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Art and Law

Mary Boone's Business Partner Is
Suing the Jailed Dealer Over \$15
Million in Art That She Allegedly Took
From the Gallery for Herself

The lawsuit alleges that Boone sold gallery-owned artworks and pocketed the money.

Sarah Cascone, February 26, 2020



Mary Boone in 2013. Photo by Neil Rasmus, courtesy of BFA.

The legal woes continue for imprisoned art dealer Mary Boone. A gallery partner and former employee, James Oliver, has filed a lawsuit against Boone seeking \$44,325 in unpaid wages and to protect his 10 percent equity share in the gallery, accusing the dealer of transferring millions in gallery funds to her personal bank account.

In 2019, Boone pleaded guilty to filing false tax returns. She was subsequently sentenced to 30 months in jail, despite appeals for leniency from many prominent members of the art world. As a result, Boone closed the gallery she had run since 1977.

Oliver, who first began working for Boone in 1995, was among those who spoke up in Boone's defense. He praised his boss, noting that Boone had "successfully trained dozens of aspiring gallerists who have gone on to very successful careers as gallery owners themselves or directors of other major galleries. Along the way she has given endless hours of her time instilling the positive attitude and the exacting work ethic that her employees have needed to succeed in a very difficult business."

But their relationship has soured since Oliver resigned in March 2019. "Mr. Oliver attempted on numerous occasions to amicably resolve this dispute

before filing a complaint,” wrote his attorney, Brett Gallaway, in an email to Artnet News.

Gallaway’s firm, McLaughlin & Stern, filed suit last month against the gallery and Boone Associates, the limited partnership that owns the gallery. Oliver, who was promoted to director in 2003, has been a limited partner since 2015. According to the suit, Boone currently has a 70 percent share in the gallery, with 5 percent allotted to her friend and longtime investor Sheila Meyer Zalower and to Boone’s son, Max Werner, each. Gallery co-director Ronald Warren and Oliver were each allotted 10 percent.



James Oliver in 2013. Photo ©Patrick McMullan.

“We believe Ms. Boone... improperly commingled gallery art and assets with her own personal property, which she still possesses, and therefore, do not view the closure of the gallery as a bar to collect the 10 percent distribution to which Mr. Oliver is rightfully owed,” wrote Oliver’s attorney.

Oliver—who had an annual salary of \$300,000—was allegedly paid \$9,000 for the more than two months he worked in 2019. Boone’s lawyer for her tax

case, Michael Sardar, did not respond to inquiries from Artnet News. It is unclear who will be representing the dealer moving forward.

The complaint details a list of 19 works belonging to the gallery by blue-chip artists including KAWS, Barbara Kruger, Sherry Levine, and Eric Fischl.

Allegedly, three of those works have been sold, including a \$10 million Brice Marden painting purchased by Gagosian Gallery. The other 16, worth a collective \$5 million, are believed to be at Boone's apartment.

Boone stands accused of having the funds from those sales wired directly to her personal account, just one week before she paid off her \$3 million in unpaid back taxes.

When Oliver confronted her about the misappropriated money, demanding his 10 percent share in the profits, "Boone flippantly responded that 'it's mine and I am going to need it when I get out of prison,'" according to the complaint.

She also allegedly told him that "the gallery is worth nothing."

The suit also expresses concerns about whether the 16 works are currently insured, and calls for the formation of a trust to oversee the artworks that still belong to the gallery. An initial conference in the case has been scheduled for April.