

Greenwich art collector claims he was sold forgeries

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Published 12:28 am, Sunday, August 24, 2014



Greenwich art collector Richard McKenzie Jr. says this sculpture, "Amour et Psyché II" by Rodin, is a forgery sold to him by dealer Robert Fishko, director of the Forum Gallery in Manhattan. Photo: Contributed Photo

With the end of summer comes one last blockbuster: A wealthy Greenwich art collector has reignited his legal crusade against a New York City dealer with new claims of fraud and charges of racketeering.

During the height of their professional relationship in the early 2000s, Robert Fishko, director of the Forum Gallery in Manhattan, allegedly sold his estranged former client, collector Richard McKenzie Jr., a forged painting purported to be by Impressionist master Pierre-Auguste Renoir -- a claim at the base of a pulpy lawsuit filed in state Superior Court last April. The Forum Gallery is also named as a defendant.

Since then, the case has been elevated to U.S. District Court, and McKenzie has come forth with a claim that Fishko duped him a second time, with a sculpture supposedly by Auguste Rodin.

"The starting point of this Complaint is that Defendants, and particularly Fishko, are the consummate con-artists and fraudsters," the suit states.

The two incidences of fraud, McKenzie and his attorney Eric Grayson argue, amount to a violation of the Connecticut Unfair Trade Practices Act and the Racketeer Influenced and Corrupt Organizations Act, the latter usually reserved for motorcycle gangs and organized crime families.

Grayson and McKenzie plan to formally amend their suit to include the new charge after Sept. 30, when a court-mandated stay on proceedings ends. A request to lift the stay early to add the new claim was rejected on Aug. 20.

The stay is a product of a long-running legal feud extending well beyond any one piece: McKenzie is claiming in Manhattan federal court that Fishko defrauded him and his personal art foundation, Seven Bridges, of some \$3.5 million between 1998 and 2011. That lawsuit does not claim purchased works were forgeries, but that Fishko habitually inflated prices during that time. As the Manhattan court weighs ruling on a summary judgment for the case, Connecticut is putting proceedings on hold.

Fishko says the claims are pure fantasy.

"We haven't been sued or accused of any wrongdoing by any customer in the 54 years we have been in business," he said. "I'm disappointed that Richard McKenzie's personal animus towards me, which I believe to be misdirected, would result in this kind of wanton, reckless and malicious false legal action."

According to the suit, Fishko approached his client in 2002 with a tantalizing offer: an "original work" of August Rodin, the man behind the iconic sculpture "The Thinker" and one of the fathers of modern sculpture. The bronze cast, titled "Amour et Psyché II," allegedly cost \$235,000, which McKenzie paid.

Twelve years later, the art collector contacted Sotheby's to sell the cast. The auction house agreed, so long as the sculpture could be authenticated by the Rodin Committee. The piece travelled to Paris for review.

By the time the results arrived back in Greenwich, in this May, McKenzie had already launched a suit against Fishko over the allegedly fake Renoir, sold to him by a secretive French contact in a seedy Parisian backroom in late 2000.

"Mr. Fishko can continue to attempt to minimize what is going on, but he needs to accept the reality that Mr. McKenzie is holding him to task for what he has done," said Grayson. "He can try to put any twist on it that he wants, but the case is very straightforward and speaks for itself."

But the case is more complicated than it looks, said Fishko. He claims the \$235,000 sum was for a group of works.

He said it was not just the Rodin, which on its own cost \$60,000 and was not even the most valuable of the bunch. The notions of authenticity presented are also be misguided, he said.

"There's no truth to any of the new allegations," said Fishko, "just as there was no truth to any of the original allegations, all of which have been repeated here."

Grayson said that once his client's Connecticut lawsuit goes forward, it will establish a pattern of shady dealings.

"First with the fake Renoir and now with the fake Rodin, we believe that Fishko conducted a pattern of racketeering under the federal RICO statute," he said.

Grayson and McKenzie claim Fishko knew the Renoir and the Rodin were frauds, and deliberately mailed false certificates of authenticity across state lines multiple times to swindle his client. The mailings from New York to Connecticut amount to engagement in interstate commerce and fall under the RICO act, Grayson argues.

"Fishko's responses are self-serving and indicative of someone getting backed into a corner pretty fast," he said.