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Gallery Is Sued on Sales

By
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An art foundation founded by a Greenwich, Conn., investment manager has filed a lawsuit against a Manhattan art gallery, alleging that the gallery owner bilked the foundation of \$3.5 million as he helped it acquire paintings and sculptures for its collection.

The court filing is the latest salvo in a protracted dispute between Richard McKenzie Jr.—a former partner at Oppenheimer & Co. and the founder of the Seven Bridges Foundation—and Robert Fishko, owner of Forum Gallery. The lawsuit is seeking more than \$14 million, including punitive damages.

The gallery has its own lawsuit against the foundation pending in Connecticut Superior Court. Filed in January, it asserts that the dispute over the purchases was resolved in a March 2011 agreement.

Mr. McKenzie in 1993 created the Seven Bridges Foundation and began building a collection of figurative artwork for an outdoor sculpture garden and two galleries—open to the public by appointment—on an 80-acre campus in Greenwich.

In 1998, he began a relationship with Mr. Fishko, buying art directly from his gallery and using the dealer as an intermediary to buy art from other sources, according to the lawsuit, filed last week in U.S. district court in Manhattan. Over more than a decade, the foundation bought 110 works of figurative art from or through Mr. Fishko, totaling \$11.8 million, suit said. The works included pieces by Norman Rockwell, Auguste Rodin and the hyperrealist painter Charles Bell, said Mr. McKenzie's attorney, Eric Grayson, of Greenwich.

The Forum Gallery was founded in 1961 by Mr. Fishko's mother, Bella Fishko. It specializes in modern and contemporary figurative art and has represented prominent artists including the sculptor Chaim Gross and the caricaturist David Levine.

Mr. McKenzie's lawsuit claims that the two men had an agreement that, as an intermediary, Mr. Fishko would "negotiate down prices" on the foundation's behalf and charge a 5% commission. Instead, the lawsuit says, Mr. Fishko marked up the pieces, sometimes by nearly 100%, and pocketed the difference.

Mr. Fishko's attorney, Andrew Nevas, of Westport, Conn., said: "There's no merit whatsoever, zero, to McKenzie's claim."

Mr. Fishko didn't respond to a message seeking comment.

Seven Bridges' mission is to support living artists by collecting their works and displaying them alongside the work of masters, according to the foundation's website. Mr. Grayson said his client "feels incredibly taken advantage of and duped because Fishko knew that Seven Bridges was a foundation established to help aspiring artists."