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Art fraud lawsuit against former Franklin Pierce professor moves forward

- By PAUL CUNO-BOOTH Sentinel Staff

CONCORD — A lawsuit accusing a former Franklin Pierce University art professor and her son of selling forged paintings can move forward, a judge ruled Friday.

Lorettann Gascard and her son, Nikolas Gascard, had tried to stop the lawsuit from going to trial. They argued — unsuccessfully — that it lacked evidence and had been filed too late to be valid.

The dispute stems from Nikolas Gascard's sale of two dozen paintings to a multimillionaire hedge-fund manager and prolific art collector, Andrew Hall. Gascard represented the paintings as works by the New York City-based artist Leon Golub, who died in 2004.

Hall now alleges the paintings are forgeries. He claims Lorettann Gascard was involved in the sales, and that both Gascards knew the paintings were fake before they were sold. He is suing them for fraud.

The Gascards say they “reasonably believed” the paintings were authentic Golubs. Court documents do not make clear whether they still believe that. Loretann has denied taking part in the sales.

In his ruling Friday, Judge Steven A. McAuliffe of U.S. District Court in Concord wrote that Hall has put forth enough evidence to bring the dispute to trial.

Between September 2009 and March 2011, Hall bought seven supposed Golub paintings that Nikolas Gascard had consigned to auction houses. In January 2011, Hall bought another through an online auction service, after which Nikolas Gascard contacted him directly with an offer to sell him additional works.

Hall bought 16 more paintings in 2011 for \$440,000. One batch was invoiced to Nikolas, the other to Loretann.

Hall says he began to suspect the works were forgeries in early 2015. At that time, according to Hall, people associated with the Nancy Spero and Leon A. Golub Foundation for the Arts — named for Golub and his late wife — raised questions about works he’d acquired from the Gascards. Hall filed the lawsuit in September 2016.

Additional details about the case came out this spring, when more than 300 pages of deposition transcripts, affidavits, correspondence and other documents were filed in court.

One of those documents is a report Hall commissioned from Jon Bird, a retired professor of art at Middlesex University in London who has studied Golub’s art for decades.

Bird examined 23 of the 24 paintings Hall bought from Nikolas Gascard. Bird concluded that none of the works had been painted by Golub. The paintings’ portrayals of the human form were “clumsy and inept,” Bird wrote. He also found that none of the paintings were created using Golub’s signature technique of repeatedly applying paint and then scraping the surface, which gives canvasses a “worn and eroded” look.

Hall has also pointed to statements Nikolas Gascard made in an August 2017 deposition as evidence of dishonesty.

Nikolas Gascard said he came up with the names and dates of some paintings he consigned to an auction house. He did not tell the auctioneers that the years were “estimates” based on “my research and the style of painting,” rather than when they had actually been painted. Similarly, he came up with titles for paintings by referencing comparable Golub works, he said.

Nikolas Gascard acknowledged that he falsely told auction houses he obtained Golub paintings directly from the artist.

He also admitted to misleading a different buyer in 2011. Nikolas Gascard told the buyer that he was selling off a large family collection that involved other relatives — even though, as he stated in the deposition, he owned all the works himself.

In addition, Nikolas Gascard acknowledged using pseudonyms to bid on artworks his mother had produced. One was “Art Thoreau,” an apparent reference to the Thoreau Art Gallery at Franklin Pierce University, where his mother once served as director.

In an affidavit filed in court, Loretann Gascard said she came to know Golub through painting classes she took with him in 1969 and 1970 at Farleigh Dickinson University in New Jersey. She said that in 1970, Golub gave her some of his paintings and told her to throw them away, but she held on to them and gave them to her husband. She and her son later found the paintings in a closet in her deceased sister-in-law’s apartment in Hamburg, Germany, she said.

Hall’s lawyers called that account “far-fetched” in an April motion.

Loretann Gascard began working at Franklin Pierce University in 1997, according to an employment discrimination lawsuit she filed against the university in 2014. The suit was resolved through mediation the following year. She is no longer with the university.