

Press Release
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Auction house Lempertz finally charged, AV Modern & Contemporary and its client enjoy their hard-won success!

Wonderful news has been announced this weekend to AV Modern & Contemporary as well as its client. After four years of a bitter duel, the Cologne-based auction house Lempertz has officially been convicted of breach of duty and care by the prosecutor of Cologne. Lempertz will have to pay back the total sale's price to the purchaser of the fake Campendonk, as well as all the costs incurred by the lengthy court proceedings.

In 2006, the well-known auction house Lempertz sold the painting "Rotes Bild mit Pferden", attributed to Heinrich Campendonk, for a record price of 2.88 million Euros (2.4 million grant price). The Lempertz were aware of the commercial potential of the artwork, and widely promoted its sale. In their advertisement catalogue, they provided the usual references specified in case of a guaranteed authenticity. After the sale, the buyer, mandated AV Modern & Contemporary for the acquisition of the certificate of authenticity and other documents, supposed to accompany the painting. However, when the Swiss gallery started the work, several odd facts arose. Not only Lempertz strangely refused to collaborate, but more importantly, it soon became clear that no recognized expert had actually been invited by Lempertz to assess the painting before the sale, despite the fact that the artwork seemed to have disappeared from the market for over 86 years. Dr Andrea Firmenich, the leading expert of Heinrich Campendonk and author of the catalogue raisonné of his paintings, had simply never been approached by Lempertz, although she lives in Cologne herself. This revealed, the gallery's investigation continued and other suspicious facts were gradually added to the file.

One of the most equivocal aspects of the case concerns the chronology. The couple Wolfgang and Hélène Beltracchi, supposed to be the heirs of a collector named Werner Jägers, had fixed to the back of the Campendonk painting a label from the famous Flechtheim Art Gallery. The highly respected art dealer of the same name was active during the Weimar Republic. This should immediately have alarmed all the specialists with access to this information - but does not seem to have surprised them - as it capsizes the whole chronology supplied by the Beltracchis. According to these dates, Werner Jägers would have been able to buy amazing expressionist paintings like the Campendonk directly from Alfred Flechtheim himself, at the age of 16! Another aspect might as well have drawn the Lempertz' specialists' attention: in 1995, their auction house had declined a painting by Hans Purrmann, originating from the same Jägers Collection, because it had being identified as a fake according to the artist's archives.

Following these findings, AV Modern & Contemporary advised its client to undertake scientific analysis, which confirmed the gallery's conjecture. In March 2008, the Doerner Institute in Munich determined that the painted surface of the canvas contained titanium white. This pigment had not yet been discovered in 1914, when Campendonk was supposed to have created the painting. A second chemical test conducted between August and September 2008 by Art Access & Research in London corroborated the initial results. The Campendonk's buyer filed a complaint against Lempertz and also informed the German Criminal Police.

Prosecutors in Cologne then opened an investigation that would lead to the greatest scandal on art forgery in Germany since 1945. The couple Wolfgang and H el ene Beltracchi, as well as two other accomplices, were charged for having produced and introduced more than forty-nine fake paintings into the art market. In November 2011, they were sentenced to various terms up to six years of imprisonment and 800,000 euros of penalty.

Although no real expertise had been made before the sale, Lempertz and its director Henrik Hanstein continued to proclaim their innocence. They refused to reimburse more than the commission obtained after the sale, arguing that all the required and usual research before a sale had been carried out. It took four long years of legal struggle between the lawyers of the client and those of Lempertz to finally determine the liability of the latter.

On August the 30th, Judge Beck of the Cologne Regional Court, announced during a public hearing that the auction house had clearly failed in its duty. This proved Lempertz and its defenders wrong, and also shook the whole art market. Friday's verdict further confirmed this position. According to the Court, given the very high price of the work and the lack of conclusive evidence about its authenticity, Lempertz should have conducted a deeper expertise before the sale, and should never have certified its authenticity.

The team of AV Modern & Contemporary, and its director Sofia Komarova, rejoice about this verdict: justice was finally ensured.

