquired, in whole or in part, with or in connection with property that, directly or indirectly, constitutes proceeds of crime.”
35. Proof of “...result of or in connection with the criminal conduct” will not cause difficulty in many cases involving tax evasion. Criminal conduct connected with tax evasion often involves a fraudulent intent to cheat the Revenue by concealing receipt of taxable income. Payments are often inextricably connected with specific offences set out in the tax code which are committed at time of receipt of value. These offences are concealed by associated omissions to maintain necessary business records.

36. Any residual category of activities which involve cheating the Revenue out of tax or duty, or conspiracies to carry out these types of fraud is criminalised by s.1078(1A) of the Taxes Consolidation Act 1997 as inserted by s.142 of the Finance Act 2005. This section introduces an offence of fraudulent evasion of tax. The effect of this section is that all arrangements for "hot money" payments, or "under the counter" receipts with intent to evade tax and cause loss to the Revenue, whether made alone or in concert with others, constitute criminal offences. Dispositions of funds derived from these activities constitute money laundering.
37. Section 3(1)(a) of the 1996 Act applies to property specified in proceedings brought under that Act which "...constitutes, directly or indirectly, proceeds of crime, or ...that was acquired, in whole or in part, with or in connection with property that, directly or indirectly, constitutes proceeds of crime, ..." Any arrangement to use proceeds of crime or property derived from proceeds of crime to pay for land or goods will involve "acquisition" of an "interest in property" which is caught by s.3(1)(a) of the 1996 Act. Equity in such property may be used in connection with acquisition of further property which is within s.3(1)(a) of the 1996 Act.
38. Arrangements to repay loans for acquisition of property out of proceeds of crime are caught by this provision. Substitution arrangements where proceeds of crime are used to enable allocation of legitimate resources to acquire property are also caught by this provision. Property acquired by means of such stratagems is acquired in association with proceeds of crime.
39. The Bureau's case, with reference to receipts from Yan-Yan Fan's parents in China is that I should infer that she used the "*Daigao*" system to move proceeds of crime to China and that these outflows of value were matched by transfers by her parents of money to Ireland which helped her to pay for Liffey Walk.
40. As a first step in considering this application, I evaluated material considered by the Chief Bureau Officer who has tendered belief evidence under s.8 of the 1996 Act in relation to each of the assets claimed by the Bureau. Material which is inadmissible as evidence in court may support a belief of the Chief Bureau Officer.
41. This included affidavits and exhibits provided by Yan-Yan Fan in an application to the District Court under s.19 of the Criminal Justice (Money Laundering and Terrorist Financing Act 2010 (the 2010 Act). It also included explanations provided by Yan-Yan Fan for designer fashion goods found by Gardaí in her apartment and in an apartment in Dublin City Centre and for other transactions when she was interviewed by Gardaí who arrested her on suspicion of money laundering in 2022.

42. I did not at this stage consider information set in affidavits sworn by Yan-Yan Fan in these proceedings. In evaluating whether to accept the beliefs of the Chief Bureau Officer as evidence of relevant matters I also excluded material in the most recent affidavit of D/Garda Michelle O'Leary. The Chief Bureau Officer did not consider this material when he formed his beliefs.
43. Chief Bureau Officer's believes that the Malone & Martin bank draft and the credit balance in Yan-Yan Fan's Bank of Ireland current account were acquired with property that, directly or indirectly, constituted proceeds of crime. He also believes that the designer-label fashion goods seized by Gardaí from her apartment and from the apartment leased by her were acquired with money derived from proceeds of crime. He also believes that the cash found in Yan-Yan Fan's apartment that the money which funded the booking deposit for the intended purchase of a new apartment are proceeds of crime.
44. I assessed whether there are reasonable grounds for his belief that each of these properties comes within s.3(1)(a) of the 1996 Act. This exercise also involved a parallel assessment of the weight which I attached to each relevant belief in deciding whether the overall evidence tendered by the Bureau established, prima facie, that each of these items of property was acquired with, or in connection with property that, directly or indirectly, constituted proceeds of crime.
45. These materials are sufficient to support as reasonable the Chief Bureau Officer's belief that the proceeds of the bank draft and current account credit balance claimed by the Bureau are partly derived from proceeds of crime. Subject to an exception which relates to four items, these materials were also sufficient to support as reasonable the Chief Bureau Officer's belief that the designer-label fashion goods claimed by the Bureau were paid for by Yan-Yan Fan, using proceeds of crime.
46. In relation to four items of designer-label goods which were seized by Gardaí from an apartment which was sub-let by Yan-Yan Fan, evidence from both Yan-Yan Fan and from an officer of the Bureau, establishes that the premise on which the belief of the Chief Bureau Officer is based was incorrect.
47. These materials are also sufficient to support as reasonable the Chief Bureau Officer's belief that the €14,255 cash seized in Yan-Yan Fan's apartment are proceeds of crime and that €3,000 of the €7,000 booking deposit was a cash payment funded by Yan-Yan Fan from proceeds of crime.
48. The overall evidence relied on by the Bureau, including this belief evidence, establishes as a matter of prima facie probability that these assets were acquired in whole or in

part, with or in connection with property that, directly or indirectly, constituted proceeds of crime.

49. The belief evidence of the Chief Bureau that Yan-Yan Fan controlled the operation of the Irish Bank accounts of her parents and was in fact the owner of Liffey Walk and Distillery Quay is reasonable. The material which he relies on provides strong support for this belief.
50. While accepting the Chief Bureau Officer's belief evidence in relation to most of the proceeds of sale of Liffey Walk, I was not persuaded by the evidence tendered by the Bureau that payments of nearly €89,998, said to represent proceeds of a sale by Yan-Yan Fan's father of a property in China, were derived from proceeds of crime or were introduced as part money-laundering exercise.
51. I was not persuaded that the copy documents from China showing that property sale and banking transactions showing transfer to Ireland of money arising from that sale were not genuine. These items were part of the material put in evidence by the Bureau and considered by the Chief Bureau officer in formulating his belief relating to the proceeds of sale of Liffey Walk.
52. The statements exhibited in relation to Yan-Yan Fan's Bank of Ireland current account do not deal with transactions after 22 October 2020. On that date the credit balance on that account was €129,231. I had no information which could enable me to form a view on whether subsequent lodgements to this account which led to the credit balance of €139,347 at the time this account was frozen under the provisions of s.17 of the 2010 Act in March 2021 were derived from proceeds of crime.
53. Having considered the evidence tendered by Yan-Yan Fan, I have accepted her explanations in relation to some of the designer-label items seized from her apartment. I was not persuaded by her explanations relating to most of these goods. I remain of the view that all of the cash seized by Gardaí from her apartment was derived from proceeds of crime. I also remain of the view that €3,000 of the €7,000 booking deposit paid by Yan-Yan Fan to DNG Estates was proceeds of crime. I also remain of the view that €129,231 of the credit balance in Yan-Yan Fan's Bank of Ireland current account is derived from proceeds of crime. I also remain of the view that the Malone & Martin bank draft is partly derived from proceeds of crime. However, I have decided that it would be disproportionate to extend an order under s.3(1) of the 1996 Act to the full proceeds of sale of Liffey Walk and that €89,998 should be deducted and given back to Yan-Yan Fan's parents.



54. Some parts of the Bureau's case against Yan-Yan Fan were not supported by satisfactory proof.
55. A document exhibited by the Bureau purports to appraise genuineness and value of 87 items of designer-label fashion goods seized by Gardaí from Yan-Yan Fan on 18 March 2021. It provides a retail sale price for the items. This was €100,951. This evidence fails to identify or establish the qualifications of the appraiser. It does not provide a date of appraisal.
56. In some cases, this appraiser associated an item with a particular year. Presumably, this was the year when that item was first presented for retail sale. This appraisal is silent on the condition of items examined. It is also silent on which items were within their original box or wrappers and on the condition those boxes were in.
57. A similar appraisal has been exhibited in relation to designer-label fashion seized on 14 July 2012. The genuine items are valued at €14,975. The basis for this valuation is not clear.
58. I concluded on the evidence presented by the Bureau that the designer-label items seized from Cedarhurst Road are personal to Yan-Yan Fan. It is very unlikely that these items are "*Daigou*" stock for resale in China.
59. However, my preliminary conclusion in relation to these items was that Yan-Yan Fan's legitimate income did not finance her serial shopping and that evidence presented by the bureau established on the balance of probabilities that these items were acquired with money derived from proceeds of crime. She did not have the wherewithal to finance such extravagances from lawful income and her bank statements demonstrate that her PAYE earnings were not used to pay for these items.
60. Her explanations to Gardaí during interviews for the sources of the money which she used to make admitted purchases were not credible. Her explanations at that point were not sufficient to persuade me in relation to her claims that some of these items were gifts.
61. The Bureau's main deponent did not provide any documentary evidence relating to how Irish Bank accounts were opened in the names of Yan-Yan Fan's parents. Her information on this was confined to assertion that these accounts were opened online. This was not in her affidavit in these proceedings. This is to be found in an affidavit which she swore in District Court application under s.10 of the 2010 Act. There is no evidence to back-up assertions that Yan-Yan fan's parents were not personally present

to open these accounts. It is likely that they were present when high value bank drafts were bought using funds from these accounts.

62. There was a discrepancy between information provided by the Bureau on the price of Liffey Walk and information provided by Yan-Yan Fan when Gardaí interviewed her. The solicitor's cash account of receipts and disbursements relating to the purchase of Liffey Walk was not exhibited. No direct information was provided on who met the legal costs of this transaction or what those costs were. No information was provided on whether a booking deposit was paid to the vendor's selling agent. The consideration for this purchase and the amount of associated legal costs were not established.
63. Information provided to Bureau interviewers by members of a family in County Meath who provided a credit union cheque and five bank drafts which were used in the purchase of Liffey Walk and Distillery Quay was unreliable. Movements on bank accounts and other documents relating to these transactions provide a more reliable picture of how these property purchases were financed.
64. The order under s.2(1) of the 1996 Act in relation to the designer fashion goods listed in the originating notice of motion was granted on the basis of specific averments that all of these items were taken from Yan-Yan Fan's Cedarhurst Road apartment.
65. An unsatisfactory aspect of this application was omission by the Bureau to clarify that items 4,5,7 and 11 in the schedule to the originating notice of motion were taken on a search of an apartment which Yan-Yan Fan did not occupy. She and her mother were subletting this property. This tenancy was created in October 2018 and was duly registered.
66. None of the material which the Bureau now seeks to rely on to show control by Yan-Yan Fan of these items and that they were acquired with proceeds of crime was advanced as part of the application under s.2(1) of the 1996 Act or as part of this application as initially formulated. The occupants of this apartment were given no opportunity to make their case.
67. It emerged from evidence tendered by Yan-Yan Fan that the belief of the Chief Bureau Officer in relation to these items was not based on correct information.
68. I am not prepared to entertain this aspect of the Bureau's application. There is insufficient material to satisfy me that these items were under the control of Yan-Yan Fan and I am not prepared to act on the basis of the limited information which the Bureau has now provided in relation to the wherewithal of the tenants of the apartment

where the items were found. This information consists of assertions which are not supported by evidence.

69. The Bureau's deponent demonstrated that €3,000 of the money used to pay the booking deposit of €7,000 to DNG was cash routed through a lodgement in Ulster Bank in July 2021. The Bureau claims that the balance of €4,000 was also cash. This assertion, without any information to back it up, was not a reliable basis for belief by the Chief Bureau Officer that this element of the booking deposit was proceeds of crime.
70. Some of the information relied on by the Bureau as associating Yan-Yan Fan with criminality was unconvincing. Her alleged involvement along with Guang Ying Wang in an altercation with a previous boyfriend in May 2006 did not establish anything.
71. Guang Ying Wang and an associate named Jiang Zhong Zu were arrested in 2013 and questioned in relation to a serious assault and abduction of Chinese national in Parnell Street, Dublin. The Jiang Zhong Zu had previously been arrested in a cannabis grow-house in County Mayo in 2012 and had a mobile phone in his possession with a number previously used by Yan-Yan Fan to advertise property for rent on Daft.ie.
72. Jiang Zhong Zu was also involved in a cannabis grow-house which was discovered in Rathcormac, County Cork in November 2012 and skipped bail. Guang Ying Wang helped him to escape when Gardaí attempted to arrest him on a bench warrant relating to this matter in 2015. A vehicle associated with Yan-Yan Fan was observed near Bantry and also near Bandon in County Cork on 19 and 20 February 2012. No context was provided for these sightings.
73. These matters showed a very tenuous connection between Yan-Yan Fan and Jiang Zhong Zu and no connection between Yan-Yan Fan and any cannabis grow-house in Rathcormac. Rathcormac is nowhere near Bantry or Bandon.
74. However, Yan-Yan Fan did have a significant link with 7A Henrietta Place in late 2012 when a cannabis grow-house was operating in those premises. She has also a significant link with Guang Ying Wang over the years. He was involved in money laundering and the commercial growing and distribution of cannabis during 2020. Her regular lodgements to bank accounts of large sums in cash over the years were consistent with laundering of cash receipts from drug dealing and cash receipts from activities which involved tax evasion.
75. Yan-Yan Fan was stated in Garda intelligence material exhibited in a replying affidavit filed on behalf of the Bureau to have been with Guang Ying Wang in Cavan in late 2012

in the vicinity of suspected grow-house activity. I disregarded this piece of hearsay information in my assessment of evidence because it was not part of the material considered by the Chief Bureau officer in forming his belief relating to Yan-Yan Fan's involvement in grow-houses. A bank card associated with Gui Yu Bi's current account was used at an ATM in Cavan in early 2013.

76. Ostensibly, Yan-Yan Fan and Guang Ying Wang are, and have always been, of modest means, with low incomes from their employments. Yan-Yan Fan's qualifications in disciplines relating to accountancy and financial management did not result in well-remunerated employment within the PAYE system and she made no returns for self-employed income until very recently.
77. Yan-Yan Fan's bank and Revenue records show that she has lived in Dublin in a variety of locations. She has always lived in rented accommodation. She has resided in Northumberland Road, Howth Road, Meath Street, Watermill Road, Cork Street, Millrace Road, Blanchardstown Centre, Auburn Park in Castleknock, Cypress Grove Road and Cedarhurst Road. Guang Ying Wang has lived in Dublin in rented accommodation in Millrace Road, Cypress Grove Road, Pimlico, Poolbeg Quay, Custom Hall on Lower Gardiner Street, Parnell Street and in Ashtown.
78. Yan-Yan Fan got her first job in McDonalds in 2002. She was employed by an amusement arcade business called KSK Enterprises in Westmoreland Street, Dublin 2, between 2002 and 2016. She received gross pay of €167,435 from this employment during that period. In 2008 she had no recorded employment. In 2009 her recorded earnings were less than €5,000. In 2010 her recorded earnings were €880.
79. Her recorded gross PAYE earnings in the years 2011 and 2012 were less than €3,500 per annum. Her daughter was born in December 2011. She got maternity benefit of €8,120 from the end of October 2011 to the end of April 2012.
80. In 2017 she was employed in a café and her gross PAYE earnings from this were €12,280. Her total gross PAYE earnings in 2018 were €5,986. Her total gross PAYE earnings in 2019 were €7,289. Her total gross earnings from employment in 2020 were €12,054. She filed an income tax return for 2020 which showed tax of €3,262 payable.
81. Guang Ying Wang has a similar earnings profile to that of Yan-Yan Fan. He was employed by KSK Enterprises between 2003 and 2007. He had no recorded employment in 2008, 2009 and 2010. He was employed briefly by Westwood Club in 2011 and 2012 and earned next to nothing. He had no recorded employment in 2013, 2014 and 2015. He was employed by JC and Deb Ltd in 2016 and 2017 and had gross

earnings of €5,722 and €10,791 for those years. He worked in a public house in Dundrum between 2017 and 2020 and received a very modest salary. He also received weekly pandemic payments.

82. Materials exhibited by the Bureau demonstrate that Yan-Yan Fan and Guang Ying Wang have associated for a number of years. They were both employed by KSK Enterprises. They may have been in a relationship in the past. They resided together at Cypress Road West in Terenure. They both used Yan-Yan Fan's apartment at Millrace Road as a correspondence address for bank statements. Yan-Yan Fan's AIB Bank current account was used to pay monthly rent for Poolbeg Quay in 2008. She described the rent for that address in her internet banking transactions as "*Ivy's rent.*" Guang Ying Wang was recorded in Revenue records as residing at Poolbeg Quay. Accounts controlled by Yan-Yan Fan were used to pay money to the Fitzwilliam Casino on behalf of Guang Ying Wang.
83. Guang Ying Wang was living in Yan-Yan Fan's apartment at Cedarhurst Road in when Gardaí searched that apartment in July 2021. She has explained that the reason for this is that he was on bail relating to serious charges of money laundering and possession of drugs for purposes of supply arising from incidents in 2020 and that it was part of his bail terms that he resides with her. €5,000 of the funds in her Bank of Ireland current account which represented net proceeds of sale of Distillery Quay were paid by her as cash cover for her surety obligations for Guang Ying Wang's bail on these charges.
84. Yan-Yan Fan made payments from her Bank of Ireland current account to Guang Ying Wang's current account between 2017 and 2019 and also used that account to fund his gambling. Large cash sums which were deposited at ATMs were credited to Guang Ying Wang's current account during this period. He moved much of this money out of Ireland by international transfers, presumably to China. Guang Ying Wang's bank card relating to his Bank of Ireland current account was in Yan-Yan Fan's apartment when Gardaí searched it in March 2021. He was living there at that time and it is not clear whether this particular card was found amongst his possessions or her possessions. However, evidence establishes as a matter of probability that Yan-Yan Fan used this bank card during a period prior to October 2020.
85. In 2007 Yan-Yan Fan and Guang Ying Wang operated a "members" casino in leased premises at Market Square, Navan. Revenue records include an address for Guan Ying Wang at Market Square, Navan which corresponds with the address of this casino. Guang Ying Wang received a payment of €113,819 from solicitors in Navan on disposal of this business. Revenue was advised that the lease of this premises was assigned on 21 August 2009. The assignor who held this leasehold interest was Guang Ying Wang.

The consideration paid was stated to be €60,000. Yan-Yan Fan and Guang Ying Wang were paid additional money for the value of their goodwill in this business.

86. On 24 June 2016 Guang Ying Wang opened a current account at the Blanchardstown Branch of Bank of Ireland. This account did not become active until August 2016. A Bank card was issued on it.
87. The principal deponent on behalf of the Bureau also received copies of bank statements relating to other bank accounts maintained by Guang Ying Wang in Bank of Ireland (ending 4375) and AIB Bank (ending 2057) in periods between 2008 and 2020. These have not been exhibited. She states that the latter was funded by cash lodgements, except in in May and June 2013 when it was funded by wages.
88. Copy statements relating to Guang Ying Wang's Blanchardstown branch Bank of Ireland current account have been exhibited. These cover a period from 24 June 2016 to 14 October 2020. The correspondence address for this bank account was Yan-Yan Fan's then apartment in Millrace Road.
89. Between 25 August 2016 and 23 February 2017 activity on Guang Ying Wang's current account was confined to receipt of wages and money spent on either gambling or buying credits to enable gambling at the Fitzwilliam club. Gambling receipts were not lodged.
90. Between late February 2017 and the end of September 2017 a number of round sum cash lodgements were made to Guang Ying Wang's current account at ATMs. Many of these lodgements were made at Bank of Ireland O'Connell Street. The total amount lodged was €62,170. All of this cash came from undisclosed sources. This bank account also received €1,000 from Yan-Yan Fan's Bank of Ireland current account on 22 May 2017. Guang Ying Wang's bank account received a further €1,000 from Yan-Yan Fan's Bank of Ireland Current account on 19 December 2017.
91. Much of the money lodged to Guang Ying Wang's current account was gambled at the Fitzwilliam Club. Yan-Yan Fan's Bank of Ireland current account was used to make a payment of €1,500 to the Fitzwilliam Club on 24 May 2017. Her Ulster Bank current account was used to make payments to the Fitzwilliam Club totalling €14,000 on 10, 15 and 23 May 2017. Her AIB Bank current account was used to make a payment of €2,000 to the Fitzwilliam Club on 18 April 2007.
92. Guang Ying Wang made a number of international payments from his current account during 2107. The total Euro value of these payments was €40,850. The probable destination of these payments was China.

93. Guang Ying Wang's current account received a remittance of €2,500 from Malone & Martin on 1 August 2017. The AIB Bank current accounts of Xi Min Fan and Gui Yu Bi received credits totalling €7,500 on the following day. The source of these funds was €10,000 held by Malone & Martin which related to Academy Square.
94. Guang Ying Wang rarely used his bank card to pay for necessities of living. His salary went into his bank account and was used on buying credit for gambling. He lived on cash from undisclosed sources.
95. In 2018 Guang Ying Wang's bank account was operated in much the same way as in 2017. The total value of out of course round sum lodgements to this bank account during that year was €48,070. Most of these lodgements were made at ATMs. Guang Ying Wang's current account also received two payments of €3,000 from Yan-Yan Fan in July and October of that year. She made some further small payments to his current account in December 2018.
96. Yan-Yan Fan also made payments of €5,000 and €4,000 to the Fitzwilliam Club in October 2018.
97. Guang Ying Wang remitted international payments having a Euro value of €55,700 during 2018. He also paid Yan-Yan Fan €2,375 during that year. Guang Ying Wang's salary went into this bank account and was used on gambling. He rarely used his bank account to pay for necessities of life and he lived on cash from undisclosed sources.
98. In 2019 Guang Ying Wang's current account received €35,000 in out of course round sum lodgements from undisclosed sources. He used this bank account to make international payments having a Euro value which totalled €34,800.
99. Guang Ying Wang did not use this bank account to make payments to casinos or gaming clubs in 2019. It received an internet credit of €1,500 from Yan-Yan Fan's Bank of Ireland current account on 21 October 2019. This credit was used on the same day to make a payment of €1,650 to Brown Thomas for a purchase. Guang Ying Wang's current account received a further credit of €300 from Yan-Yan Fan the following day. His current account received a further €1,300 from Yan-Yan Fan on 30 December 2019. This purchase followed a number of purchases by Yan-Yan Fan from Brown Thomas using her Bank of Ireland current account during the previous week.
100. Yan-Yan Fan stated to Gardaí that Guang Ying Wang's card was used to make a purchase from Brown Thomas of an item for his girlfriend in conjunction with her BT loyalty card. All of the money used to cover the cost of this transaction was either supplied by Yan-Yan Fan in advance or reimbursed by her to Guang Ying Wang.

101. Brown Thomas have a record of bank or credit card ending in "5563", associated with Guang Ying Wang. This was used to make purchases to the value of €1,841.60 in association with Yan-Yan Fan's BT loyalty card in 2019. This amount does not reconcile with the payment of €1,650 which suggests that a different card account may have been operated in his name during that year. No details of any credit card account operated by Guang Ying Wang have been provided.
102. Guang Ying Wang's current account received €62,640 in round sum out of course lodgements between 1 January and 30 September 2020. It also received credits during that period for wages and pandemic payments.
103. The total Euro value of international payments from Guang Ying Wang's current account during this period was €34,850.
104. Guang Ying Wang's current account received an internet transfer of €8,000 from Yan-Yan Fan on 10 March 2020 which was spent immediately. It received a further credit of €2,000 from her account on 1 April 2020, but this was reversed immediately. It was used to make an online payment of €650 to the AIB Bank current account of Gui Yu Bi on 28 April 2020. This was funded by credits of two weekly pandemic credits of €350. A further online payment of €700 from this account to Gui Yu Bi's current account on 5 May 2020 was also funded by weekly pandemic credits. It was used to make a payment of €428 to Brown Thomas on 29 May 2020. This account was used to make an online payment of €350 to Yan-Yan Fan's current account on 18 September 2020.
105. Other unusual features relating to the operation of this bank account from May 2020 to the end of September 2020 were frequent payments to Bank of Ireland Mastercard and for purchases at Butlers Chocolates. The records relating to Yan-Yan Fan's bank accounts over the years show that she was in the habit of using her bank cards and a bank card on her mother's current account to make purchases at Butler's Chocolates. She also had a Bank of Ireland Mastercard and used her Bank of Ireland current account to make payments to this credit card provider in the period between 2017 and 2020.
106. The last large out of course lodgement to Guang Ying Wang's account on 30 September 2020 was for €5,000 and had the narrative "RENT." This was one of five lodgements made within a period of three days which were used to fund an international transfer of €9,950 on 30 September 2020.
107. This pattern of use of Guang Ying Wang's Bank of Ireland account during the period between May 2020 and the end of September 2020 indicates that Yan-Yan Fan controlled his bank account and used his bank card during that period.



108. A trend of significant international payments also emerged on Yan-Yan Fan's Bank of Ireland current account after 25 September 2017. During the that year €13,000 was paid abroad by her from that bank account. €48,150 was paid abroad by her from that bank account during 2018. €15,050 was paid abroad by her from that bank account during 2019.
109. Guang Ying Wang was involved in a money laundering incident on 1 September 2020. He was observed to hand a "Spar" bag to an accomplice which had €27,150 cash in it in Dublin City Centre. This accomplice went to her house in Phibblestown. Gardaí found more cash at that address. He was caught with cannabis worth nearly €150,000 and cash of €5,350 on 13 October 2020.
110. Statements relating to current accounts opened or controlled by Yan-Yan Fan disclose a large number of transactions which were inconsistent with her PAYE income over the years. These accounts were used to handle large amounts of cash from undisclosed sources in a manner inconsistent with legitimate business activity. Many of Yan-Yan Fan's ordinary domestic expenses and items of discretionary spending were not paid for out of these bank accounts. They were not used to discharge her fees for her accounting and finance course in Griffith College. Her salary was not lodged to her bank accounts until 2012.
111. Most of the credits to these bank accounts consisted of cash lodgements at ATMs and in-branch cash lodgements or internet transfers from other bank accounts controlled by Yan-Yan Fan. Transaction details recorded her bank records show that she also used an MBNA credit card, a Bank of Ireland Mastercard and other credit cards, including Chinese credit cards. The Bureau has not obtained copies of her credit card statements.
112. Following arrival in Ireland, Yan-Yan Fan opened a current account at the South Richmond Street branch of AIB Bank. This was originally designated as a "*Student Plus*" account.
113. The Bureau retrieved copies of statements showing transactions on this bank account. These run from statement 29. They cover transactions after 1 December 2004. On that date Yan-Yan Fan's current account held a small credit balance.
114. She opened a current account with PTSB in Lower O'Connell Street, Dublin 1 on 4 August 2005 and was issued with a chequebook and a bank card.
115. She opened a current account at the Westland Row branch of Bank of Ireland at some later date which is unknown. When this branch was closed, its customers were moved

to Bank of Ireland, 2 College Green. The Bureau retrieved copies of statements showing transactions on this bank account. These run from statement number 10. They cover transactions after 23 January 2013.

116. She opened a current account at the branch of Ulster Bank at 33 College Green on 3 January 2014 and was issued with a bank card.
117. Yan-Yan Fan also opened savings accounts in AIB Bank and PTSB. Small sums were saved into these accounts by transfers from her current accounts. She had some term loans from AIB Bank. These loans were repaid by monthly instalments debited to her AIB Bank current account.
118. On 18 October 2012, a current account was opened in the name of Gui Yu Bi at Navan branch of AIB Bank and a bank card was issued on that account. The address for the account holder for correspondence was Yan-Yan Fan's apartment in Dublin. A bank card relating to this account was seized when Yan-Yan Fan's apartment was searched in 2021.
119. On 4 March 2014, a current account was opened in the name of Xi Min Fan at the Navan branch of AIB Bank. The address of the account holder for correspondence was Yan-Yan Fan's apartment in Dublin. A bank card relating to this bank account was seized when Yan-Yan Fan's apartment was searched in 2021. On 10 April 2014 €3,000 in cash was lodged to the credit of this account at an ATM at AIB Grafton Street, using *"card ending 5663."*
120. On 25 August 2017, a current account was opened in the name of Gui Yu Bi at Blanchardstown Branch of PTSB Bank. A bank card was issued on this account.
121. In the period between 2 December 2004 to 21 January 2005 a total of €18,200 was credited to Yan-Yan Fan's AIB Bank current account. This comprised eight round sum lodgements of amounts which varied between €200 and €8,000. Most withdrawals in this period were round sums and they included a cash withdrawal of €5,000 on 21 January 2005. The larger withdrawals were made in-branch. A bank card was used to make some of the smaller withdrawals from ATMs in Dublin City Centre locations and close to Yan-Yan Fan's apartment in Northumberland Road.
122. In the period between 24 January 2005 and 11 April 2005 a total of €12,060 was credited to this current account by eleven round sum lodgements of amounts which varied between €50 and €4,500. Most withdrawals in this period were round sums, indicating cash. A bank card was used in city centre locations to make some of the smaller withdrawals.

123. This pattern of cash transactions continued in the period between 19 April 2005 and 14 July 2005. During that period, a total of €26,400 was credited by sixteen round sum lodgements. Withdrawals during that period totalled €13,360 and ranged in amount from €80 to €4,000. Some of the smaller withdrawals were made using a bank card at ATMs in Dublin City Centre locations.
124. In the period between 15 July 2005 and 8 August 2005, €12,137 was credited to this current account in six transactions. Withdrawals in that period totalled €10,467. In the period between 15 August 2005 and 23 December 2005 a further €9,600 in round sum lodgements was credited to this current account. A possible source of some of this money was a cash withdrawal from Yan-Yan Fan's PTSB current account on 5 December 2005.
125. During the period between 2 December 2004 and 8 August 2005 the card on Yan-Yan Fan's AIB Bank current account was rarely used for expenditure on day to day living.
126. The only payments which can be related to purchases were an item to Carphone Warehouse and for a phone top-up. This account shows transactions consistent with transfers of small amounts of Chinese currency in September and November 2005
127. Between 9 August 2005 and 17 October 2005 five round sum amounts were lodged to Yan-Yan Fan's PTSB current account. The total lodged was €8,310. This pattern is consistent with lodgement of cash. On 29 November 2005 €10,000 in cash was lodged to this account. On 1 December 2005, a further €8,000 was lodged. On 5 December 2005, a further €5,500 cash was lodged. On 8 December 2005, a further €4,000 was lodged. The total of these lodgements was €35,810.
128. During the period between 6 October 2005 and 15 December 2005 nearly all of this money was withdrawn. Two cheques for €1,900 each were paid. She used the bank card to withdraw six cash amounts totalling €3,000 at Bank of Ireland, AIB Bank and PTSB ATMs in the city centre. She also made in-branch withdrawals of €20,000, €2,000, another €2,000 cash and €5,000.
129. The transactions on these current accounts were inconsistent with use by Yan-Yan Fan for receipt of salary or day-to-day expenditure during this period. These movements of funds cannot be reconciled with Yan-Yan Fan's recorded earnings during 2005.
130. During 2006 and 2007 Yan-Yan Fan's AIB Bank and PTSB current accounts continued to receive funds inconsistent with her disclosed PAYE earnings.

131. Between 10 January 2006 and 3 May 2006 Yan-Yan Fan's AIB Bank current account received a total of €18,330 in eleven round sum lodgements. The amounts lodged varied between €200 and €3,950. This was consistent with receipt of cash. Most of this money was withdrawn in-branch in round sum amounts, consistent with payment of cash. Between 25 May 2006 and early February 2007 this account became more active. It received €53,400 in twenty-four round sum lodgements, consistent with cash, together with some other money which cannot be attributed to salary and a payment of €3,500 from MBNA. By 7 February 2007 most of this money was withdrawn by round-sum in-branch withdrawals. Some withdrawals were by internet banking and were attributed to "*Ivy, Ivy's rent, Yan-Yan, and Richard.*"
132. Yan-Yan Fan and Guang Ying Wang did not have sufficient legitimate income to fund setting-up of their casino in Navan in 2007. Their wherewithal to establish and run this venture came from undisclosed sources. The evidence shows that, except for two receipts from a payment agent credited to Yan-Yan Fan's AIB Bank current account in 2009, and three bounced cheques, they operated a cash business and that some of this cash ended up in Yan-Yan Fan's bank accounts.
133. They made no tax returns relating to their earnings from this business. Rent for the premises appears to have been paid in cash after February 2008 as there no indication that Yan-Yan Fan's bank account was used to pay it. While monthly rent of €1,425 was debited to Yan-Yan Fan's current account in 2008, this related to an apartment at Earl's Court, Navan which was probably used by employees, and not the premises at Market Square.
134. In the period between 23 February 2007 and 31 December 2007 Yan-Yan Fan's AIB Bank current account received a total of €47,360 in twenty-six round sum lodgements, plus a loan of €9,000 from AIB Bank. The amounts of these lodgements varied between €100 and €4,000. A number of lodgements were made to fund this current account when the credit balance was low. This pattern of lodgements shows that Yan-Yan Fan had ready access to cash which she used to put her AIB Bank current account in funds to meet commitments as they arose. She withdraw cash using ATMs. She also occasionally used her bank card to pay for expenses such as grocery shopping.
135. The first use of a bank card on Yan-Yan Fan's AIB Bank current account at an ATM in Navan took place on 20 August 2007. On 25 October 2007, this account was used to make a payment noted as "*\*INET YANRENT*" of €1,400. A further payment of €1,400 noted as "*\*INET RENT*" on 3 January 2008 was funded by a same day cash lodgement of €1,400. These monthly debits of €1,400 for rent continued until February 2008.
136. A number of monthly payments of €850 were described in bank statements for 2008 as "*\*INET IVYS RENT*" or "*\*INET IVY*" or "*\*INET IVY RENT*" or "*\*INET POOLBOYQUAY.*"

From September 2008 rent of €750 was debited to this current account every month. The payment for 27 November 2008 was described as “\*INET ACADEMYSQ.” This related to rent of an apartment in Navan.

137. This current account was used during the latter half of 2007 to make payments to MBNA and Bank of Ireland which were consistent with discharge of credit card bills. It was also used to make monthly term loan repayments to AIB Bank.
138. This pattern continued during 2008 and 2009. The main credits to her AIB Bank current account consisted of round sum lodgements, consistent with cash, and a loan of €20,000 from AIB Bank. This loan was drawn down on 7 May 2008. The total of other round sum lodgements and lodgements using An Post in 2008 (excluding lodgements which included three unpaid cheques) was €119,175. The total of round sum lodgements and lodgements using An Post in 2009 was €94,240. This included a lodgement of €20,000 on 2 September 2009. This account also received two credits for a total of €6,026 from a firm of stockbrokers in September 2009. It also received some other credits in September and October of that year which totalled €10,480. These were attributed to “*Moti.*”
139. It has not been established how €113,819, which Guang Ying Wang received from solicitors in Navan after disposal of the casino, was divided up between himself and Yan-Yan Fan. The bank account which received these funds has not been identified.
140. €20,000 was credited to Yan-Yan Fan’s current account on 29 September 2009 with an annotation “*aib*”. This annotation suggests that this sum was transferred from another account at AIB Bank. It was used to buy a bank draft for €20,000 in favour of the Irish Nationwide Building Society.
141. The Bureau has not exhibited any copies of statements relating to Yan-Yan Fan’s loan accounts with AIB Bank which cover loans during this period. Her monthly loan repayments to AIB Bank did not change after 29 September 2009. It follows that €20,000 credited to her account on 29 September 2009 did not represent a further loan from AIB Bank.
142. These large lodgements in September and October 2009 coincided with disposal by Yan-Yan Fan and Guang Ying Wang of their business in Navan.
143. Debits to Yan-Yan Fan’s AIB Bank current account during 2008 and 2009 were for a mixture of small sums spent on shopping, internet payments, payment of rent for apartments in Dublin and Navan, repayments of loans from AIB Bank, payments to Bank of Ireland and MBNA on credit cards, ATM withdrawals of cash, and larger round

sum withdrawals, consistent with cash. Payments were also made on a Chinese currency credit card and some payments were made to Chinese nationals.

144. This pattern of withdrawals of €1,300 in cash was established from 20 September 2007 when the pattern of activity on Yan-Yan Fan's AIB current account changed. This is consistent with evidence that her casino business in Navan started around that time. In the period between 20 September 2007 and 31 December 2007 the total of larger round sum withdrawals from this account was €18,500. These included a withdrawal of €700 which was not made using an ATM. This money was taken out in twelve withdrawals. Six of these withdrawals were for €1,300 each.
145. The total of larger round sum cash withdrawals in 2008 was €31,300. This money was taken out in eighteen withdrawals. Ten of these withdrawals were for €1,300 each. Other withdrawals of sums of up to €600 were made at ATMs in Dublin and Navan.
146. The total of these withdrawals to 21 September 2009 was €34,800. This money was taken out in thirteen withdrawals. Five of these withdrawals were for €1,300 and a further €1,300 was paid by Yan-Yan Fan on her MBNA credit card on 5 May 2009. After the casino business was sold, Yan-Yan Fan paid €7,745 off this credit card on 14 September 2009.
147. This figure for withdrawals excludes the bank draft to the Irish Nationwide Building Society. It also excludes a withdrawal of €13,543 on 8 October 2009 and a payment of €6,520 to a Chinese national on 6 August 2009.
148. On 4 January 2006 €10,000 was lodged to Yan-Yan Fan's PTSB current account. In the following days five round sum lodgements were made to this account. These came to a total of €4,100. These funds were used to fund two cheques for €7,500 and €6,000 which were paid on 15 February 2006 and 21 February 2006. On 21 March 2006 two further amounts of €1,700 each were lodged to this account. These were used to buy a bank draft for €2,900.
149. Further out of course lodgements of €1,200, €4,500 and €1,200 were made on 30 June 2006, 3 July 2006 and 25 August 2006. The first two of these funded payment of a withdrawal of €1,000 on 7 July 2006 and payment of a cheque for €5,500 on 11 July 2006.
150. Other payments into Yan-Yan Fan's PTSB current account during 2006 comprised eleven credits from a Bank of Ireland account from 1 March 2006 to 10 May 2006 and twenty-seven credits from the AIB account of a firm of bookmakers for winnings in the period between 15 May 2006 and 31 December 2006. The total of the eleven credits

came to €2,394. These credits were in varying amounts and were inconsistent with receipt of salary. The total received from the firm of bookmakers into Yan-Yan Fan's PTSB current account during this period was €7,023.

151. A bank card issued on this account was used to withdraw these winnings at ATM machines located at branches of Bank of Ireland, AIB Bank, PTSB and Ulster Bank in Dublin City Centre.
152. Yan-Yan Fan's PTSB current account continued to receive winnings from bookmakers until 15 February 2007. These credits totalled €703. This account then went dormant until July 2007. In the period between July and the end of December 2007 a total of €7905 was credited in eight round sum lodgements. This pattern is consistent with lodgements of cash. This money funded a cheque for €2,000 which was paid on 10 August 2007, a withdrawal of €1,000 on 1 November 2007 and a number of cash withdrawals using ATMs. An ATM in Navan was used to make a withdrawal of €600 on the night of 9 November 2007. This was the first use of a bank card associated with Yan-Yan Fan's PTSB Account in Navan.
153. In 2008 this pattern of round sum lodgements to Yan-Yan Fan's PTSB current account and cash withdrawals continued.
154. The total amount lodged to this current account in 2008 was €17,525 in fourteen lodgements of amounts ranging from €70 to €2,000. These lodgements were all made in Dublin at either City Centre branches of PTSB or ATMs.
155. Two cash withdrawals of €4,000 and €2,500 were made in February and September 2008. ATM withdrawals were in amounts of up to €700 at a time. These withdrawals were generally made in locations at Grafton Street, St Stephen's Green and Henry Street during business hours and in Navan during evening and night hours.
156. In 2009 the total amount lodged to Yan-Yan Fan's PTSB current account was €17,000 in six round sum lodgements. Three of these lodgements in October, November and December 2009 were for €5,000 each. They were used to pay a cheque for €5,000 which was presented on 4 November 2009 and a further cheque for €10,000 which was presented on 4 January 2010.
157. Transactions on Yan-Yan Fan's PTSB current account in 2008 and 2009 cannot be matched to lodgements to or withdrawals from her AIB Bank current account.
158. My general conclusion relating to activity on Yan-Yan Fan's current accounts during the period of her involvement in the casino in Navan is that her use of her current accounts

to pay her rent and for withdrawals of cash and to pay for her credit cards and for other purposes not related to paying staff and rent for staff accommodation were pure gain. The pattern of her ATM and larger cash withdrawals was consistent with remuneration. She also received payments at the time when this business was sold as a going concern. The buyer of her casino was in a relationship with her and is the father of her daughter.

159. After the sale of the casino business the pattern of transactions on Yan-Yan Fan's AIB Bank current account changed.
160. In 2010 the total of round sums lodged to Yan-Yan Fan's AIB Bank current account was €107,400. This money was credited in thirty lodgements which ranged in amount from €200 to €20,000. Many of these lodgements were made through An Post. These lodgements were cash. The total excludes eight credits of €500 which were recorded in bank statements as coming from "me." She asserted to Gardaí during an interview in 2022 that this €20,000 lodgement may have related to compensation from an insurance company as a result of a claim following a car accident in December 2009.
161. No details have been provided on when Yan-Yan Fan opened her Bank of Ireland current account. Absence of statements relating to this account for the period prior to 24 January 2012 means that I have an incomplete information. It is possible that some money from the sale of the casino was credited to this account and that it was the source of these "me" payments.
162. A lodgement of €50,765 odd was credited to Yan-Yan Fan's AIB Bank current account on 7 April 2010. This money came from an undisclosed source. It was followed by a debit on 15 April 2010 of €50,020 in favour Gui Yu Bi, which appears to be a transfer to China. Yan-Yan Fan used her AIB Bank current account to buy a bank draft €11,960 on 31 May 2010.
163. Yan-Yan Fan's AIB Bank current account was used by her during 2010 to meet monthly repayments of her AIB Bank term loan and monthly rent. She also used this account to pay MBNA Visa, Halifax Visa, Gold and Bank of Ireland credit card bills. In 2010 she paid €13,517 from this account to settle credit card bills. She rarely used her bank card account to pay for the necessities of daily life. Her electricity bills were paid from this account by direct debit.
164. She withdrew €4,960 in cash from her AIB Bank current account at ATMs during 2010. She made ten round sum in-branch withdrawals of cash. These withdrawals totalled €25,300. She also made payments in favour of Chinese recipients. These transfers included two payments of €12,020 and €10,020 in April 2010.



165. Yan-Yan Fan's PTSB current account was rarely used during 2010. €3,000 was lodged to this account on 6 May 2010. On 9 June 2010 €2,300 was withdrawn. This account was dormant for the latter half of 2010 and for all of 2011.
166. When reviewing the operation of Yan-Yan Fan's bank account in 2011 and 2012, I kept in mind relevant background events. These were the birth of her daughter in December 2011 and discovery by Gardaí on 20 November 2012 of a grow-house of 1490 cannabis plants valued at €1.1 million in a raid on 7A Henrietta Place, Dublin 1. Gardaí concluded that a further 1,000 plants had been harvested there shortly prior to this raid.
167. Another background event of relevance was the opening of a current account in the name of Gui Yu Bi at Navan Branch of AIB bank on 18 October 2012. This was followed by a transfer into that account from China of €34,954 on 17 December 2012.
168. Yan-Yan Fan was tenant of 7A Henrietta Place in 2012 and 2013. She had taken a two-year lease from 1 January 2012. When interviewed by Gardaí in January 2014 she claimed that her business partner had put a sub-tenant into occupation of part of the premises and that this subtenant was responsible for the grow-house.
169. She disclaimed any knowledge of the fact that the premises had been adapted for use as a cannabis grow-house. She claimed that she moved into 7A Henrietta place in March 2012 and invested €6,000 in this business. She claimed that she only visited this business to deliver lights and decorations. She claimed that she was only on the premises 10 times. She claimed that she only went upstairs when she first rented the place. This was where the grow-house was found. She also claimed that the business she carried on in that property was a big loss maker for her and that they decided to close it.
170. She said that she had fallen out with the father of her daughter and that he bought the casino in Navan off her and Guang Ying Wang. She claimed that they got €120,000 split three ways from the sale. She claimed that her initial investment in Navan was €20,000. When she was interviewed in January 2014 in relation to these matters her daughter was in a creche. This cost of this childcare was €900 a month.
171. She agreed that the most recent time she was in 7A Henrietta Place was in October 2012. She stated that she did not notice that the building was blacked out and extra electrical cables were pulled away from the junction box. She only noticed a damp smell. She agreed that the lease was for €36,000 per annum and said that this was the reason it was sublet.

172. An insurance document relating to a Black 07 VW Passat car was found during the search of Henrietta Place. This the period of cover ended on 27 August 2012. Yan-Yan Fan was a named driver. That vehicle was currently registered to her partner at the time who is also the father of her daughter. A black VW Passat corresponding to this vehicle was observed parked outside 7A Henrietta Street on the weekend of 5 November 2012. This was during the likely period when the cannabis plants were being harvested. She agreed that she owned "*the black car.*"
173. During the course of the search of this property a 2009 reference by the landlord of the casino in Market Square, Navan for Guang Ying Wang and for Yan-Yan Wangs partner and another Chinese National was also found at the scene.
174. Yan-Yan Fan's bank accounts during 2011 and 2012 did not indicate either receipt of rent or payment of rent for 7A Henrietta Place. Most of the money passing through these bank accounts during this period comprised cash from unknown sources. Her legitimate earnings and receipts from maternity benefit were modest. The source of her wherewithal to pay for basic necessities of life and maintain her motor car was undeclared income generated from undisclosed activities. Her bank accounts do not demonstrate that she had any legitimate source of capital to set up a business relating to lights and decorations or meet rent bills of €3,000 per month or that such a business was in fact in operation. She made no income tax return for this business.
175. In 2011 the first transactions of note on Yan-Yan Fan's current account were a cash lodgement of €1,400 on 5 January 2011 and a payment of €1,400 to "*Barnardo Sales*" on the same day. This related to a rabbit fur coat seized by Gardaí from Yan-Yan Fan in July 2021. The information provided by Caroline Barnardo to Gardai in January 2022 that this coat was about seven years old and cost approximately €1,800 new at the time was slightly inaccurate. Her figure of €2,500 was the 2022 retail price of a new coat of the same type and not a valuation of the coat seized by Gardaí.
176. Most of the value received into Yan-Yan Fan's AIB Bank current account during 2011 comprised round sum cash lodgements from undisclosed sources. In all, there were thirty-seven of these lodgements. Their total value was €65,480. Many of these lodgements were made through An Post.
177. On 15 August 2011 Yan-Yan Fan received a payment of €9,308.65 from into her AIB current account which was recorded as coming from Gui Yu Bi. On 12 September 2011 she received a payment of €8,028.85 from a Feng Ying Hu. Her account was credited with €6,500, stated to be from "*aib*", on 15 December 2011. This payment did not represent draw-down of any loan from AIB Bank. She continued to make monthly repayments of €480.40 on her existing loan. In addition, she transferred into this

account ten payments of €500 which were noted as "INET SAVINGS, "or "ME." The source of these funds has not been identified.

178. On 28 October 2011 Yan-Yan Fan began to receive weekly maternity benefit of €218. This was paid directly into her AIB Bank current account.
179. During 2011 Yan-Yan Fan's AIB Bank current account was occasionally and rarely to pay for necessities of life. Most of her payments related to credit card bills. She paid €39,623 from her current account to settle these bills. She made payments to MNBA Visa, Gold, Bank of Ireland, and a Chinese currency Mastercard. She also used her current account to pay rent of €1,000 per month for her apartment and to pay electricity bills. She made seven in-branch cash withdrawals. The total amount thus withdrawn was €26,000. She also made some internet Euro transfers to Chinese recipients. She made infrequent cash withdrawals using ATMs.
180. The pattern of use by Yan-Yan Fan of her current accounts changed somewhat in 2012. She used her MBNA credit card to borrow sums of €8,500 and €5,000 which were credited to her AIB Bank current account in March and May 2012. She stopped using this account to settle credit card bills and monthly rent payments. She received credits of €2,778 and €5399 from Chinese accounts of herself and her mother on 9 February 2012. She received €19,973 from another Chinese national on 25 June 2012. She used these funds to withdraw €20,000 26 June 2012.
181. Yan-Yan Fan stated in affidavits in her application to the District Court under s.19 of the 2010 Act that her parents applied for a business visa under the Start Up Entrepreneur Investment Scheme. She stated that that some of the funds for the purchase of Academy Square were initially transferred into Ireland for participation in that scheme. She also told Gardaí that other money was received by her from China for that purpose.
182. When interviewed by Gardaí in 2022, Yan-Yan Fan stated that the €19,973 came from a distant relative. She said that its purpose was to support her parents' application for an investor's visa. These funds were spent by Yan-Yan Fan. They were not available to her parents to invest in the Irish economy.
183. The Gui Yu Bi bank account was not opened until October 2012. The application under the investor's visa scheme was not made until February 2013. Yan-Yan Fan exhibited an acknowledgement of receipt of her mother's application for an investor's visa in an affidavit sworn in the District Court in her application under s.19 of the 2010 Act. This letter was dated 1 March 2013.

184. Round sum cash lodgements to Yan-Yan Fan's AIB Bank current account in 2012 totalled €45,900. There were 29 such lodgements. These were made in-branch or at ATMs at AIB Bank branches or through the An Post money transmission service. They ranged in amounts between €100 and €14,000. Yan-Yan Fan also received €20,000 into her AIB Bank current account in internet credits from third parties. She transferred €4,000 from her PTSB current account to her AIB Bank current account on 16 October 2012.
185. In April 2012 credits of maternity benefit to Yan-Yan Fan's AIB Bank current account ceased. From September 2012 her salary was credited to this account. She resumed using this account to make credit card payments in August 2012. She made four in-branch round sum withdrawals of cash which totalled €9,200.
186. Two round sum cash lodgements of €6,000 and €2,600 were made to Yan-Yan Fan's PTSB current account on 16 January 2012 and 30 January 2012. These were used to fund payment of two cheques. A further lodgement of €1,100 on 16 February was also used to fund payment of a cheque. Six further cash lodgements were made to this account using ATMs in Blanchardstown during 2012. The total of these further lodgements was €10,270. This money was spent in shops, chemists and supermarkets. €2,183 was spent in Brown Thomas.
187. Gui Yu Bi's AIB Bank current account was opened with a branch lodgement of €150 on 18 October 2012. It received a branch lodgement of €2,000 on 30 October 2012 and a further branch lodgement of €660 on 10 December 2012. During that period, the bank card on this account was used to make cash withdrawals at ATMs in AIB Bank Blanchardstown, College Street, Dublin and at a petrol station in Navan. It received a credit from "Gui Yu Bi" of €34,912, consistent with a transfer of Chinese currency, on 17 December 2012.
188. Yan-Yan Fan exhibited a copy of Chinese document dated 29 August 2012 in an affidavit in her application under s.19 of the 2010 Act to the District Court. She stated that this related to a sale of land in China for RNB 501,000. This document refers to RNB 401,200. She also produced a copy bank statement showing credit of RNB 510,000 on 7 November 2012 with an interest maturity date of 21 February 2023. This recorded a series of other transactions on the same day.
189. This document does not demonstrate a direct connection between a sale of a property in China in August 2012 with the €34,912 transferred to Ireland on 17 December 2023. The copy of a certificate of deposit of RNB 510,000 exhibited was not very legible and appears to be dated somewhat earlier. A possible explanation was that a lodgement of RNB 401,200 was made on an earlier page in bank statements. The copy statement exhibited shows RNB 425,000 credited on 16 October 2015.

190. On 19 December 2012 Gui Yu Bi's account received a further lodgement of €2,300 at an ATM in Blanchardstown. On 21 December 2012 two further lodgements of €600 and €2,400 were made to this account using a bank card "ending 4675." Visa debit details from Brown Thomas on Yan-Yan Fan's loyalty card show that this card was issued to Gui Yu Bi. Other credits to this account during this period consisted of two credit transfers of €5,000 and €1,000 on 19 and 20 December 2012 and a lodgement of €5,000 through "An Post3230." The total value of these Euro round sum lodgements was €19,110. All of this money came from undisclosed sources.
191. The pattern of these credits and of other transactions on this bank account shows that Yan-Yan Fan controlled Gui Yu Bi's current account and used it for her personal purposes. As of 2 January 2013, after reversal of two debits to Brown Thomas, this account held a credit balance of €51,611.
192. A feature of transactions on Gui Yu Bi's AIB Bank current account during 2012 and into March 2013 and again in June 2013 was reversal of debits for high value purchases from Brown Thomas.
193. In each case a debit for a purchase was followed by a credit from Brown Thomas a day or two later. In one case the amount refunded was in excess of the amount originally debited, suggesting part-payment in cash. There were eight of these transactions on Gui Yu Bi's current account. They had a total value of €13,320. A debit of €1,186 to Brown Thomas from Yan-Yan Fan's AIB Bank current account on 2 December 2013 was reversed on 9 December 2013.
194. Debits of €1,300, €563 and €1,260 to Brown Thomas from Gui Yu Bi's current account on 11 April 2014 and 14 April 2014 were reversed on 22 April 2014, 23 April 2014 and 24 April 2014.
195. A debit of €1,188 to Brown Thomas from Yan-Yan Fan's AIB Bank current account on 27 October 2016 was reversed on 2 November 2016. A debit of €860 to Brown Thomas on Yan-Yan Fan's Bank of Ireland current account on 30 November 2017 was reversed on 4 December 2017.
196. During 2013 Yan-Yan Fan operated her three current accounts and had operating access to the AIB Bank current account in the name of Gui Yu Bi.
197. She did not make much use of her Bank of Ireland current account during 2013. She made two cash lodgements of €1,000 and €6,900 in January and December 2013. These funds came from undisclosed sources. They did not come from the other current

accounts. This current account was used to pay €1,870 to Brown Thomas on 10 December 2013.

198. Yan-Yan Fan's AIB Bank current account was credited with her salary and child benefit during 2013. The total value of out of course round sum credits to this current account during 2013 was €42,780. There were thirty-six of these credits. Many were cash lodgements of €500 and €600 at ATMs. Two of these credits were designated as "me" and were funded from an unknown source.
199. Yan-Yan Fan borrowed €14,000 from AIB Bank on 14 November 2013. This sum was credited to her current account. This money was used to fund payments to two Chinese nationals €5,000 each and a cash withdrawal of €4,000. This loan was repaid in full by February 2015 by monthly direct debits of €301 and by three out of course transfers from her current account in February 2015 which totalled €9,900.
200. Payments from Yan-Yan Fan's AIB Bank current account in 2013 related to rent of her apartment, car insurance, petrol, mobile telephone, electricity and sums for some shopping. This current account was rarely used that year to settle credit card bills. A payment of €1,500 to Brown Thomas and a cash withdrawal of €7,500 on 4 November 2013 were part-funded by funded by a transfer of €3,000 from an unknown source. The total of in-branch round sum cash withdrawals from this account in 2013 was €19,000. This money was taken out in five withdrawals of sums ranging from €1,000 to €4,500.
201. In January 2013, a total of €26,620 was lodged or credited to Gui Yu Bi's AIB Bank Current account in eight transactions. A lodgement of €3,000 was made using an ATM in AIB Bank, Cavan. Four lodgements were made at AIB Bank ATMs in Grafton Street using her bank card. €8,000 was credited through "An Post3230." A further €6,000 was transferred into this account in two transfers with the narratives "FIVE THOUSAND" and "\*MOBI CURRENT-094." These credits increased the credit balance on the Gui Yu Bi current account to €78,578.
202. The total of round sum credits to the Gui Yu Bi current account for the period between February and December 2013 was €28,650. Three of these credits came from Yan-Yan Fan's AIB Bank current account. Most of the other credits consisted of cash lodged through ATMs in Dublin City Centre or Blanchardstown. This account was used to pay €12,297 in credit card bills to Bank of Ireland and other card providers during 2013. ATM withdrawals of cash during that year totalled €27,710. At the end of 2013, this current account held a very small credit balance.

203. The number and pattern of transactions on the Gui Yu Bi AIB Bank current account during this period show that it was operated by Yan-Yan Fan. She used it to make internet and AIB "Kiosk" transfers of money into her AIB current account and one or more other accounts designated as "KSK ME" or "INET ME." These transfers totalled €29,396, of which €3,996 was transferred to her AIB Bank current account.
204. Yan-Yan Fan's PTSB current account was rarely used during 2013. This account was funded by a series of small cash lodgements at ATMs. These totalled €6,410.
205. In 2014 Yan-Yan Fan operated her current accounts at AIB, Bank, PTSB, Bank of Ireland and Ulster Bank. She also used Gui Yu Bi's AIB Bank current account.
206. Academy Square was bought in July 2014 for €81,000. The principal deponent on behalf of the Bureau examined the conveyancing file relating to this transaction and ascertained that the purchase price was part-funded by bank drafts on AIB Bank for €37,995 and €15,000 and a bank draft on Bank of Ireland for €15,000. She did not exhibit a copy of the solicitors' ledger showing receipts and disbursements relating to this transaction. She stated in her affidavit that Yan-Yan Fan issued a cheque for €3,000 to the seller's estate agent to buy this property in or around January 2014.
207. There is no record of issue of a cheque on any of the current accounts controlled by Yan-Yan Fan. Yan-Yan Fan made a cash withdrawal of €3,000 from her AIB bank current account on 13 January 2014. All that can be said is that the source of any €3,000 booking deposit paid for Academy Square has not been identified. It did not come from Gui Yu Bi's AIB Bank current account.
208. Yan-Yan Fan lived in an apartment in Falcon's View, Blanchardstown during 2014. She used her Ulster Bank current account to pay monthly rent for this apartment. This account was credited with three sterling cash amounts in March and April 2014. It received a lodgement of €1,350 cash, described as from "Richard" on 30 May 2014. She received a further small credit from Guang Ying Wang in July 2014.
209. The total of cash lodgements Yan-Yan Fan's Ulster Bank current account during 2014 was €25,093. €7,442 of this represented sterling cash lodged. This account also received a total of €4,600 in three round sum credits from other bank accounts. Two of these credits were transferred to meet monthly rent payments. These three credits did not come from the other current accounts controlled by Yan-Yan Fan. The sources of all of these credits, except those from Guang Ying Wang, have not been identified.
210. Yan-Yan Fan's Ulster Bank card was used to in Pomeroy, County Tyrone and Gatwick Airport to make small sterling cash withdrawals or purchases around the time when

she received the small credit transfer from Guang Ying Wang. The main withdrawals from her account were €4,000 transferred to the account of a Chinese national, €3,000 in cash in late August 2014, bank drafts for €2,997 and €1,000, a debit of €1,871 and a payment of €1,786 to Dublin City Council in May 2014. This was consistent with payment of a half-year's rates on a commercial property.

211. Yan-Yan Fan's Bank of Ireland current account received €34,367.53 in credits in 2014. €28,390 of these were round sum credits. The sources of all of these credits are unidentified. The largest of these credits was an account transfer of €14,600 on 21 July 2014. This money was used to fund a bank draft for €15,000 which was bought on 23 July 2014. This bank draft was used to buy Academy Square.
212. This current account was used to make two payments of €3000 each to a Chinese national in late September and early October 2014. It was used to pay €2,816 to Bank of Ireland MasterCard. €1,500 was withdrawn from this account cash. A number of smaller sums totalling €7,600 were withdrawn using ATMs.
213. Yan-Yan Fan's AIB Bank current account was used to receive her salary and child benefit in 2014. Her salary was paid fortnightly and was €505.59. She also received a total of €7,000 in four round sum credit transfers from a number of Chinese nationals in January 2014. In February 2014 she received a refund of €875 from Brown Thomas on an expenditure which had not been incurred from this account. She received to further credit transfers which had a total value of €9,400 in May and July 2014. The latter of these was used to fund a payment of €4,944 designated "*\*MOBI GUI YU BI-18*" on 23 July 2014. This went into Gui Yu Bi's AIB Bank current account. A flurry of cash lodgements at ATMs the following day was accompanied by a cash withdrawal of €5,050.50.
214. These transactions coincided with the purchase of two bank drafts of €15,000 each, using the Yan-Yan Fan Bank of Ireland current account and Gui Yu Bi's AIB Bank current account. There can be little doubt that these transactions were co-ordinated by Yan-Yan Fan and that part of the balance of the money to pay for Academy Square came from her AIB Bank current account. €4,944 was sent to Gui Yu Bi's current account. This credit helped to fund the bank draft paid for out of money in that bank account.
215. The total of cash lodged to Yan-Yan Fan's AIB Bank current account in-branch or by ATMs in 2014 was €25,950. She also received on 2 October 2014 a payment of €1,900 designated "*MUM.*" On 10 October 2014 she received a credit transfer of €3,500. These credits did not come from Gui Yu Bi's AIB Bank current account. From 9 October 2014 Yan-Yan Fan was receiving €600 a month in rent. This related to Academy Square.



216. The total value of round sum credits to the AIB Bank current account in the name of Gui Yu Bi during 2014 was €53,670. Of these €35,030 were cash lodgements using ATMs. Most of these lodgements were at AIB Bank branches in Blanchardstown and Westmoreland Street. Three of these lodgements on 11, 14 and 22 July 2014 were made at AIB Bank Dungloe, County Donegal.
217. There was a flurry of lodgements to Gui Yu Bi's AIB Bank current account in the days leading up to 15 July 2014. These included an internet credit €4,576 from an unknown source and a credit of €9,424 from China. Their purpose was to fund a bank draft issued on 15 July 2014 for €37,958 which was used to buy Academy Square. The purchase of the bank draft for €15,000 on 23 July 2014 which was also used to pay for Academy Square was also preceded by a flurry of lodgements.
218. Yan-Yan Fan stated on an affidavit in her application to the District Court under the s.19 of the 2010 Act that the money to purchase Academy Square came from her mother and that her mother and father brought cash from China. She claimed that it would be common to bring in cash in this way.
219. It is more probable than not that Yan-Yan Fan's parents did not provide any significant contribution to the purchase price of Academy Square. It is most unlikely that the cash lodgements to Yan-Yan Fan's account or Gui Yu Bi's account represented Euro brought by her parents from China. The only money from China which was used to assist this purchase was the credit for €9,924.
220. As a matter of probability, Academy Square was at all relevant times owned and controlled by Yan-Yan Fan. She provided nearly all the money to buy this property. Gui Yu Bi was only the owner on paper.
221. Yan-Yan Fan's bank accounts showed limited evidence of expenditure on necessities of life during much of 2014. They give no indication of how she paid credit card bills or for childcare during that year. It is impossible to avoid the conclusion that she had a fund of undisclosed cash to meet her commitments, though items returned unpaid on her AIB Bank current account show that cash was sometimes in short supply during that year.
222. The next property acquisition took place in 2015. This was the purchase of Liffey Walk.
223. In March 2015 Yan-Yan Fan contacted the solicitor who had acted for her in the Henrietta Place lease. She told him that she would look for a mortgage from AIB Bank and get money from relatives in China to pay for Liffey Walk. She also indicated that she intended to put this property in her mother's name and in her name. In late March

2015 she was trying to get a PPS number for her father. She also discussed giving title deeds to a friend as security for a loan.

224. Xi Min Fan's current account received a remittance of €44,948 from China on 13 April 2015.
225. On 20 April 2015 Yan-Yan Fan told her solicitor that her parents were in Ireland at that time and wanted to view Liffey Walk before their departure on 3 May 2015. She wanted to ensure that her mother would be the sole person on the deed and stated that "funds are my parents life savings."
226. By 20 April 2015 Yan-Yan Fan had arranged get €100,000 of the money needed to pay for Liffey Walk from members of a family in County Meath. This connection was through the landlord of her casino in Navan. He gave a loan to her €50,000 from money in a joint account of himself and his wife at Bank of Ireland, Navan. He also organised for his brother to loan Yan-Yan Fan €50,000 from credit union savings.
227. The terms of the loan from Yan-Yan Fan's landlord's brother were reduced to writing. Yan-Yan Fan was to pay back €55,000 within a year and his brother's wife was to hold the deeds to Academy Square as security.
228. On 15 April 2015, Navan Credit Union issued a cheque for €50,000 in favour of the solicitors for the vendor of Liffey Walk. On 21 April 2015 Bank of Ireland, Navan issued a draft for €50,000 in favour of the solicitors for the vendor of Liffey Walk. A bank draft was issued by AIB Bank Navan for €45,300 in favour of the solicitors for the vendor of Liffey Walk on 20 April 2015. The cost of this was debited to the current account in the name of Xi Min Fan at AIB Bank. Navan.
229. On 27 April 2015 Gui Yu Bi's AIB Bank current account received a payment of €44,949 from China. This was used to buy a bank draft for €45,000 on 27 April 2015. This bank draft was used to repay Yan-Yan Fan's landlord. It was payable to Yan-Yan Fan's landlord's wife. Yan-Yan Fan also bought a bank draft for €10,000 on Ulster Bank on 27 April 2015. She confirmed to the Gardaí in interview that this draft was also payable to her landlord's wife. It related to repayment of the loan of €50,000. It is clear from this that both of her deals with her landlord's family required that she repay €55,000.
230. Yan-Yan Fan stated on affidavit in her District Court application under s.19 the 2010 Act that the second loan of €50,000 "was repaid by my mother from the sale proceeds of 69 Academy Square." This was not correct.

231. On 29 April 2015 Yan-Yan Fan provided four bank drafts to her solicitor for €3,920 odd. She bought these bank drafts in Ulster Bank College Green. She made a cash lodgement of €2,000 to put her Ulster Bank current account in funds to cover their cost. It is not clear what element of the cost of acquisition of Liffey Quay was covered by these drafts.
232. In 2015 Yan-Yan Fan rarely used her bank accounts to spend money on the necessities of life. If she was using credit cards in 2015, she did not settle bills relating to those card bills from her Irish bank accounts. It is clear that she had access to large supplies of ready cash from undisclosed sources during 2015 in addition to her legitimate PAYE earnings. She introduced cash from these sources into her bank accounts and also into the bank accounts of her parents.
233. In 2015 Yan-Yan Fan's AIB Bank current account received her salary until 14 April 2015. It also received monthly child benefit payments. It received €38,370 in round sum cash lodgements. In the period between 15 February 2015 and 3 March 2015, nearly €15,000 was lodged. This money was used to buy a bank draft for €15,700. This account also received monthly rent of €600 from the tenant of Academy Square. This rent increased to €700 a month in October 2015. Other receipts included some credits from Gui Yu Bi's AIB Bank current account and over €8,000 in other out of course round sum credits.
234. Payments from Yan-Yan Fan's AIB Bank current account in 2015 included a credit transfer of €500 to Guang Ying Wang on 11 March 2015, card payments of €1,000, €1,200 and €400 to the Fitzwilliam Casino on 16 March 2015, 8 July 2015 and 13 July 2015, and a card payment of €200 to the D1 Club on 19 March 2015. This account was not used to pay her rent and was rarely used for expenditure on necessities. It is likely that these payments to casinos were at the behest of Guang Ying Wang.
235. Yan-Yan Fan's Bank of Ireland current account was not used during 2015.
236. She made two sterling cash lodgements to her PTSB current account on 22 April 2015 and 24 July 2015. These had a total value of €1,253 odd. She made a series of three ATM lodgements at an ATM in PTSB Blanchardstown on 22 and 27 April 2015. These had a total value of €3,180. She also lodged €5,500 cash in-branch on 27 April 2015 and bought a bank draft for €10,000. She lodged €2,000 in cash at an ATM in St Stephen's Green on 29 April 2015 and withdrew €1,500 and €500 at ATMs in Grafton Street and St Stephen's Green later that day. She made two further lodgements to this account by ATM during 2015. These had a total value of €600.

237. Yan-Yan Fan's Ulster Bank current account received her salary after 14 April 2015. The remaining credits to this account during that year were cash lodgements. These totalled €23,170. This account was used occasionally in shops and for cash withdrawals at ATMs. The bank card relating to this account was used twice to make payments in the D1 Club in July 2015. These payments came to €900. It was used to make a small payment in a hotel in Gweedore, County Donegal on 27 October 2015. It was used to buy Aer Lingus flight tickets and an EasyJet flight ticket. It was used in Belfast on 22 June 2015 and to buy over €4,000 in Chinese currency in London on 24 July 2015.
238. In 2015 Gui Yu Bi's AIB Bank current account received a number of cash lodgements. The first of these for €2,300 was on 27 February 2015. On 9 March 2015, a further €1,250 was lodged using bank card "*ending:4675*" issued on that account. On 20 April 2015 €5,000 was lodged through an ATM in Blanchardstown and a further €4,950 was lodged using an ATM in Grafton Street. €10,000 was withdrawn in cash on 24 April 2015. A further €3,900 was lodged at an ATM in AIB Bank, Capel Street on 3 July 2015 with the notation "*3MONTH RENT LIAM.*" €2,600 of this money was transferred to Yan-Yan Fan's AIB Bank current account. Further cash lodgements of €1,560, €2,600, and €2,600 were made on 10 August 2015, 27 August 2015 and 27 October 2015. The two latter amounts appear to represent rent for Liffey Walk.
239. On 20 April 2015 €5,000 was lodged to the credit of Xi Min Fan's AIB Bank current account at an ATM in Grafton Street using "*Card ending:5663.*" The information provided relating to the use of Yan-Yan Fan's Brown Thomas loyalty card shows that this bank card related to Xi Min Fan's current account. This lodgement was necessary because €5,000 had been withdrawn by an internet transaction in favour of an unknown account of Yan-Yan Fan on 15 April 2015.
240. While Yan-Yan Fan claimed in her affidavit in the District Court proceedings that she had access to her mother's bank accounts, but did not control them, banking records relating to these accounts covering the years 2013, 2014, 2015, 2016 and 2017 show a very high degree of coordinated activity. It is probable that she had control of these accounts during those years and that her parents acted at her behest in opening these accounts and making whatever transactions required their personal attendance at bank branches.
241. In her affidavit sworn on 7 June 2023 in the District Court proceedings under the 2010 Act, Yan-Yan Fan provided an explanation of the source of remittances from China to Ireland in 2015.
242. She stated that in February 2015 her father sold a two-bedroom apartment for RNB 764,000 which she said was the Chinese currency equivalent of €115,000. She explained that he got this property in 2005 as compensation for a house demolished

as part of a Government redevelopment scheme. She stated that this money was lodged to her father's Chinese bank account. She exhibited a copy of a sale contract.

243. She also exhibited copies of bank account statements which she identified as held by her parents. One of these shows a deposit of RNB 764,000 and a withdrawal of €45,000. Another also shows a withdrawal of €45,000. There is no doubt that two sums of €45,000 were transferred from China to accounts of Xi Min Fan and Gui Yu Bi on 13 April 2015 and 27 April 2015. This documentation supports Yan-Yan Fan's explanation that €90,000 of the money used to buy Liffey Walk came from sale of a property in China.
244. She stated that the rest of the money she got was cash from her parents. She stated that each of her parents brought up to €10,000 in cash when they visited her in Ireland and that other cash into her account came from repayment of loans which she made to others or were proceeds of sales of oysters.
245. The sources of most of the cash lodged to bank accounts operated by Yan-Yan Fan during the period between 2005 and 2015 are unexplained. Yan-Yan Fan's explanation in her affidavit in the District Court that any funds lodged to her account other than her wages would have been from her parents in the form of Euro cash taken by them from China on their visits to Ireland was implausible. Her other explanations relating to sources of these cash lodgements were also implausible.
246. Academy Square was sold in May 2016.
247. Yan-Yan Fan repaid the loan by her landlord's brother in April 2016. On 7 April 2016 Yan-Yan Fan bought a bank draft for €50,000 which she used to repay this loan. On 10 May 2016, the wife of her former landlord's brother signed an acknowledgement that this loan was repaid and released back whatever "*title documents*" she held relating to Academy Square. The evidence does not disclose whether these lenders received the extra €5,000 promised. The signed acknowledgement did not refer to this. No cash withdrawal or transfer of €5,000 was made from Irish bank accounts controlled by Yan-Yan Fan around that time.
248. In order to fund repayment of the outstanding loan relating to Liffey Walk, Yan-Yan Fan introduced cash into bank accounts which she controlled and funnelled that cash into buying the bank draft for €50,000. The total of this cash came to over €40,000.
249. She took €8,100 out of her father's AIB Bank current account and routed through her own AIB Bank current account into her PTSB current account. These transactions were

funded by two cash lodgements totalling €8,000 to her father's AIB Bank account at ATMs on Grafton Street on 29 March 2016.

250. She took €5,960 out of her mother's AIB Bank current account and put it into her PTSB current account. This transaction was funded by two cash lodgements for a total of €5,960 to her mother's AIB Bank current account at ATMs at AIB Bank Westmoreland Street on 29 March 2016.
251. Yan-Yan Fan's parents did not provide any of this money from their own resources.
252. Yan-Yan Fan lodged €18,200 in cash into her PTSB account between 31 March 2016 and 7 April 2016. She also lodged sterling cash, which converted to €1,570, into this account. The balance of the money to buy the PTSB bank draft for €50,000 was funded by transfers from Yan-Yan Fan's AIB Bank current account. These transfers were paid for by credits to her account from disparate sources. Some of the underlying funds came from a bank loan which she took out in February 2006. She also made cash lodgements of €7,100 to her AIB Bank current account. She received a credit of €1,500 to her AIB current account from "*Sophie*."
253. Yan-Yan Fan routed €5,850 from her Ulster Bank current account into her PTSB current account to help pay for the bank draft for €50,000. This payment was funded by lodgements to her Ulster Bank current account which comprised a mixture of salary, rent receipts and cash lodgements.
254. The result of all of these movements of money was that Yan-Yan Fan's parents contributed €89,898 to the price of Liffey Walk. This figure disregards a withdrawal of €4,500 from her father's current account on 13 April 2015 which was replenished by a cash lodgement of €5,000 on the following day.
255. On 19 May 2016, a bank draft for €127,110 from the proceeds of sale of Academy Square was lodged to Gui Yu Bi's AIB Bank current account at an ATM at AIB Bank, Capel Street.
256. Yan-Yan Fan's Bank of Ireland current account was reactivated in 2016. On 6 January 2016, this account received a credit transfer of €5,000 from an unknown source. This was used to make a Bank of Ireland credit card payment of €4,829. From April 2016 this current account was used to receive monthly payments of child benefit.
257. This current account received €14,900 in cash lodgements made at ATMs during 2016. It also received some online credit transfers. €8,732 was paid from it to Bank of Ireland in discharge of credit card bills during that year. €4,513 was paid from it for oysters in

April, May and June 2016. This account was also used to make childcare payments between February and June 2016.

258. Yan-Yan Fan's AIB Bank current account was used to receive rent from Academy Square and money from "*Sophie*." On 16 February 2016 she borrowed €15,000 from AIB Bank on term loan. This loan was repaid by monthly debits of €314 from her current account. This current account received €30,665 in round sum cash lodgements at ATMs during 2016. This current account also received €37,740 in transfers from Gui Yu Bi's AIB Bank current account in the period after 19 May 2016.
259. A bank card associated with Yan-Yan Fan's AIB Bank current account was used to withdraw cash and make a number of purchases in Madrid and in Valencia between 4 October 2016 and 24 October 2016.
260. On 10 May 2016 Yan-Yan Fan opened a deposit account at Ulster Bank, 33 College Green. On 10 June 2016 she made a cash lodgement of €500 to that account. On the same date that account received an automated credit of €50,000. This money came from Gui Yu Bi's AIB Bank current account. This money came from the proceeds of sale of Academy Square.
261. By the end of 2016, the balance on this deposit account had reduced to €19,002 as a result of a series of withdrawals which started on 12 September 2016. Most of these were transfers of money to fund payments from Yan-Yan Fan's Ulster Bank current account.
262. Yan-Yan Fan's Ulster Bank current account was used during 2016 to receive her salary and pay monthly rent for her apartment. It received cash lodgements of €16,110 during that year. This money was used to pay a total of €19,000 to the Fitzwilliam Card Club in September and November 2016. A bank card relating to that account was used to make purchases in Switzerland, Milan, and Barcelona during August 2016. She stopped receiving salary from her Westmoreland Street employer in August 2016.
263. Yan-Yan Fan's PTSB current account received Euro cash lodgements of €33,800 during 2016. Most of this money was used to repay the outstanding loan of €50,000 for Liffey Walk. The rest of these lodgements funded ATM withdrawals and miscellaneous payments.
264. The manner in which her bank accounts were operated during 2016 shows that Yan-Yan Fan continued to have ready access to substantial cash from undisclosed sources to fund her lifestyle that year. She was abroad. It is likely that she used cash or credit

cards funded by cash from undisclosed sources to meet her outgoings and to fund discretionary spending.

265. Gui Yu Bi's AIB bank current account received €33,610 from cash lodgements at ATMs during 2016. It also received a lodgement of €9,439.49 at AIB Bank in Navan on 5 September 2016. The bank card associated with Gui Yu Bi's account was used to make this lodgement. This bank account received €127,110, representing most of the proceeds of sale of Academy Square, on 19 May 2016. By the beginning of December 2016, all of these credits had been transferred out of this account. It was used to pay €7,569 for oysters during July, October and December 2016. The bank card relating to this account was used to withdraw cash from an ATM at a bank in Italy on 16 August 2016
266. The main transactions on Xi Min Fan's current account at AIB Bank in the early part of 2016 related to Yan-Yan Fan's repayment of the €50,000 loan. This account also received three cash lodgements having total value of €10,250 in the period between June 2016 and the end of December 2016
267. Distillery Quay was bought in 2017 for €115,000. Gui Yu Bi was ostensibly the purchaser of this apartment.
268. However, the evidence establishes as a matter of probability that Distillery Quay was bought, paid for and owned by Yan-Yan Fan and was under her control. Her method of funding this purchase was similar to that which she used for Liffey Walk. She introduced cash from undisclosed sources to fund this purchase.
269. This cash ended up in five bank drafts which were used to complete the purchase of Distillery Quay at the end of a labyrinthine sequence of transactions.
270. Details relating to money paid over for this purchase were set out in a cash account prepared by Malone & Martin. This document was exhibited in an affidavit sworn by Yan-Yan Fan in her application to the District Court under s.19 of the 2010 Act. Copies of three of the five bank drafts used to fund the purchase were also exhibited in an affidavit sworn on behalf of the Gardaí in those proceedings.
271. The total cost of purchase of Distillery Quay was €121,095. The cash account disclosed that a bank draft for €5,000 was provided as a booking deposit on 14 December 2016. This may not be correct. The bank statements show no evidence of purchase of a bank draft around that time. The only debit of possible relevance was an internet transfer of €5,000 from Gui Yu Bi's AIB Bank current account on 7 December 2006 to an unknown beneficiary. This was funded by two cash lodgements at an ATM in Grafton



Street. The maker of these lodgements used a bank card issued on Gui Yu Bi's AIB Bank current account.

272. The cash account of Malone & Martin relating to the purchase of Distillery Quay recorded that Yan-Yan Fan made a payment of €5,500 on 23 March 2017. This money was used to pay the balance of a €11,500 contract deposit to the vendor's solicitor.
273. This payment was made by a bank draft issued by AIB Bank. This bank draft was bought by Yan-Yan Fan on 23 March 2017. The funds to buy it consisted of cash lodgements to Yan-Yan Fan's AIB Bank current account.
274. Yan-Yan Fan's former landlord contributed to the cost of Distillery Quay by providing three bank drafts which he delivered to Malone & Martin on 2 August 2017. These had a total value of €50,000. They were drawn in favour of Malone & Martin. They were dated 1 August 2017 and 2 August 2017. The first was an Ulster Bank draft for €5,000. The second was an AIB Bank draft for €5,000. The third was a Bank of Ireland draft for €40,000.
275. The probable explanation for this payment of €50,000 is that it was connected to a bank draft for €50,000 which Yan-Yan Fan bought from Ulster Bank on 12 May 2017. The funds to buy this bank draft came from Yan-Yan Fan's Ulster Bank savings account which at that time held a credit balance of over €70,000.
276. Yan-Yan Fan's former landlord told Bureau investigators that he provided the three drafts as a loan to Yan-Yan Fan and got repaid in cash. My provisional view was that this explanation of his role in the transaction relating to Distillery Quay was unlikely to be correct and that the probable true explanation was that he returned to Yan-Yan Fan €50,000 which she had given to him in May 2017.
277. Yan-Yan Fan needed to put together funds to buy Distillery Quay. It struck me as unlikely that she would put together a sum to buy a bank draft for €50,000 to make a loan to a third party and at the same time put together an equivalent amount of money to buy Distillery Quay. The two transactions were connected. The money which she collected and used to buy the bank draft for €50,000 came back to her in the form of the three bank drafts for equivalent value which were provided by her former landlord to Malone & Martin.
278. Yan-Yan Fan's Ulster Bank savings account was originally funded by €50,000 which came from proceeds of sale of Academy Square. The credit balance on this account was depleted to €14,002 by 10 February 2017.

279. This savings account was put in funds to pay for the bank draft for €50,000 by a series of transactions which involved transfers of money from current accounts in the names of Yan-Yan Fan, Gui Yu Bi and Xi Min Fan. Most of this money can be traced back to cash lodgements to these accounts at ATMs at Blanchardstown and in Dublin City Centre.
280. There were sixteen relevant credits to Yan-Yan Fan's Ulster Bank savings account between 10 February 2017 and 10 May 2017. There was one debit of €2,000 from this account back to Yan-Yan Fan's current account during this period. The effect of these transactions was to increase the credit balance on this savings account to €70,500 at close of business on 10 May 2017.
281. The first, third, twelfth and sixteenth of these credits were savings transfers of €500 from her Ulster Bank current account on 10 February 2017, 13 March 2017 10 April 2017 and 10 May 2017. These were on foot of a standing order for automatic savings transfers of €500 from her Ulster Bank current account on the 10<sup>th</sup> business day of every calendar month.
282. The second credit was a transfer of €5,000 from the AIB Bank current account of Gui Yu Bi on 10 March 2017. This was funded by three cash lodgements. These were made at AIB Bank ATMs at Blanchardstown and Grafton Street between 27 February 2017 and 10 March 2017. These lodgements were made using "*Card ending: 4675.*" The total lodged was €8,730.
283. The fourth credit was a transfer of €3,800 from the AIB Bank Current account of Gui Yu Bi on 13 March 2017. This was also funded by the cash lodgements which funded the second credit.
284. The fifth credit was a transfer of €7,500 from Yan-Yan Fan's Ulster Bank current account on 14 March 2017. This transfer was funded by three credits to her Ulster Bank current account. The first was a cheque for €2,500 from an unknown drawer which was lodged on 10 March 2017. The second was a credit transfer of €4,850 from the AIB Bank current account of Xi Min Fan on 10 March 2017. This was funded by four cash lodgements at ATMs. Three of these were Grafton Street and one was at Blanchardstown. The total lodged was €6,485, and of this sum €4,285 was lodged between 6 and 10 March 2017. All of these four lodgements were made using "*Card ending: 5663.*" The third was a credit transfer of €1,600 from the AIB Bank current account of Xi Min Fan on 13 March 2017. This was funded by the four cash lodgements to his current account which totalled €6,485.

285. The sixth credit was a credit transfer of €4,100 from Yan-Yan Fan's PTSB current account on 16 March 2017. This transfer was funded by three credits to Yan-Yan Fan's PTSB current account. The first of these was a sterling lodgement with a value of €1,911 on 6 January 2017. The second was a cash lodgement of €2,000 at an ATM at PTSB O'Connell Street on 9 February 2017. The third was a cash lodgement of €1,300 at an ATM at PTSB in Blanchardstown on 20 February 2017.
286. The seventh credit was a transfer of €3,500 from Yan-Yan Fan's PTSB current account which was received on 27 March 2017. This was funded by a cash lodgement of €3,450 at an ATM in Navan on 23 March 2017.
287. The eighth credit was a transfer of €3,378 from Yan-Yan Fan's Ulster Bank current account on 28 March 2017. This was funded by two cash lodgements to her current account on 24 March 2017 and 28 March 2017 which totalled €3,000 and by the €1,600 from Xi Min Fan's AIB Bank current account, from cash which had also helped fund the fifth credit.
288. The ninth credit was a transfer of €5,000 credited as received from Yan-Yan Fan on 29 March 2017. The ultimate source of this was €5,000 cash lodged to Yan-Yan Fan's PTSB current account at an ATM in Blanchardstown on 24 March 2017 and transferred by her from that account on 28 March 2017.
289. The tenth credit was a credit transfer of €5,000 from the AIB Bank current account of Gui Yu Bi on 3 April 2017. This was funded by two ATM cash lodgements of €3,050 and €2,000, on 23 March 2017 and 24 March 2017. The first of these two lodgements was made in Grafton Street, using "Card ending: 4675." The second was made in Blanchardstown.
290. The eleventh credit was a credit transfer of €10,000 from the Bank of Ireland current account of Yan-Yan Fan, received on 4 April 2017. This payment was funded by four credits to Yan-Yan Fan's Bank of Ireland current account between 6 March 2007 and 24 March 2007. The first of these credits was a cash lodgement of €4,600 using an ATM at Bank of Ireland O'Connell Street on 6 March 2007. The second was a cash lodgement of €2,500 at the same location on 16 March 2007. The third was an internet transfer of €4,517 on 24 March 2007. The source of this credit is unknown. The fourth was a cash lodgement of €2,500 at an ATM at Blanchardstown Branch of Bank of Ireland on 24 March 2007. The three ATM lodgements were made using a bank card ending 4319.
291. The thirteenth credit was a transfer of €520 from Yan-Yan Fan's Ulster Bank current account on 18 April 2017. A credit transfer of €3,930 from Xi Min Fan's AIB Bank

current account which was received on 3 April 2017 funded this. This credit transfer was funded by a cash lodgement of €3,900 on 24 March 2017 to XI Min Fan's current account at an ATM at AIB Bank in Grafton Street, using "*Card ending:5663.*"

292. The fourteenth and fifteenth credits consisted of two transfers of €5,000 each, credited on 18 April 2017 and 20 April 2017. These came from Yan-Yan Fan's AIB Bank current account. They were funded by four lodgements which were made between 24 March 2017 and 18 April 2017. The first of these was a branch lodgement of €3,000 at AIB Bank Blanchardstown on 24 March 2017 with a notation "*Andy.*" This is likely to have been cash. The next three lodgements were made at ATMs, using "*Card ending: 7166.*" Sums of €3,000 and €1,660 were lodged at an ATM in Grafton Street on 24 March 2017 and 18 April 2017. €3,848 was lodged at an ATM in Westmoreland Street on 27 March 2017. This is likely to have been a cheque lodgement. The source of this credit is unknown.
293. The balance of the money to fund the purchase of Distillery Quay came from the bank accounts of Yan-Yan Fan and Gui Yu Bi. This money was used to buy two bank drafts which were delivered by Yan-Yan Fan to Malone & Martin on 4 August 2012.
294. The first of these bank drafts was drawn on AIB Bank in Blanchardstown. It was dated 2 August 2012 and was drawn in favour of Malone & Martin. The value of this draft was €40,000. It was paid for out of funds in Gui Yu Bi's AIB Bank current account.
295. The process of putting together this element of the money to buy Distillery Quay began with an ATM lodgement to Gui Yu Bi's AIB Bank current account on 1 June 2017. The total of cash lodgements to this account between 1 June 2017 and 2 August 2007 was €12,000. A further €15,450 was transferred into this account from Xi Min Fan's AIB Bank current account. These transfers were funded by cash lodgements to Xi Min Fan's AIB Bank current account at ATMs in Grafton Street and Capel Street. These lodgements started on 1 June 2017. The total lodged between 1 June 2017 and 1 August 2007 was €14,700.
296. Xi Min Fan's AIB Bank current account received a payment of €2,500 described as "*Malone and Martin*" on 2 August 2017. This contributed to the funds transferred to Gui Yu Bi's AIB Bank Current account. Gui Yu Bi's AIB Bank current account also received a credit of €5,000 on 2 August 2007 which was described as "*12ACADEMYDEPREFUND.*" This suggests that these payments represented refund of a deposit which had been paid relating to Academy Square.
297. All of these credits were used to fund the purchase of the bank draft for €40,000.

298. The second of these two bank drafts was drawn on AIB Bank in Capel Street, Dublin. It was dated 3 August 2017 and was in favour of Malone & Martin. The value of this bank draft was €19,595. It was paid for out of funds in Yan-Yan Fan's AIB Bank current account.
299. The process of putting together this element of the balance of the money to buy Distillery Quay began on 20 July 2017 with a cash lodgement of €1,100 at an ATM in Blanchardstown, using the bank card issued on this account. This was followed by a lodgement of €13,311 odd on 31 July 2017 at an ATM in Grafton Street using that bank card. These were followed by two internet transfers from Gui Yu Bi's AIB Bank current account for €710 on 31 July 2017. These were followed by two further credits of €2,200 and €2,850 described as "AIB" and "Yan AIB" on 1 August 2017. A further €1,400 was lodged to Yan-Yan Fan's AIB current account at an ATM at Capel Street on 3 August 2017, using the bank card issued on this account. None of these credits were sourced in Yan-Yan Fan's legitimate PAYE income.
300. My provisional conclusion was that on the balance of probabilities was that the cost of Distillery Quay was funded by Yan-Yan Fan from proceeds of crime and that her parents did not any contribute money towards this purchase. The money which she used originated in cash or other resources generated through criminal activity and were proceeds of crime. She used her parents' AIB Bank current accounts to launder cash into her bank accounts. This money and other credits from undisclosed sources were used to fund the purchase of bank drafts to buy Distillery Quay and to fund a swap arrangement whereby her former landlord provided €50,000 in the form of three bank drafts. The money which came from proceeds of sale of Academy Square also originated in proceeds of crime.
301. The general operation of Yan-Yan Fan's current accounts and those of her parents during 2017 followed the pattern of previous years and involved substantial cash lodgements at ATMs. The total cash lodged to her PTSB current account at ATMs during that year was €29,985. This money came from undisclosed sources.
302. The total cash lodged to Yan-Yan Fan's AIB Bank current account during that year was €62,040. Some of these lodgements record use of "Card ending: 7166" and "Card ending: 0442." Brown Thomas details associated with Yan-Yan Fan's loyalty card for 2017 records transactions associated with these cards in 2017 and 2018.
303. In addition, Yan-Yan Fan's AIB Bank current account received further lodgements totalling €22,648 which cannot be related to transfers from other accounts controlled by Yan-Yan Fan. This figure includes the cheque for €3,948 used to part-fund the cost of buying Distillery Quay. This money came from undisclosed sources. It excludes two bounced cheques for €5000 each.

304. Cash lodged to Yan-Yan Fan's Bank of Ireland current account using ATMs during that year totalled €32,610. In addition, a sum of €9,600 attributed to "Gu" was credited to this current account on 10 May 2017. This credit cannot be related to any other known accounts to which Yan-Yan Fan had internet access. All of these credits came from undisclosed sources.
305. Cash lodged to Yan-Yan Fan's Ulster Bank current account using ATMs during that year totalled €7,200. This account and her Ulster Bank savings account were closed on 21 July 2017 and the balances totalling €13,311 were withdrawn by a bank draft which was lodged to her AIB Bank current account.
306. Cash lodged to Gui Yu Bi's AIB Bank current account in 2017 from ATMs totalled €41,080. In addition, this account received monthly credits for rent from Liffey Walk and other credits from accounts controlled by Yan-Yan Fan.
307. Total cash lodged to Xi Min Fan's AIB Bank current account from ATMs during that year was €31,625. These accounts show funds transfers to Yan-Yan Fan in the period after Distillery Quay was bought.
308. In addition, a PTSB current account was opened in the name of Xi Min Fan on 25 August 2017. Four cash deposits which totalled €1,200 were made to that account during 2017. A total of €9,700 in cash was deposited to that account during 2018 and a further €1,000 in cash in 2020. This money was all withdrawn. Most of these withdrawals were in favour of Yan-Yan Fan.
309. In 2018, 2019 and 2020 the levels of cash lodgements to Gui Yu Bi's and Xi Min Fan's AIB Bank current accounts decreased. Yan-Yan Fan controlled transfers to and from these accounts.
310. In 2018 Gu Yu Bi's AIB Bank current account was credited with cash lodgements totalling €22,570. It was also credited with an out-of-course internet transfer of €10,000 from an unknown source on 17 October 2018. What happened to this money is unknown because the Bureau omitted to exhibit page 45 of the bank statement. This money was paid away by 29 November 2018 when the current account balance stood at €1,585. This current account was also in receipt monthly rent from Liffey Walk.
311. Yan-Yan Fan's AIB Bank current account was closed in January 2019 and a small debit balance on that account was paid off by a credit transfer from this account. On 16 May 2018 Gui Yu Bi's AIB Bank current account was used to make an international transfer

of €9,980. This was consistent with international transfers from the Bank of Ireland current accounts of Yan-Yan Fan and Guang Ying Wang between 2017 and 2020.

312. Brown Thomas records disclose that a BT loyalty card registered to Yan-Yan Fan was used to buy goods worth a total of €128,388 in the years between 2017 and 2020, with €45,418 spent in 2020 when Brown Thomas shops were closed to personal visitors for long periods, due to the pandemic. The figure for expenditure in 2019 was €24,934. The figure for expenditure in 2018 was €47,222. The figure for expenditure in 2017 was €11,813.19.
313. I have not been able to reconcile transactions recorded on bank account statements relating to Irish current accounts of Yan-Yan Fan, Gui Yu Bi and Xi Min Fan with records of use of bank cards associated with these accounts in Brown Thomas in association with Yan-Yan Fan's BT loyalty card.
314. Xi Min Fan's AIB bank current account was used to make a purchase of €1,890 from Brown Thomas on 31 July 2018. This was not recorded as made in conjunction Yan-Yan Fan's BT loyalty card.
315. On 26 July 2018, Gui Yu Bi's AIB Bank current account was used to make purchases of €360 and €990 from Brown Thomas. Brown Thomas records disclose that the bank card associated with this bank account was used to make purchases totalling €815 in conjunction with Yan-Yan Fan's BT loyalty card in 2019. The bank card associated with this account was used to buy Louis Vuitton and Max Mara goods worth €4,338 in Spain on 5 November 2018. A different card in Gui Yu Bi's name was used to buy items having value of €1,842 from Brown Thomas during 2018.
316. A record of use of Xi Min Fan's bank card "*ending 5663*" in association with purchase of goods from Brown Thomas worth €1,580 during 2020 in conjunction with Yan-Yan Fan's BT loyalty card is not reflected in any transaction recorded in the bank statement relating to his AIB Bank current account.
317. Total cash used in purchases associated with Yan-Yan Fan's BT loyalty card during these years was €50,390. Gift card purchases totalled €7,370. Benefits accrued on this card were used to make purchases of €2,646. The remainder of the purchases associated with this card were paid using bank and credit cards and some Chinese payment systems.
318. Yan-Yan Fan also used a BT loyalty card registered in the name of her daughter. This was issued on 1 April 2016. It was found in the search of the house of another Chinese national who was recorded as the employer of tenants of an apartment in Lower

Gardiner Street. Yan-Yan Fan and her mother were registered as landlords of this apartment.

319. Records of use of this card show use in conjunction with visa card "*ending 6435*", associated with Gui Yu Bi in Brown Thomas records relating to Yan-Yan Fan's BT loyalty card. They also show use in conjunction with card "*ending 4675*", associated with Gui Yu Bi's AIB Bank current account. The total spend on this BT loyalty card was €58,660, of which €15,929 was cash. €14,757 was on Mastercard and €13,538 was on Visa. Gift cards to the value of €8,441 were used to make payments associated with use of this loyalty card.
320. Yan-Yan Fan's Bank of Ireland current account was used to make payments to her Bank of Ireland Mastercard account during the period between 2017 and 2020. The total amounts paid during 2017, 2018 and 2019 were €10,940, €4,188 and €13,476, respectively.
321. Having considered all of this material I reached the following conclusions relating to the belief evidence of the Chief Bureau Officer:
  - a. The belief of the Chief Bureau Officer that Yan-Yan Fan has controlled money which represented proceeds of crime is reasonable and is supported by persuasive circumstantial evidence.
  - b. The belief of the Chief Bureau Officer that Yan-Yan Fan owned and controlled Liffey Walk and that that she used proceeds of crime to buy Liffey Walk is reasonable and is supported by persuasive evidence.
  - c. The belief of the Chief Bureau Officer that Yan-Yan Fan owned and controlled Distillery Quay and that she used proceeds of crime to buy Distillery Quay is reasonable and is supported by persuasive evidence.
  - d. The belief of the Chief Bureau Officer that Yan-Yan Fan used proceeds of crime to buy designer-label goods taken from Yan-Yan Fan's apartment at Cedarhurst Road during Garda searches in 2021 is reasonable and is supported by persuasive evidence.
  - e. The belief of the Chief Bureau Officer that the €14,255 cash found on the search of Cedarhurst Road on 14 July 2021 was proceeds of crime under control of Yan-Yan Fan or Guang Ying Wang is reasonable and is supported by persuasive evidence.



- f. The belief of the Chief Bureau Officer that €3,000 of €7,000 held by DNG Estates as a booking deposit paid by Yan-Yan Fan for an intended purchase of an apartment represents proceeds of crime controlled by Yan-Yan Fan is reasonable and is supported by persuasive evidence.

322. Overall, my provisional view was that evidence tendered by the Bureau established the following as a matter of probability:

- a. Yan-Yan Fan has been, since at least as far back as 2012, knowingly concerned in activity associated with cannabis production and has handled large amounts of cash derived from this criminal activity.
- b. Much of Yan-Yan Fan's expenditure on day to day living over the years was not routed through her bank accounts. She has lived off undisclosed cash which she used to meet credit card bills and her other expenses, including significant discretionary spending on holidays and designer-label fashion goods.
- c. Yan-Yan Fan was since 2005 knowingly concerned in activities which involved handling large amounts of cash as part of planned tax evasion. She operated bank accounts and moved money between those accounts with great astuteness. Some of this activity related to untaxed receipts derived from running a gambling business in Navan. She was able to set up and run a gambling business in Navan, County Meath between 2007 and 2009 using money from undisclosed sources. She took untaxed cash from that business. She also received substantial cash on disposal of that business.
- d. She was able to rent premises in Henrietta Place for €3,000 a month during 2012. Her contention to Gardaí that she knew nothing about the grow-house at 7A Henrietta Place in 2012 was not believable. There was nothing to show that she ever engaged in any legitimate business such as selling LED outdoor lights from that property.
- e. Yan-Yan Fan had direct control of the bank cards relating to AIB Bank current accounts of her parents and access to internet banking portals which allowed her to withdraw and transfer money from those accounts. She used those accounts to receive cash lodgements derived from proceeds of crime and to transfer money to her personal bank accounts. Transactions by her parents on these bank accounts took place at Yan-Yan Fan's behest.
- f. Yan-Yan Fan laundered proceeds of crime from Ireland to China by using money derived from crime to buy designer goods in Ireland and exporting them for resale

in China. She has also laundered proceeds of crime to China by funds transfers through the banking system. She used a number of credit cards, including Chinese credit cards. She funded card-holder accounts relating to these credit cards from proceeds of crime.

- g. Yan-Yan Fan used proceeds of crime to pay for Academy Square, Liffey Walk and Distillery Quay. She bought these apartments in the name of Gui Yu Bi. Yan-Yan Fan organised the sales of these apartments. She controlled these apartments.
- h. Part of the funding for the purchase of Liffey Walk came from Yan-Yan Fan's proceeds of crime.
- i. Yan-Yan Fan's parents did not make any significant contribution towards the purchase of Academy Square or Distillery Quay. A small amount of money from China was used to help fund the cost of buying Academy Square.
- j. Yan-Yan Fan's parents provided €89,898 towards the purchase of Liffey Walk. This money came from proceeds of sale of an apartment in China in February 2015. Proceeds of sale of an apartment in China in 2012 were not used to buy Academy Square. €14,000 derived from proceeds of sale of Academy Square was used to fund the purchase of Distillery Quay. In addition, refunds from solicitors totalling €10,000 which were connected with Academy Square were routed into the purchase of Distillery Quay.
- k. Yan-Yan Fan's claims in her District Court application under s.19 of the 2010 Act that the cash was put into her bank accounts and bank accounts of her parents was brought to Ireland by her parents on their visits, or represented earnings from selling oysters or repayment of loans by her to members of the Chinese community in Ireland or money from lodgers in her apartments were implausible. These vague assertions could not explain the sources of the vast amounts of cash which was credited to these accounts or her wherewithal to maintain her lifestyle and buy Academy Square, Liffey Walk and Distillery Quay.
- l. Her explanations to Gardaí for her wherewithal to buy the designer-label fashion goods which were seized from Cedarhurst Road were unconvincing. Furthermore, she did not provide a credible explanation for the very large value of transactions carried out in association with her BT loyalty card between 2017 and 2020.
- m. The designer-label goods seized from the apartment at Cedarhurst Road were not proved to be "*Daigou*" goods and it may be that some were bought at a discount or could be established to be gifts. Yan-Yan Fan did not have legitimate

wherewithal to buy these goods. Her vague explanations during Garda interviews did not address this issue. Her choice to buy these goods was a lifestyle choice which was made possible because she had disposable income for discretionary spending financed by proceeds of crime.

323. It followed from these provisional conclusions that the onus shifted Yan-Yan Fan to demonstrate that assets claimed by the bureau are not wholly or partly proceeds of crime. I was not persuaded by her evidence to alter my provisional conclusions in relation to most of these assets.
324. Much of the content of Yan-Yan Fan's affidavits in this application repeated points which she already made in her application to the District Court under s.19 of the 2010 Act. She exhibited further copies documents from China which she relied on as evidencing use of money from sales of apartments in China to acquire apartments in Ireland.
325. My conclusions relating to those documents have not altered. I did not accept a submission from the Bureau that these Chinese documents were not sufficiently authenticated. There is no evidence to support any suggestion that they were not copies of authentic documents.
326. However, these documents do not demonstrate that any more than the €89,998 transferred by Yan-Yan Fan's parents to Ireland in 2015 plus a further €9,425 transferred from China in June 2014, attributed to an account of Zheng Zeng Ying was used to acquire Irish apartments. I remain of the view that all of these transactions were organised by Yan-Yan Fan and that her mother was acting as a cypher to disguise her ownership of these apartments.
327. The documents exhibited by Yan-Yan Fan in her replying affidavits in this application disclose that the 2012 sale contract relating to an apartment in Dalian in China for a balance of RMB 404,200 was entered into by Yan-Yan Fan and not by either of her parents.
328. Yan-Yan Fan stated on affidavit that she brought €8,500 from China in cash on 19 February 2021 and used this money to pay the deposit of €7,000 to DNG Estate Agents. This does not explain why it was necessary to split this money and make a cash lodgement of €3,000 through Ulster Bank in O'Connell Street much later. Her explanation is not sufficient to displace my provisional conclusion on the likely provenance of this €3,000. Yan-Yan Fan has not demonstrated that the €8,500 was not itself sourced in proceeds of crime. Her legitimate Irish income could not support savings in a Chinese bank account.

329. I was not persuaded by the documents which Yan-Yan Fan produced in relation to her parents' wealth and pension income that this was the source of her wherewithal over the years.
330. Yan-Yan Fan exhibited a copy of an extract her mother's AIB Bank current account statement which she provided to Irish immigration authorities in support for an application for an investment visa. Much of the €75,000 credit balance shown on this was derived from cash lodged by Yan-Yan Fan. This money was depleted from Gui Yu Bi's current account by September 2013. It was not used to buy Academy Square. The money from China shown in this extract was funded by proceeds of sale of an apartment which was sold by Yan-Yan Fan.
331. Yan-Yan Fan has provided a detailed explanation relating to how her employer and her employer's daughter assisted her in buying her coat at *Barnardo's* in Grafton Street in 2011. While I accept this explanation, it does not adequately address the source of the cash lodgement to her AIB Bank current account which was used to fund this purchase. This cash did not come from the sale of her casino in Navan.
332. Yan-Yan Fan also claimed that she used redundancy money of €8,236 received from her employer in Westmoreland Street to buy property. Transactions on her Ulster Bank current account and other current accounts controlled by her show that she worked for that employer until August 2016 and then went on two holidays abroad. I have been unable to identify a lodgement to any bank account which corresponds with this payment. It seems more likely that that her redundancy money was spent on holidays.
333. I accept Yan-Yan Fan's explanation that she made a loan of €80,000 which was funded from proceeds of sale of Distillery Quay and that this was repaid to her. However, as these proceeds of sale related to a property which was bought with proceeds of crime, it follows that repayments which she received were also derived from proceeds of crime.
334. The money spent on Yan-Yan Fan's two BT loyalty cards, as evidenced by details provided by Brown Thomas, related to transactions during periods between 2016 and 2020 and 2017 and 2020. Her suggestion that the vast sums recorded as expended related largely to use by Chinese friends and tourists who she assisted as a tour guide seems wildly improbable. A very large number of these transactions were associated with use of two Mastercard accounts which she held. The first of these was a Chinese account on which she spent €13,860 at Brown Thomas in 2018. The second was her Irish Mastercard on which she spent €28,406 at Brown Thomas between 2017 and 2020. This included €17,886 in 2020 which cannot be traced to funding from Irish bank accounts under her control. The Brown Thomas department store in Dublin was closed and there were no tourists in Ireland for most of 2020. China was in lock-down.

335. Yan-Yan Fan has indicated that she used Chinese credit cards in connection with her BT loyalty card. She has not shown a lawful origin for her source of funding of those credit card accounts. It is probable that the money used to service these accounts originated in her Irish proceeds of crime.
336. I remain of the view that the cash introduced into the Irish bank accounts of Yan-Yan Fan and her parents came from Yan-Yan Fan and was derived from Irish proceeds of crime and not from Euro brought from China or from sales of oysters or from repayments of loans she made to members of the Chinese community or rent from lodgers, as she claims. Rent which she received or controlled from the Academy Square, Liffey Walk and Distillery Quay was derived from proceeds of crime.
337. Yan-Yan Fan has accountancy qualifications. Evidence presented by the Bureau shows that she is astute with money and not a spendthrift. She herself stated on affidavit that she closed her AIB Bank current account because of the fees charged. She fully understands that her explanations for large amounts of cash which went through her accounts and accounts of her parents which she controlled have not been vouched in any acceptable way.
338. Yan-Yan Fan has not adequately identified cash or any receipts relating to her trade in oysters or provided adequate explanations or records relating to this trading. Records obtained by the Bureau from her supplier in Donegal show that the volume this business could not explain cash lodgements to her Irish bank accounts and her parents Irish bank accounts.
339. It is clear from the evidence that Yan-Yan Fan negotiated for the purchase of the Smithfield property for €320,000 and that she intended that the money held by Malone & Martin from the sale of Liffey Walk and the money from the sale of Distillery Quay would be used for this purchase.
340. The evidence demonstrates that Yan-Yan Fan is an astute manager of businesses and finances. It is difficult to credit her evidence that because the upstairs had a separate entrance she was unaware of what was going on in the upper floors of 7A Henrietta Place in 2012. She was present at that location in October 2012. The electricity supply at the junction box in the premises has been altered to facilitate a cannabis grow-house and the windows were blacked out.
341. Yan-Yan Fan does not claim €12,415 of the cash found by Gardaí in her apartment on 14 July 2021. Her explanation for this is that Guang Ying Wang won this money in poker tournaments in the week prior to the search. Even if this was correct, it is clear

that Guang Ying Wang's wherewithal to win such large sums of money by gambling was derived from his criminal activities.

342. Yan-Yan Fan claims that €1,840 of this cash belonged to her and was money she put together to pay rent. She asserts that €875 came from her flatmate Guang Ying Wang and the rest was left over from the cash which she brought from China in February 2021. This explanation of retaining cash from China between February and July 2021 seems improbable. In any event there is insufficient evidence that the ultimate source of this money was not her Irish proceeds of crime. This reasoning also applies to cash which Guang Ying Wang provided to her as a contribution towards rent.
343. Yan-Yan Fan disputes any connection between funds which she remitted to Gui Yu Bi in 2010 with money which was later remitted to Gui Yu Bi's AIB Bank current account. While it was not necessary for me to come to a concluded view on this issue, the copy contract which Yan-Yan Fan exhibited related to a sale of an apartment by her in 2012. This apartment was not sold by Gui Yu Bi.
344. Yan-Yan Fan exhibited the cash account in relation to the sale of Academy Square. The reason for payments to Guang Ying Wang, Gui Yu Bi and Xi Min Fan totalling €10,000 on 1 and 2 August 2017 which appear to relate to Academy Square remains unclear.
345. Turning to the designer-label items seized by Gardaí from Yan-Yan Fan, her evidence is that items 21, 24, 28, 29, 30, 31, 33, 35, 45, 93 and 99 in the schedule to the originating notice of motion were low value items and were gifts or presents to herself and her daughter. I can accept the explanation in relation to the Swarovski stud earrings; item 45. Some of the other items are not the sort of things which a young child would normally receive as a present.
346. Yan-Yan Fan has provided a detailed affidavit and exhibited vouchers relating to many of designer-label items listed in the schedule to the originating notice of motion. This information shows that she used Irish and Chinese credit cards and accounts to buy many of these items. I accept her explanations that items 24, 28, 30, 31, 33, 35, 93 and 99 were presents and should be returned. I also accept Yan-Yan Fan's explanation relating to item 64 which appears to be almost valueless. I also accept her explanation of the provenance of item 100 and that item 36 was a free gift. I also accept that item 22 is valueless and it should be returned. I also accept her explanation relating to item 77. I also accept her explanations for items 82 and 83 which appear to be valueless trinkets which should be returned.
347. Yan-Yan Fan claims that one of the items is a defective bag which she was supposed to take back and get replaced some years after initial purchase. This seems unlikely.

The remaining items were bought by Yan-Yan Fan. It remains my view that her wherewithal to fund these purchases was derived from proceeds of crime. While she can show that she used credit cards to buy many of these items, her funding of these accounts came from undisclosed sources which were not legitimate earnings and were sourced in cash from proceeds of crime. Yan-Yan Fan does not make any claim to item 7 and asserts that she did not own it and that it was not seized from her.

348. It follows that there will be an order under s.3(1) of the 1996 Act in relation to €3,000 of the booking deposit This is item number 2, in the schedule to the originating notice of motion.
349. There will also be an order under s.3(1) of the 1996 Act in relation to the cash seized of €14,255. This is item 3 in that schedule.
350. It would be disproportionate to treat the value of the bank draft for €229,990 at item 1 of the schedule as proceeds of crime without making an allowance for the €89,998 provided by Yan-Yan Fan's parents. The order under s.3(1) of the 1996 Act relating to the value of this bank draft is subject to a proviso that €89,998 should be deducted and repaid to them. This will adequately recompense them for any lien which they might have over the proceeds of sale of this property.
351. I do not propose to give any credit for the €9,425 received by Gui Yu Bi from China as this money was not used in the purchase of Distillery Quay.
352. It is not possible to say that transactions on Yan-Yan Fan's Bank of Ireland current account after 22 October 2010 represented proceeds of crime. There is insufficient evidence of how she was making ends meet in 2021 and it would be speculation to treat accretions to the credit balance in this current account after 21 October 2010 as proceeds of crime.
353. The bulk of the credit balance in Yan-Yan Fan's Bank of Ireland current account as of 22 October 2020 related to money from derived from net proceeds of sale of Distillery Quay. It also included weekly earnings which Yan-Yan Fan was able to save by living off proceeds of crime. A cash lodgement of €4,060 was used to buy British Airways tickets.
354. I propose to make an order under s.3(1) of the 1996 Act in relation to €129,260. This is equivalent to the credit balance in that account on 22 October 2020. €5,000 bail money was paid out of that account for Guang Ying Wang on 21 October 2020. The order will also extend to a sum equivalent to that money if it was repaid into that account prior to the order under s.2(1) of the 1996 Act and forms part of the credit

balance specified in the originating notice of motion. This is because the bail money provided by Yan-Yan Fan for Guang Ying Wang was derived money from the sale of Distillery Quay which was an asset originally bought using proceeds of crime.

355. There will also be an order under s.3 of the 1996 Act in relation to the remaining items in that schedule with the exception of items 4, 5, 7, 11, 24, 28, 30, 31, 33, 35, 36, 45, 64, 77, 82, 83, 93, 99 and 100.
356. The evidence does not establish that there would be a serious risk of injustice if these orders are made. This matter will be listed in the next proceeds of crime list for further consideration of outstanding matters such as ancillary orders and orders relating to costs.