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Collector Profile: After Knoedler Suit, a Passion Undimmed

BY DEBORAH WILK, ART+AUCTION | DECEMBER 12, 2016



Domenico and Eleanore De Sole
(Courtesy Rebecca Stumpf)

Eleanore De Sole made a splash upon her arrival at the 2015 benefit gala for Anderson Ranch, the Aspen artist retreat and studio school. On the arm of her husband, Domenico—the longtime business partner of Tom Ford and current chair-man of the board of Sotheby's—she blithely wore a Lanvin cocktail-length silk sheath, upon which was printed the image of a woman's naked body

in a subtle duo-tone of black and gray, perfectly complementing Mrs. De Sole's own silver bob, not to mention her well-toned legs. When they are in town, the De Soles are a fixture at Aspen's cultural events, including this past summer's 50th anniversary Anderson Ranch gala, for which Eleanore donned an elegantly draped, snow-white, beaded pants ensemble by Derek Lam, and the Aspen Music Festival and School's benefit performance of *La Bohème*, where she was seen in Ford's satin version of a Le Smoking tuxedo, featuring black lace cutouts in the chest darts and around the waist.

But like a proper art collector, Eleanore welcomed me to her Aspen home wearing a simple cotton T-shirt and shorts, ready to dash, after our tour and talk, to her regular Pilates session. Her utter lack of pretension spoke volumes about her quintessential level of chic. Conveying such ease, however, in dealing with the press might have been no small task considering the monumental resolution with which her year began. After discovering the [Mark Rothko](#) painting that they purchased from New York's Knoedler & Company in 2004 was a forgery, the De Soles became the first collectors to successfully bring legal suit against former gallery director Ann Freedman and owner Michael Hammer. Litigation, which began in late January of this year, clearly favored the plaintiffs' case, and after three weeks the defendants elected to settle to the satisfaction of the injured party.

"On the last day of the suit, after we settled, Domenico and I looked at each other and said, 'That's it, we're never going to talk about this again.' And here we are," she told a group of VIPs assembled for a talk held the weekend of Anderson Ranch's 50th anniversary celebration, during which the couple was honored with the institution's Service to the Arts Award. Eleanore now sees herself and her husband as advocates for collectors' rights. She encourages buyers to be wary of too-good-to-be-true prices, and to go above and beyond in their own research of a historical work, not allowing dealers to be the sole provider of authentication documents, and being sure to approach all purchases in a businesslike fashion, with healthy skepticism rather than the nostalgic handshake in agreements of bygone years.

Before this particular shade of limelight cast its glare on the couple, they were enmeshed in the fashion universe of the 1990s, as Domenico sat as president of the Gucci Group, a conglomerate that included Alexander McQueen, Balenciaga, Bottega Veneta, Boucheron, Sergio Rossi, Stella McCartney, and Yves Saint Laurent. “We were living in Florence,” says Eleanore, “and Simon de Pury sat on Domenico’s board at Gucci.” While chatting about art, de Pury mentioned to Domenico his feeling that the market for Italian modernism was overlooked and underrated. One suspects the works of [Lucio Fontana](#), [Alberto Burri](#), and [Marino Marini](#) held some nationalistic appeal for the Roman native, but doubtless the gestural vernacular and well-considered surfaces of the movement’s practitioners were no small draw for a man in the business of aesthetics.

“We’d been buying antique marine art because we’re sailors,” recalls Eleanore. “But we were really in the right place at the right time to start buying Italian modern work, which ultimately led to our interest in contemporary pieces.” Early on they enlisted the advice of Santa Fe dealer James Kelly, who was recommended to them by Ford. “We told Jim about our interest in Italian modernism, and he connected us to Tornabuoni Arte,” the Florence-based, family-run enterprise that opened its door in 1981 and specializes in works by Fontana. The De Soles, whose primary residence is now in Hilton Head, South Carolina, still consult with Kelly, who recently decided to shutter his New Mexico space and join Gagosian Gallery in Los Angeles.

Although the two are clearly a collecting couple, Eleanore might have more of the shopping bug. “She buys art like a drunken sailor,” Domenico teases. Amid her protests, he explains, “My wife is a very sophisticated collector, despite whatever she says. She’s unbelievably knowledgeable. She has very strong views about what she likes, and she buys beautiful stuff. So I’m not complaining. But the way she buys is very passionate. You may have noticed we don’t store anything. We love everything we have.”

That passion speaks to a very European way of collecting and displaying art in a private home, where genres and eras are combined to create a mix that truly reflects the owners' taste and personality. In the De Soles' Aspen abode, a very desirable Fontana *buchi* work from 1954 hangs adjacent to a diptych by the less well-known German abstract painter Helmut Dorner, who studied with [Gerhard Richter](#). A stainless-steel sculpture by Florence-based Swiss-Israeli artist Gidon Graetz, elegantly composed on a short stretch of manicured grass that gives way to gnarled scrub oak trees, creates a perfect vista from the master bedroom window. In the entry hall, guests are greeted by a small-scale Jim Campbell video work of blurred passers-by on a field of 600 color leds. It hangs on an angle from the wall next to a kinetic work of elegant metal components by George Rickey. The pairing is adjacent to a composition inspired by an Apache breastplate, fashioned of spent artillery shells and rubber, by Dave Cole.

Eleanore bought the Cole on impulse from Dodge Gallery, a short-lived space on Manhattan's Lower East Side (one of her daughters also owns a piece by the artist), and the Campbell was purchased at one of the Miami satellite fairs—"Pulse, I think," she says—making clear that no venue is off-limits and all artists, regardless of career status, are fodder for her interest. She is a champion of art fairs: "If you live in South Carolina, fairs are your best source for staying up to date on what's out there," she asserts. "When you go to an art fair, there's so much more freedom to enjoy," she adds. "So I think we've tended to move in that direction for buying."

Generally, trips to New York are reserved for family time, as the De Soles' two daughters both live in the city with their husbands. The collectors don't keep a New York residence.

A small media room reads like a primer of Italian modern-ism. "That was the first Fontana we got," says Eleanore. "That's what we could afford when we first started. When you break into that moment of having to spend what is a substantial amount of money on a piece of art, you really think long and hard, and a work on paper is an easy way to begin." It's now the centerpiece of the

room they call their jewel box—hanging along with *Achrome*, 1959, by [Piero Manzoni](#), Paolo Scheggi's *Zone riflesse*, 1964, and a white slash by Fontana, *Concetto Spaziale Attese*, 1966—a place to read or nap or contemplate. “We lived with it for a little while and decided to take the plunge,” she says.

Unfortunately, Italian modernism is no longer on the punch list. “If I had an unlimited budget, I’d continue buying Italian modern,” says Eleanore. “But you can’t do it anymore. Well, we don’t do it anymore. When we were looking for work by Alberto Burri, the best we could do were little postcards he created for his wife each Valentine’s Day. They’re fabulous. We have four of them and one little work on paper. The Burris today that go up at auction are obscenely expensive.” She remembers being excited to learn a small piece by the artist was set for the auction block. “It opened at what was my upper limit,” she relates. “So you kind of get off of it.” Which has turned the couple’s view to art of the new.

In a hallway, a small-scale [Rudolf Stingel](#) dialogues with a work from Jose Dávila’s “Homage to the Square” series, several clear panels in descending sizes, each composed with a square, and placed one in front of another to create a classic [Josef Albers](#)-type composition. Nearby hang two books by Blinky Palermo, encased in Plexiglas boxes. “You can open the box and change the page,” Eleanore explains.

Down a gallery hall, single pages of disassembled Palermo books hang facing a long horizontal window (they all have covers to protect them from natural light when they are not being enjoyed). “Some of the books were taken apart and this is what you got,” she says. “Aren’t they fabulous? They’re so much fun because each one is a little different . . . I can’t remember where we got these,” she says, thinking.

“At Miami Basel,” calls Domenico from a nearby room.

When asked if she can remember which edition of Art Basel Miami Beach, nearer to the inaugural fair or more recently, Eleanore casts a searing eye and says, “Well it was before the Miami Basel when I found out I had purchased a fake work of art.”

The couple learned that the Mark Rothko they had purchased from Knoedler Gallery—a piece that had held pride of place as the first work on view in “Walls of Light,” a retrospective celebrating the centennial of the artist’s birth, at the Beyeler Foundation in Basel—might not be the real deal from a newspaper article that appeared in the *New York Times* in December 2011. The paper of record broke the news that New York’s oldest gallery had been defrauding clients of the highest caliber for some 15 years by selling approximately 40 fake paintings, supposedly by a slew of blue-chip artists including [Jackson Pollock](#), [Willem de Kooning](#), [Richard Diebenkorn](#), [Barnett Newman](#), Lee Krasner, [Sam Francis](#), [Clyfford Still](#), [Yves Klein](#), and—to the De Soles’ particular concern—Rothko. “Eleanore showed me the article, crying,” Domenico told the assembled crowd at the Anderson Ranch talk.

Upon learning the news, the couple sought out renowned Rothko expert and authenticator James Martin. “He told us it was fake right away, because the pigment that was used did not exist at the time,” says Domenico. Amid the allegations in the press and increasing accusations from artist foundations, auction-house authenticators, and defrauded collectors, the officers of Knoedler continued to deny all charges, claiming the paintings were real. “We had to sue them,” Domenico concluded. In fact, the statute of limitations on the return of luxury property had run its course. But between the 2004 purchase and the 2011 allegations, the De Soles had gone back to Knoedler for an update on the original appraisal of the work. The new document started the clock running again. The couple were the first of the swindled buyers to file charges, in March 2012.

Before that filing, the gallery had been quietly settling with other clients. The De Soles believe these buyers were grossly cheated, first by the fakes and again by settling for paltry sums. “They’re embarrassed by what happened,” reasons

Domenico. Others, he speculates, donated the artworks to institutions and took sizable tax deductions. “This fraud was very methodically and intentionally perpetrated upon a knowledgeable client base,” adds Eleanore.

“It’s really shameful,” says Domenico. “Eleanore and I felt very strongly as a matter of principle that we were not going to stay quiet about it, and we pursued our litigation.” After four years of preparation, the trial began late this past January.

Witnesses such as Gretchen Diebenkorn Grant, daughter of the renowned California artist, and art historian Jack Flam, president of the [Robert Motherwell](#)—created Dedalus Foundation, both of whom had long been suspicious of works coming out of Knoedler, testified on behalf of the De Soles. “When we bought the painting, I asked Freedman to send me a letter of authenticity,” says Domenico. The fabricated story of the fake painting’s provenance began with a very private Swiss collector who had just died and whose son was quietly selling a remarkable collection. “She wrote me a letter that said the following 10 experts had authenticated the work,” says Domenico. The list included names familiar to the De Soles, including the artist’s son, Christopher Rothko, and David Anfam, an art historian who is a consulting curator to the Clyfford Still Museum in Denver.

“For our case, we had every one of the listed experts appear in court,” says Domenico. Each testified to never having authenticated the De Soles’ work or even having seen the painting before the trial. “The whole case really collapsed against [Freedman], and in the end, she settled with us because ultimately she’s afraid of being deposed,” says Domenico. Gallery owner Michael Hammer also settled before the scheduled depositions. “It was a very painful experience. It was good because the case and issue were well publicized, so everybody in the community was given this alarm call,” he says. He advises collectors to pay the utmost attention to whom is asked to advise and help shape significant art holdings.

“The tragedy is that when you’re in court, you have a lot of different people who might look at a situation like this in different ways,” he continues, referring to people—including, potentially, the judge or jurors—who might find the numbers being discussed so astronomical as to think that people who can afford to spend such sums on one object are just getting what they deserve. “The onus was on us to make clear this was a breach of contractual trust on the part of a seller to a buyer.”

“In addition to the fake letter of authenticity, listing people who had never even seen the work, we had a letter from Ernst Beyeler,” the late Swiss dealer and Beyeler Foundation founder, “telling us how excited he was to have the piece in his show,” Eleanore says. This proof that the gallerists had already defrauded museum curators for the purpose of an exhibition loan was a hard blow to the defense, which hoped to cast the De Soles as being guilty of their own gullibility. As for the case participants who were new to art world machinations, the De Soles found themselves warmly embraced by jurors, who did not get to pass judgment on the defendants, but when polled by the plaintiff’s lawyers, revealed their belief that a fraud had, indeed, been perpetrated. “We now have so much faith in the legal system,” says Eleanore.

“I’m glad we did it,” she says of bringing suit. “It was painful. It was expensive. Fortunately, we don’t live in New York City, so we didn’t have to talk about it [socially] every single day. We got through it.”

As for the fake piece, the couple have actually been approached about selling it, but part of the settlement is that they must retain ownership for three years, after which any sale must include a document verifying its forged status. The painting currently resides in a crate in a De Sole daughter’s apartment.

“This is my latest acquisition,” says Eleanore, beaming at a black ceramic wall piece by Liz Larner. “It needs to be lit.” The couple made the acquisition after last year’s exhibition of an outdoor sculpture by the artist at the Aspen Art Museum, for which they hosted a dinner. Another Aspen Museum show inspired their Tomma Abts holding. “I just loved it,” says Eleanore of her

reaction upon seeing the work during a review session of upcoming shows for patrons. “It’s geometric, it’s my taste, and I went out seeking one and found it and it ended up going in the show, which was kind of fun.” The Aspen scene also fostered acquisitions of works by Stephen Dean and Sarah Charlesworth, purchased from the town’s Baldwin Gallery.

But lest one think their legal adventures have put the De Soles off work by nonliving artists, they recently obtained a piece by Zero movement practitioner Jan Schoonhoven. “I needed one more white painting,” quips Eleanore. The couple has also been drawn by the slew of little-known Asian artists who worked in the same formal territory as Western Abstract Expressionists. “I’ve got two Korean artists; the pieces were both manageable,” says Eleanore, referring to works by Kwon Young-Woo, procured from Seoul’s Kukje Gallery, and Ha Chong-hyun, represented by Wellside Gallery, also of Seoul. “They didn’t put me in the poorhouse and I just love them. But now everybody is starting to buy. Just like they did Italian and Arte Povera. I’m happy; I’m leaving it at that.” Those works are installed in the De Soles’ Hilton Head home along with pieces by [Cy Twombly](#), [Brice Marden](#), [Ellsworth Kelly](#), Sol LeWitt, Enrico Castellani, Ugo Rondinone, Mario Merz, Jack Whitten, Teresita Fernández, and an authentic work on paper by Rothko.

“The reality is, with the exception of the Italian modern, we have a more significant collection in South Carolina because that’s our primary residence,” says Domenico. “But it’s not too shabby here,” he chuckles.

Regardless of prior misfortune, the De Soles remain committed to their long-term relationship with art. “When I stop and think, I realize we’ve had some of these Fontanas for 17 years now,” says Eleanore. “Every time I come back to Colorado, I see them and I love them.”

“I really do sit and just look,” Domenico says. “How lucky we are . . .” Eleanore quietly concurs.