

THE GLOBE AND MAIL 

‘Fraud ring’ produced fake Morrisseau paintings, claim alleges

Famed Canadian tenor John McDermott is alleging that in 2003 he was sold three paintings attributed to Norval Morrisseau that he now believes are “fakes and imitations” produced by “a fraud ring operating out of Thunder Bay,” with a nephew of the legendary Ojibwa artist named as one of the “various forgers.”

JAMES ADAMS
October 25 2013

The explosive allegations are contained in a nine-page statement of claim filed Oct. 17 in Ontario Superior Court by counsel for Mr. McDermott, 58, the Scottish-born, Toronto-based singer best known for his 1992 hit interpretation of Danny Boy.

The statement of claim is part of a suit seeking more than \$69,500 in claims and damages from Toronto’s Maslak McLeod Gallery to whom Mr. McDermott says he paid \$15,000 in cash in August, 2003, for a trio of canvases by the Ojibwa artist.



Reports of fake Morrisseaus in the art market have been circulating – and have been strenuously contested – for years.

None of the allegations in the McDermott statement of claim has been proven in court, nor has Maslak McLeod owner Joseph McLeod responded yet with a statement of defence.

Brian Shiller, counsel for Mr. McLeod, said in a phone message Friday afternoon that he didn’t have “any comment at this time because I have not seen the claim and I have not had the chance to talk to Joe about it at all. He just got out of the hospital a while ago from heart surgery. He’s been recovering” and was only served the McDermott claim Friday morning.

Reports of fake Morrisseaus in the art market have been circulating – and have been strenuously contested – for years, even before Mr. Morrisseau’s death at 75 in 2007. But the McDermott claim is one of the first formal legal actions alleging how the purported fakes have been created and where. The statement says “the plaintiff has investigated the likely source of the paintings and discovered they appear to have been made by a fraud ring operating out of Thunder Bay [and] run by an individual by the name of Gary Lamont, who at various times has employed various forgers, including local artists Benjamin Morrisseau [son of Barney Morrisseau, one of Norval Morrisseau’s brothers] and Timothy Tait [a First Nations artist].”

These “large numbers of fake Norval Morrisseau paintings” are then sold, the claim alleges, on the Internet, by phone and in-person to “various collectors, resellers, dealers and auction houses for resale.”



Named in the statement as “reseller entities” are Toronto-area auctioneer Randy Potter and Thunder Bay dealer David Voss, both of whom have openly and publicly sold canvases attributed to Mr. Morrisseau.

Attempts to reach Mr. Lamont, proprietor of the online Woodland Art Gallery and, on his blog, a self-described former “very close and very good friend” of Norval Morrisseau, were unsuccessful Friday. Attempts to locate Benjamin Morrisseau and Mr. Tait were also unsuccessful.

No affidavits have yet been filed on Mr. McDermott’s behalf, and on Friday his counsel, Jonathan Sommer, would say only “we have significant, direct evidence to support the allegations made in that portion of the claim but, of course, that evidence will have to be ruled on by the courts.”

In his statement, Mr. McDermott alleges gallery owner Mr. McLeod failed to disclose “certain critical information” at the time of his purchase. This includes the contents of a declaration sworn by Mr. Morrisseau in April, 2003, and sent to Mr. McLeod claiming that one of the three paintings Mr. McDermott would buy (for \$9,000), Sacred Bear Children (1971), was a fake and/or imitation. The other alleged fakes/imitations held by Mr. McDermott are titled Self-Portrait (dated “circa 1970s”) and Animals of the Woods (dated “circa 1960s”).

Lawsuits over the controversial legacy of Mr. Morrisseau, who painted more than 10,000 works in a lifetime sometimes plagued by homelessness, poverty and drug and alcohol abuse, are nothing new.

In an action still to come to trial, Kevin Hearn, keyboardist for Canadian pop group the Barenaked Ladies, last October sued Maslak McLeod for \$90,000, alleging a painting bought there in mid-2005 for \$20,000 was a “fake or forgery.” Mr. Hearn’s lawyer is Mr. Sommer, while Mr. McLeod’s representative in the Hearn case is Mr. Shiller.

Both lawyers also are scheduled to appear in court in Toronto in December, arguing an appeal by a retired Sarnia teacher who earlier this year lost her claim that she’d been sold a bogus Morrisseau in 2005.



Earlier (April 2, 2013) on this subject:

Court rules disputed Morrisseau painting is authentic

Canadian art scene observers who have been trying to prove that the market for Norval Morrisseau paintings has been awash in fakes and forgeries for years have been dealt a major setback in a decision from the Ontario Small Claims Court.

Deputy Judge Paul Martial of Toronto ruled on Tuesday that a Morrisseau canvas titled *Wheel of Life* that a Sarnia schoolteacher bought in 2005 and came to believe was bogus is “on the balance of probabilities ... an original Norval Morrisseau” and that the Toronto gallery that sold it to her “did not misrepresent [its] authenticity.”

Margaret Hatfield, 65, sued the gallery, Artworld of Sherway, for misrepresentation, breach of contract and deceit in 2009, seeking relief of more than \$40,000, including the \$10,500 she paid for her online purchase of *Wheel of Life*, attributed as a 1979 acrylic by the legendary Ojibwa artist. By some accounts, Mr. Morrisseau completed more than 10,000 paintings during a 75-year lifetime plagued by alcohol and drug abuse, homelessness, occasional incarcerations and ill health. He died of Parkinson’s disease in 2007.

Disputes over the authenticity of Morrisseau paintings have been fought by collectors, auctioneers, dealers and scholars, as well as representatives and relatives of the artist – and even Mr. Morrisseau himself. The Hatfield case included often heated hearings, written arguments and reviews of exhibits spanning an estimated 2 1/2 years. Lawyers say it is likely the first Morrisseau authenticity dispute to proceed through a complete trial and conclude with a judicial decision.

Jonathan Sommer, counsel for Ms. Hatfield, said Tuesday afternoon he was “very surprised by the decision based on the evidence. But the court has made its decision, and I will consult with my client as to whether there will be an appeal. We’re just digesting what’s been said at this point.”

Morrisseau disputants have tended to divide into two broad camps, each represented at the trial. Ms. Hatfield clearly is in the one that believes the Morrisseau market has been severely compromised by the proliferation and sale of fakes. The other, represented by Donna Child – director since 1995 of the Artworld of Sherway dealership owned by her husband, Brian – insists allegations of fakery are unproven and based largely on innuendo. This side has further argued that the allegations should be seen largely as an attempt by Mr. Morrisseau’s executor and former business manager, Gabe Vadas, and the artist’s primary dealer between 1989 and 2007, Toronto-based Kinsman Robinson Galleries, to corral the market at the expense of other dealers, especially secondary-market sellers like Artworld.

In his decision, Judge Martial accepted most of the arguments and testimony elicited by Artworld counsel Robert Dowhan (who represented the dealer during the first part of the trial) and Brian Shiller, partner of noted Toronto litigator Clayton Ruby. Perhaps most crucially, the deputy judge declined to grant Donald Robinson, principal of Kinsman Robinson, any credence as an expert on the authenticity of the Morrisseau signature in dry black brush paint on the back of *Wheel of Life*. In a written report and oral testimony, Mr. Robinson said the signature had been faked, but Judge Martial said he “preferred” the analysis of the defendant’s certified forensic expert, Atul Kumar Singla, who said the handwriting was almost certainly that of Mr. Morrisseau.