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Buyer Beware (Again)—Art Dealer Charged with Selling Forged Paintings

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As Super Bowl Sunday revealed that Ann Freedman [has apparently settled claims against her](#) in the first Knoedler trial over the creation of forged Abstract Expressionist paintings to whose orchestration Glafiria Rosales pleaded guilty, [news broke of federal charges](#) against Michigan art dealer Eric Spoutz whom the U.S. Attorney for the Southern District of New York [has accused of selling dozens of fake paintings](#). Most distressing is that Spoutz's website touts a long list of museums to which he claims that he sold paintings as works by Willem de Kooning, Franz Kline, and others. Those institutions in particular, and any other affected buyer or affected party, should be proactive about their legal rights and options. The government's complaint does not specify the purchasers or recipients of any work alleged to be fake, making it all the more important for anyone who might be affected to seize the initiative.

[The sealed criminal complaint filed in January](#) in the U.S. District Court in Manhattan and revealed last week sets forth the investigation conducted by F.B.I. Special Agent Christopher McKeough. McKeough's affidavit describes the following as [summarized by the Department of Justice press release](#):

Between 2010 and March 2015, SPOUTZ repeatedly sold works of art he falsely claimed were by well-known artists, using forged documents to convince buyers of the authenticity of those works. During the course of the scheme, SPOUTZ sold dozens of fraudulent works of art – which he attributed to,

among others, Willem De Kooning, Franz Kline, and Joan Mitchell – through various channels, including auction houses and on EBay.

SPOUTZ was publicly accused of selling forged works of art as early as 2005, after which he began selling them under various aliases, particularly "Robert Chad Smith" and "John Goodman." To deceive his victims into believing the works of art were authentic, SPOUTZ created and provided forged receipts, bills of sale, and letters from deceased attorneys and other individuals. These documents falsely indicated that SPOUTZ, in the guise of one of his false identities, had inherited or purchased dozens of works by these artists.

McKeough's affidavit goes on to describe in detail the records of unnamed dealers and auction houses which McKeough alleges contain correspondence in which Spoutz made various assertions of provenance, provenance that the government alleges was fictitious.

[Spoutz's own website](#), still viewable, states that:

Mr. Spoutz has advised private collectors, corporations, foundations and museums on acquisitions. The public collections that he has placed artworks into the permanent collections of include:

- Smithsonian Institution, American Art Museum*
- Smithsonian Institution, National Portrait Gallery*
- Smithsonian Institution, National Museum of American History*
- Smithsonian Institution, National Museum of African American History and Culture*
- Smithsonian Institution, Archives of American Art*
- Smithsonian Libraries*
- Library of Congress, Prints and Photographs Division*
- Library of Congress, Rare Books and Special Collections*
- Board of Governors of the Federal Reserve System*
- National Museum of Women in the Arts*
- National Hellenic Museum*
- National Czech and Slovak Museum and Library*
- Florida State Capitol Complex*
- Academy of Motion Pictures and Sciences*

- *Los Angeles County Museum*
- *Museum of Fine Arts, Boston*
- *Detroit Institute of Arts*
- *Dartmouth College, Rauner Special Collections Library*
- *Rutgers University, Zimmerli Art Museum*
- *University of Michigan Museum of Art*
- *The George Washington University, Luther M. Brady Art Gallery*
- *The Kinsey Institute for Research in Sex, Gender and Reproduction*
- *Forest Lawn Museum*
- *The Long Island Museum of Art, History and Carriages*
- *Flint Institute of Arts*
- *Children's Hospital, Boston*
- *Children's Hospital of Philadelphia*
- *Detroit Historical Museum*
- *Rock and Roll Hall of Fame and Museum*

Without assuming the truth of anything alleged by the government, clearly anyone who has been sold an allegedly forged painting has an issue on their hands. These allegations are detailed enough that anyone with a painting with a provenance that involved Spoutz needs to investigate as whether the work they have is indeed authentic and/or whether they have title to it (since Spoutz is also accused of re-selling works). Such a review should include both a factual review of the paintings provenance, and a legal analysis of the current possessors' rights, whether with respect to Spoutz, the government, or as importantly, anyone to whom they may sold the implicated works.

Spoutz was reportedly arrested in Los Angeles last week.