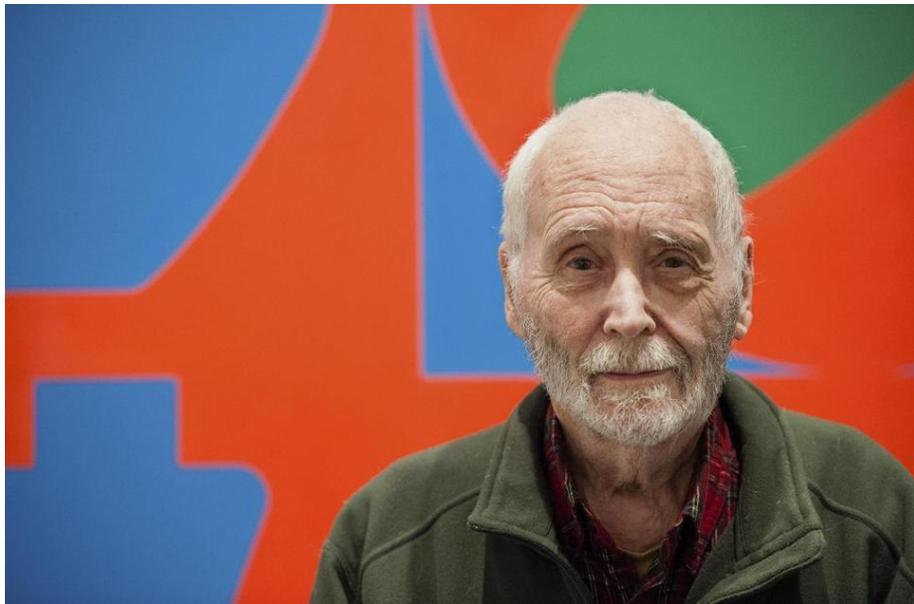


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In wake of famed artist Robert Indiana's death, a tangle of allegations



LAUREN CASSELBERRY/ASSOCIATED PRESS/FILE

Robert Indiana (top, in 2013) died in 2018.

By [Mark Shanahan](#) GLOBE STAFF **FEBRUARY 16, 2019**

VINALHAVEN, Maine — The Victorian building looms over Main Street on this island 12 miles off the jagged Maine coast, its facade pocked and peeling in the salt air. Known as the Star of Hope, the former Odd Fellows hall is beyond decrepit, with boarded-up windows, crumbling walls and ceilings, and a general aura of woebegone weirdness.



MARK SHANAHAN/GLOBE STAFF

When Indiana died, he left behind his ramshackle residence, the Star of Hope (above).

This is where Robert Indiana, one of America’s most celebrated artists, lived and worked in semiseclusion for four decades. It’s also where the Pop Art sensation, best known for his colorful 1960s prints and sculptures of the word “LOVE,” died last May at the age of 89, surrounded by several tons of old newspapers, dozens of stuffed animals, a lifetime of bric-a-brac, and thousands of paintings, sculptures, prints, poems, and journals — none of them insured — valued at more than \$70 million.

“I knew he had a lot of stuff in there, but I didn’t know how much,” says James Brannan, a lawyer in Rockland, Maine, and executor of Indiana’s estate. “It’s overwhelming.”

But the enigmatic artist has left behind much more: Indiana’s estate is snared in a tangle of allegations involving fraud, forgery, theft, and elder abuse. Questions are being raised about Indiana’s art and legacy, which, to the surprise of many, have been entrusted to a onetime fisherman who was Indiana’s caretaker from 2016 until his death. Jamie Thomas, a Vinalhaven resident with no formal art training, was named in the artist’s will to lead a foundation responsible for overseeing Indiana’s collection and the conversion of his ramshackle home into a museum.

The appointment of Thomas has alarmed many of Indiana’s friends and art-world associates. They cite a lawsuit filed against Thomas just before the artist died by his longtime agent, Morgan Art Foundation, claiming the caretaker insinuated himself into Indiana’s orbit and was rewarded with a windfall of nearly \$500,000 over the final two years of the artist’s life. The suit also names New York art publisher Michael McKenzie, alleging he and Thomas conspired to keep people away from Indiana in order to produce — and profit from — bogus work attributed to Indiana.

Thomas and McKenzie “isolated Indiana from his friends and supporters, forged some of Indiana’s most recognizable works, exhibited the fraudulent works in museums, and sold the fraudulent works to unsuspecting collectors for millions of dollars,” Morgan Art said in its complaint.

The explosive lawsuit was filed in federal court in Manhattan on May 18, 2018. The next day, Indiana, who’d been in failing health, died, with no survivors. An autopsy did not reveal the cause of death, but a spokesman for the Maine medical examiner’s office said it was not suspicious.

In court filings, Thomas and McKenzie deny Morgan’s claims. Thomas did not respond to multiple calls seeking comment, but his lawyer, John Frumer, said in an e-mail that his client “acted at the direction of, and with the knowledge of, Mr. Indiana . . . to execute Mr. Indiana’s wishes and to act in Mr. Indiana’s best interests,” adding that Thomas “remains confident that when the full evidentiary record is developed it will demonstrate that the claims against him are baseless” and show that he provided the artist with a “high quality of care.”

McKenzie was more blunt.

“These allegations are bull,” he says by phone before launching into a discursive account of his long history with Indiana.

The legal wrangling worries some of Indiana’s friends and supporters, who believe it could tarnish the artist’s name.

“My concern was that Bob would die and it would be a mess,” says Michael Komanecky, chief curator of the Farnsworth Art Museum in Rockland, which [mounted a major exhibition of Indiana’s work](#) in 2009. “Well, Bob did die and we have a mess. It’s very sad.”

‘They circle their wagons’



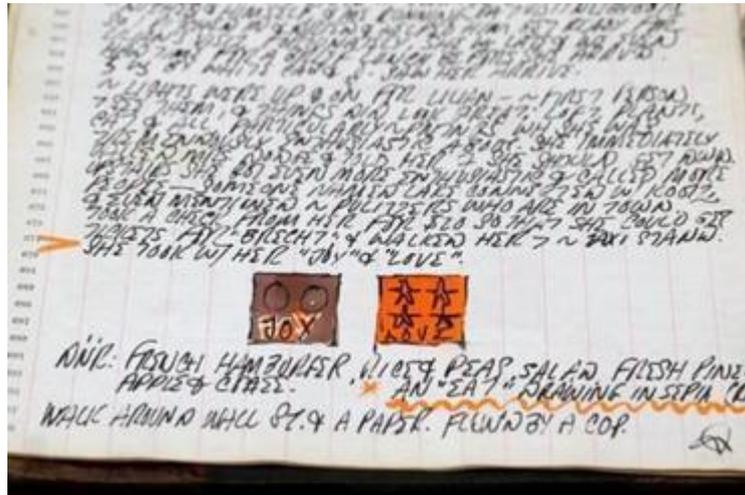
ROBERT INDIANA ESTATE

About 800 or so paintings and prints by Indiana are in storage after being removed from his ramshackle former residence.

Indiana was born Robert Clark in New Castle, Ind., but he didn’t care for his common surname. So in 1958, at the age of 30, he took the name of the state where he spent his itinerant childhood. (Adopted as a baby, the artist moved 21 times by age 17.) He first visited Vinalhaven in 1969, invited by his friend Eliot Elisofon, a photographer for Life magazine. Elisofon had purchased the Star of Hope building from the Independent Order of Odd Fellows, an international fraternal organization for men, and Indiana, charmed by the worn splendor of the 1870s structure, began renting it as a part-time residence and studio.

He was a big deal by then, famous for the ubiquitous “LOVE,” which he originally designed as a Christmas card for the Museum of Modern Art in 1965. With its vivid colors and bold stacked capital letters, including an off-kilter O, “LOVE” is one of the most familiar works of art of the 20th century — turned into prints, sculptures, and stamps authorized by the artist, and

pirated for banners, beach towels, and countless other baubles for which Indiana earned nothing.



JONATHAN WIGGS/GLOBE STAFF

A page from Indiana's journal in March 1962 shows one of the earliest sketches of what would become "LOVE," the artist's best-known work.

In 1977, after the lease on his five-floor studio in Manhattan's Bowery neighborhood expired, Indiana bought the Star of Hope and, bidding farewell to New York neighbors including artists Louise Nevelson and Roy Lichtenstein, and former lover Ellsworth Kelly, moved to Vinalhaven permanently. It took two vans making 12 round trips to cart everything from Indiana's cluttered studio to the rocky, windblown island 80 minutes by ferry from the mainland.

The arrival of a renowned artist did not go unnoticed by Vinalhaven's 1,200 year-round residents. The island in Penobscot Bay, whose once-bountiful quarries yielded granite for the Brooklyn Bridge, is not a soft-serve vacation spot. Its inhabitants are mostly working class, and outsiders are viewed warily.

"It's like 'Twin Peaks' out there," says Kathleen Rogers, Indiana's former longtime publicist. "It's taken me 20 years to be accepted. They circle their wagons."

Perhaps, says real estate broker Kris Davidson, a seventh-generation islander. But Indiana was a singular character.

"When Bob showed up in the '70s, people from away didn't come here very often to live year-round," she says. "When someone buys a very substantial piece of real estate on Main Street and tucks himself away, people talk."

Brannan had just begun his career as a lawyer when Indiana called soon after arriving on Vinalhaven, asking for help: A flamboyant former acquaintance of the artist, a transvestite from New York named Shelley Lieberman, had appeared on the island, intent on reconnecting with Indiana.

“You can’t get off the ferry on Vinalhaven and walk down to the Star of Hope in high heels and stockings without getting some comments,” says Brannan. “Bob did not want Shelley here, and I went through the process of resolving that.”

The artist was again the subject of whispers — and a few headlines — in 1991 when he was tried on charges that he paid a 23-year-old Vinalhaven man for oral sex over a six-year period beginning when the plaintiff was 12. Indiana denied the allegation and, represented by the late Daniel Lilley, one of Maine’s most formidable defense attorneys, was found not guilty.

“Bob was a very complicated man,” says Davidson. “He was very hard to get to know. Not an open book.”

Even as admirers of his work ventured to Vinalhaven hoping to catch a glimpse of the famous artist, now and then knocking on the double doors of the Star of Hope, some islanders were uneasy about Indiana. Teenagers occasionally egged the building. Over time, Indiana withdrew from public life. Once a cheerful presence at Surfside, the bustling breakfast joint that opens at 4 a.m. to feed the island’s lobstermen, the artist began to cloister himself, painting American flags on his building in part to dissuade vandals.

“There was an element of the community, a handful of rednecks, who felt this was no place for someone they suspected was a homosexual,” says Phil Crossman, a Vinalhaven native whose family owns the Tidewater, the island’s only motel.

But Indiana’s self-imposed exile was a fruitful period creatively. Unshaven and often smoking one of the long, slender Garcia y Vega cigars he bought by the box, Indiana worked steadily, producing, most notably, the “Hartley Elegies,” a stunning series of paintings that pay homage to Maine artist Marsden Hartley using bright colors, bold lines, and World War I imagery.

Indiana employed a group of three or four young men whose duties included stretching canvases, painting, scavenging the shoreline for the logs and other flotsam he used in his sculptures, helping with the stenciled letters and numbers that are a common motif in his work, and serving as gatekeepers when curiosity-seekers showed up.

“I didn’t have any contract with Bob. I was just working with him,” says Sean Hillgrove, whose tenure as one of Indiana’s assistants began in 1990

and ended abruptly in early 2018. “I got really close with the guy. I loved Bob.”

In 2014, something changed. Off-island associates began having difficulty reaching Indiana. John Wilmerding, emeritus professor of American art at Princeton and a friend and advocate of the artist since the 1970s, says his calls and e-mails suddenly went unanswered. Same for Paul Kasmin, whose New York gallery had represented Indiana for more than a decade.

“I don’t know what all the internal circumstances were, but I couldn’t get through to him,” says Wilmerding. “It was as if a black wall had descended.”

Rogers, Indiana’s publicist, says she called and wrote many times, but got only terse e-mails from Thomas telling her the artist was too tired to talk. When repeated attempts to reach Indiana failed, she called the Maine Department of Human Services to report possible elder abuse.

“I just started crying on the phone,” Rogers says. “To their credit, DHS went out and checked on him.”

A spokeswoman for the department would not say if Rogers’s complaint was investigated. But Brannan says it was. The Maine agency, he says, received two reports of possible elder abuse — Rogers’s in 2017 and a second in 2018 — and looked into both, meeting with Indiana, Brannan, and Frumer, Thomas’s attorney. Brannan says DHS didn’t share the result of its inquiry.

Meanwhile, Indiana’s friends and associates began to question new artwork attributed to the artist in his last years. Examples included silk-screen prints of Bob Dylan lyrics; “WINE,” a sculpture in the style of “LOVE” that appeared on the cover of Wine Enthusiast magazine; and “BRAT,” an enormous sculpture that also mimicked “LOVE” and was commissioned by Johnsonville Sausage, a Wisconsin company whose products include bratwurst.

A [2016 exhibit](#) at Bates College Museum of Art, titled “Robert Indiana: Now and Then,” included some of this new work.

“There was something wrong about it. Some of it was inconsistent with anything Bob did or would have done,” says Wilmerding, who traveled to Lewiston, Maine, to see the show. “I can’t outright say they’re not Indianas because Bob signed all of them, but there were letters and numbers in designs that didn’t ring true of Bob, all constipated and compressed. It was incredibly disorienting and depressing.”



JONATHAN WIGGS/GLOBE STAFF

Bruce Gamage Jr. and Adelina Garay worked to appraise Indiana's estate.

The new work distressed Simon Salama-Caro of the Morgan Art Foundation, Indiana's agent and adviser for more than 25 years. Salama-Caro had contracts with the artist giving Morgan sole right to reproduce, promote, and sell certain of his works, including "LOVE." Concerned about Indiana's health, and the effect the questionable art could have on the market for his art, Morgan sued Thomas and McKenzie, whose company, American Image Art, had printed some of Indiana's work dating back decades, including pieces in the Bates show.

The suit alleges the pair isolated Indiana while producing unauthorized creations attributed to him. It claims the two used a machine to forge Indiana's signature on artwork, intercepted the artist's e-mails, and rerouted phone calls to the Star of Hope to Thomas's cellphone.

McKenzie, whose lawyer did not respond to e-mails seeking comment, defends the use of a signing machine, saying Indiana insisted upon it because he didn't have the energy to sign hundreds of prints at a time.

"It's something Bob asked me to do," says McKenzie, who worked with Indiana off and on, publishing two books containing Indiana's work in the 1990s and also promoting the artist's "HOPE" image, designed to support the Obama campaign in 2008. "If this is how the artist wants to sign, what's the difference?" McKenzie says.

A text exchange recovered by Morgan's attorney as part of the lawsuit suggests Thomas and McKenzie were devising new work in Indiana's style that could be marketed around the world. They focused mostly on four-

letter words — VINO, BEER, BREW — and countries that might be a receptive audience.

“Hey Michael I am going to send you a pic of a new idea I just came up with just give me a minute to draw it out,” Thomas wrote in a text May 1, 2018.

“Awesome can’t wait to see it,” McKenzie responded.

Thomas followed up with images and ideas for color choices, to which McKenzie responded: “If it is done while bob is alive it is art after that an estate collectible.”

It’s not clear if Indiana approved the ideas, but friends say the artist had been in poor health for some time. “Can bob still speak on this or is he out of it,” McKenzie asked Thomas in a text the day Indiana died.

In court filings, Thomas acknowledges he kept people away from Indiana’s studio, but did so, he says, at the artist’s direction. He and McKenzie deny they produced art without Indiana’s consent, and allege it was Morgan Art Foundation that exploited Indiana by neglecting to pay all the royalties he was due, a claim Morgan denies. In his counterclaim against Morgan, McKenzie demands the for-profit company, which is based in the Bahamas, provide a detailed accounting of all the money it received for sales of Indiana’s art.

McKenzie says Indiana relied on Thomas to make a variety of decisions at the end of his life.

“Bob needed to have one person he trusted, and that was Jamie,” says McKenzie. “Jamie’s job . . . was to make sure [Indiana] did not get ripped off. You’ve got to put deals together, you’ve got to keep the estate running. Bob had big ambitions to have his own museum, and that’s not an inexpensive thing to do.”

After Indiana’s death — he was cremated following the autopsy and his ashes were given to Thomas — the FBI and the Maine State Police both dispatched investigators to the island. Neither will say what, if anything, they found.

“It was a circus out here for about a month,” says Brannan.

'Bob knew what he was doing'



MICHAEL MCKENZIE/AMERICAN IMAGE ART

As he signed his work, Robert Indiana was accompanied by art publisher Michael McKenzie and Jamie Thomas, Indiana's caretaker. McKenzie and Thomas are the target of a lawsuit.

Indiana had changed his mind repeatedly about what should be done with his artwork. In 2012, he [told The Art Newspaper](#) that he likely would leave his collection to the Farnsworth in Rockland. The next year, he signed a will prepared by New York attorney Ronald Spencer stipulating his art and the Star of Hope be transferred to a foundation that would be administered by Spencer.

Over 40 years, Brannan says, he wrote a half-dozen wills for Indiana, but the artist signed only one.

In 2016, Indiana summoned the lawyer to Vinalhaven. They drafted a document giving the artist's health care proxy and financial power of attorney to Thomas, whom Brannan barely knew. And they drew up a new will leaving his entire estate to the Star of Hope Foundation, which would oversee the conversion of the artist's run-down mansion into a museum, with the former fisherman as executive director.



JONATHAN WIGGS/GLOBE STAFF

James Brannan said he wrote several wills over the years for Indiana but the artist signed just one.

On the day he signed the will, Indiana, who'd grown so thin and frail he relied on an electric stair lift to get up and down the Star of Hope, was examined by Vinalhaven's only nurse practitioner. Then, using a magnifying glass, he sat in his second-floor kitchen and reviewed the document with Brannan. Two witnesses, including the shopkeeper who'd sold him all the stuffed animals, watched as he signed.

"In my opinion, Bob knew what he was doing, so I made it happen," Brannan says.

In the months after Indiana's death, the Star of Hope was cleaned out. The rummage was removed: Oriental rugs, animal skulls, clocks, vinyl records, a handcrafted castle made of boxwood, 8.6 tons of newspapers, and a dozen stuffed giraffes that had been arranged on a makeshift platform overlooking Indiana's bed.

Movers also took 800 major paintings and sculptures and 5,000 other paintings, prints, drawings, poems, letters, and bound journals — including one from 1962 that includes a tiny sketch of the original idea for "LOVE" — to storage facilities. An appraiser, Bruce Gamage, hasn't finished inspecting the material, but he's tallied the value so far at \$70 million. Conditions in the house damaged some of the work, Gamage says, but most of it is in good shape.

Getting a handle on his assets has not been easy. Immediately after the artist's death, Thomas's wife, Yvonne, showed up at the Star of Hope and handed Brannan a gym bag containing \$189,000 in cash, telling him the money belonged to the estate. At a probate hearing last fall, Thomas was

asked about multiple withdrawals he made from Indiana's bank account after getting power of attorney. Records presented in probate court show Thomas had withdrawn more than \$600,000 since 2016. Thomas told the probate judge that Indiana would periodically direct him to go to the bank and get \$10,000 or \$25,000 or \$30,000 in cash.

"I don't know what he did with it," said Thomas.

Asked about his compensation since 2016, Thomas said he was paid \$5,000 a week to bring Indiana meals and make sure he went to bed at a reasonable hour. In addition, he said, Indiana gave him 118 pieces of art, two of which are estimated to be worth a combined \$175,000. By comparison, Rogers, the publicist who worked closely with Indiana, says the artist gave her one painting in 20 years.

In affidavits filed as part of the Morgan lawsuit, three former Indiana assistants, including Hillgrove, claim Thomas took control of the artist's business affairs in 2016. Over time, they say, he changed the locks on the Star of Hope, switched the passwords on Indiana's computer, worked with McKenzie on designs Indiana never saw, and finally called police when they tried to see the artist.

"I just think he was taking advantage of Bob," says Hillgrove. Thomas "just gave himself a job. . . . I've never heard of anyone with power of attorney getting paid \$5,000 a week for bringing someone a meal."

Luke Nikas, a lawyer in New York who represents Morgan Art Foundation, says his client doesn't want Thomas leading the Star of Hope Foundation. He says the organization should be directed by someone with experience in running such an institution.

"A condition of any settlement will be [Thomas] not being executive director," Nikas says.

The Maine attorney general's office, which has oversight of estates leaving a large percentage of their assets to charitable entities, says it will pay close attention to the composition of the Star of Hope Foundation board.



JONATHAN WIGGS/GLOBE STAFF

Stuffed animals rested in Indiana's former home.

“To accept the assets, there has to be a foundation in place that’s run by independent, professional people,” says Assistant Attorney General Linda Conti. “My advice would be to do a professional search.”

On the island, residents are inclined to think the best of Thomas. Alison Thibault, owner of WindHorse Arts, a jewelry shop on Main Street, says she hasn’t paid attention to the legal battle. She mostly knows Thomas because, like her, he’s a member of the island theater troupe, the Vinalhaven Players, and they shared the stage in a recent production of the play “Noises Off.”

“He’s really good,” she says of Thomas’s acting skills.

Chris Clarke, a printmaker on the island, says Thomas was a great help to Indiana. “I think Jamie did whatever Bob wanted him to do,” says Clarke. “There was nothing malicious. I never felt that vibe. But you don’t know what happens behind closed doors.”

As Indiana’s artwork was being carried out of the Star of Hope last summer, a crowd gathered on the sidewalk. A few were moved to tears, concerned that the accumulation of the artist’s odd and exceptional life would never return to the island where he lived for so many years.

But Brannan insists it will.

“I made a commitment to Robert Indiana,” he says. “He wanted people to be able to see his art at the Star of Hope, and I’m going to do everything I can to make that happen.”