

ANOTHER PARK WEST GALLERY DISSATISFIED CUSTOMER CASE STUDY

Park West Gallery sells Brian Falk a fake Dalí print and then puts the Falks through an absolute nightmare, dragged out over *several years* when they try to get help from customer services and senior Park West Gallery executives to right the matter. Lies, false assurances, price gouging, knowingly selling fakes and not putting it right even when clearly pointed out characterize this case study.

Brian Falk and his wife, Malene Hansen, of Ansager, Denmark, contacted Fine Art Registry® with their story after trying very hard to get Park West Gallery to make good their sale to the Falks of a Dalí print that Brian Falk, after extensive research, has concluded is definitely a fake and worthless. Their story and all correspondence and supporting documents are given here in full as they are instructive for others who may be considering buying art, particularly from art auctions at sea and even more particularly from Park West Gallery. The story is told by Brian Falk.

“My wife and I got married on August 14th 2004. Our honeymoon had been planned for several months, and included among other things a cruise with Royal Caribbean Cruise Lines. Even before the honeymoon we had decided to buy ourselves a special gift as a wedding present for each other. We’re not particularly wealthy, so to make an investment this large was only possible because we received money as wedding gifts. Otherwise it would take us a very long time to save this kind of money.

The cruise was originally due to depart, September 5th, 2004. However, due to hurricane Francis, the cruise was postponed a day and the itinerary was changed. We left from Port of Miami on September 6th, 2004 on *Explorer of the Seas*. This was our first cruise.

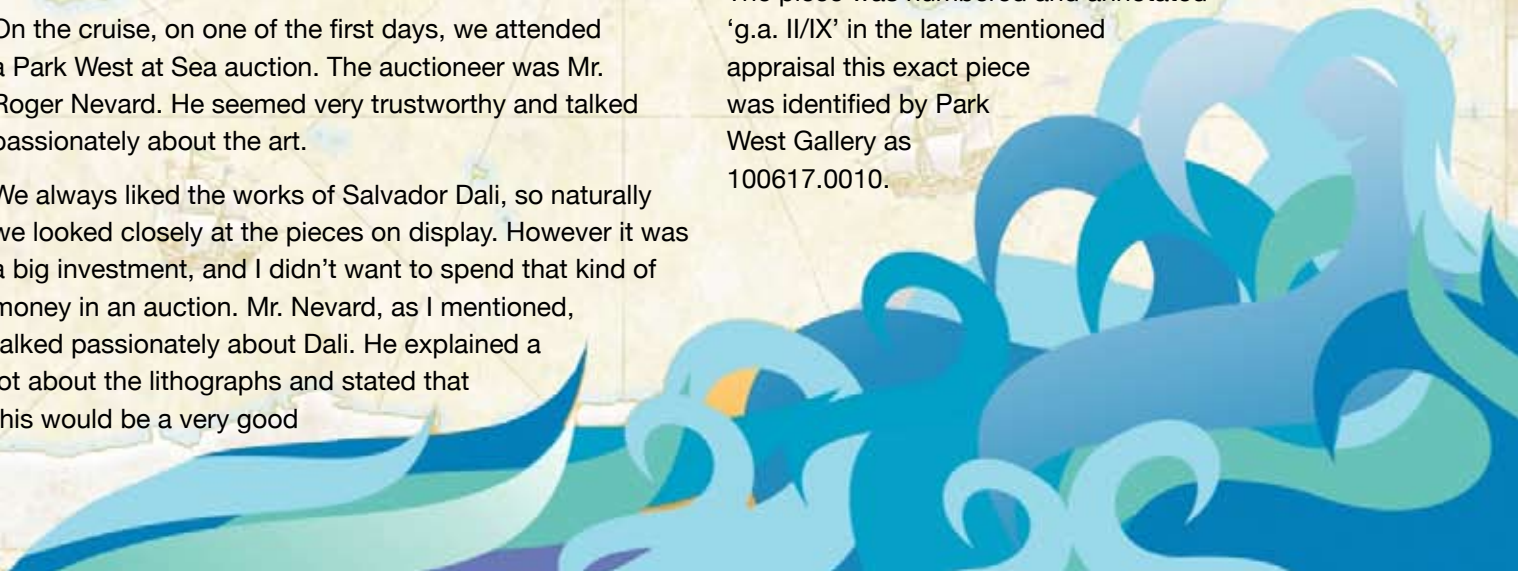
On the cruise, on one of the first days, we attended a Park West at Sea auction. The auctioneer was Mr. Roger Nevard. He seemed very trustworthy and talked passionately about the art.

We always liked the works of Salvador Dalí, so naturally we looked closely at the pieces on display. However it was a big investment, and I didn’t want to spend that kind of money in an auction. Mr. Nevard, as I mentioned, talked passionately about Dalí. He explained a lot about the lithographs and stated that this would be a very good

investment. The value was sure to go up. To reassure me about the value of the pieces, Mr. Nevard referred to the ‘Additional terms and conditions’ (stated on the back of the invoice) and told us that if a piece sold by Park West Gallery didn’t hold the value stated by Park West, we could get our money back.

We decided to buy a lithograph from the *Sacra Biblia* collection. The piece *Filius Prodigus* (The Prodigal Son) was signed in the plate and also signed with red pencil ‘by the artist’. I thought it was awesome to have a piece signed by the ‘great Dalí’. We made contact with Mr. Roger Nevard and made the deal. The ship was at this time in port in Costa Maya, Mexico.

The piece was numbered and annotated ‘g.a. II/IX’ in the later mentioned appraisal this exact piece was identified by Park West Gallery as 100617.0010.





CORPORATE OFFICES
300 DELAWARE AVENUE
SUITE 1704
WILMINGTON, DE 19801
800.521.9654

PRINTED: 09/09/2004
RCI EXPLORER OF THE SEAS

BILL AND SHIP TO

MS. MALENE HANSEN

COMPANY:
COUNTY:
EMAIL:
HOME PHONE: 45-000-000-0000
WORK PHONE:

ANSAGER,
DENMARK (REGION: EUROPE)

BIDDER NUMBER	CABIN NUMBER	AUCTION NUMBER	INVOICE NUMBER	INVOICE DATE
119	1362	U743	U743-27-2	09/09/2004

LOT NUMBER	REG. SER. NUMBER	ARTIST	ART TITLE	BUYER PRICE	BUYER PREMIUM	AUCTION PRICE	ART	SHIP AMOUNT	FEES	IN-TR. HANDL.	CUSTOM FTM	APPR. CODES	
PH006	127941	LINDA LE KENFF	GRAND ORCHESTRE	0.00	0.00	0.00	0.00	0	0	0.00	0	NO	U P
PH012	132149	ITZCHAK TARKAY	INDIGO CHAPEAU	0.00	0.00	0.00	0.00	0	0	0.00	0	NO	U P
438	100617.9999	SALVADOR DALI	FILIUS PRODIGUS	8150.00	1222.50	9372.50	9222.50	235	0	0.00	0	35	X F

ART SOLD UNFRAMED ('U'), UNLESS NOTED. DELIVERY TAKES 6 TO 8 WEEKS.

INVOICE TOTALS

Notes:	ART 9222.50 APPRAISALS 35.00 CUSTOM FRAMING 0.00 LESS CREDIT+DISCOUNTS -50.00 SUBTOTAL 9207.50 SALES TAX 0.00 SHIPPING AND HANDLING 235.00 IN-TRANSIT HANDLING 0.00 CP SHIPPING CREDIT 0.00 GRAND TOTAL 9442.50 PAYMENT TOTAL 9442.50
<p>PURCHASER'S ACKNOWLEDGEMENT</p> <p>THE PURCHASER, BY SIGNING THIS INVOICE, ACKNOWLEDGES RECEIPT OF A COPY HEREOF, AND HAS AGREED TO PURCHASE THE ABOVE DESCRIBED GOODS AND SERVICES ON THE TERMS AND CONDITIONS STATED IN THIS INVOICE AND THE AUCTION CATALOG. NO VERBAL AGREEMENTS OR REPRESENTATIONS SHALL BE OF ANY FORCE OR EFFECT UNLESS SET FORTH IN WRITING IN THIS INVOICE. CREDIT CARD PURCHASERS AGREE TO PAY, IN ADDITION TO THE AMOUNTS SHOWN ON THIS INVOICE, ANY FINANCE CHARGES, FEES OR OTHER AMOUNTS DUE UNDER ALL APPLICABLE AGREEMENTS GOVERNING THE USE OF SUCH CARD. NON-U.S. RESIDENTS ARE RESPONSIBLE FOR ALL TAXES, DUTIES, BROKERAGE FEES, CUSTOMS FEES, OR OTHER CHARGES WHICH MAY APPLY TO THE TRANSPORT OR IMPORTATION OF THE ARTWORK.</p> <p>THIS INVOICE CONTAINS ADDITIONAL TERMS AND CONDITIONS ON THE REVERSE SIDE. THOSE TERMS AND CONDITIONS ARE IMPORTANT AND PURCHASER SHOULD READ THEM CAREFULLY.</p> <p>X _____ SIGNATURE</p>	<p>PAYMENT FOLIO 39464827 9442.50</p>

Shipping Codes: P - pull from stock b1.1.1 F - office to F&SI G - office to INCL ART DIRECTOR: ROGER BELVAUD S - ship to client T - taken by client PAGE 1

The price was \$9,442.50. A total of \$9,492.50 was withdrawn from my account. I can't remember how we paid for the piece, but it was either with our own credit card or using the RCCL onboard 'credit card' (the one that's also ID card and key for the stateroom door). We returned from our honeymoon on September 14th, and

began waiting for the Dali piece. After the estimated 6-8 weeks, we had not received anything, aside from the many "posters" that were given to us for free by Park West. I began calling and writing to Park West Gallery, but had a very difficult time getting any answer from them. After almost 17 weeks we finally received something from Park West. This was in early January 2005.

However it was the wrong piece. This piece was also from the *Sacra Biblia* collections. It's named: *Ipse Erat Elias*



(Elijah). It was signed both in the plate and also with blue pencil. However it was not annotated by Park West.



***Ipse erat Elias* print and close-up showing signatures.**

The invoice from the parcel handler stated the value as \$2,500. This is the value that is stated by the sender due to customs rules. I made contact to Park West about the mistake. I thought that the piece was nice and asked about an offer for this piece, and expected something around \$1,500-2,000. I still wanted to receive the piece that I originally collected though.

On January 27th, 2005 I received a letter from Park West with an offer to exchange the wrongly received piece for the one I originally collected. The offer was a supposed 'generous offer' from Park West, as the wrong piece was: 'far higher in value than your original order'.



19 September, 2005

Dear Ms. Hansen,

I was recently given your account in order to help you with your request to purchase Dali's 'Filius Prodigus' Registration 100617. Unfortunately, I was unable to contact you by telephone based on your account information, so I am corresponding to you by letter.

I understand that you had originally ordered 'Filius Prodigus' at the hammer price of \$8,000. Instead you received 'Ipse Erat Elias' Registration 100627, which is far higher in value than your original order. Management has agreed, per your request, that the latter Dali piece will stay in your possession for the price you paid. As for the 'Filius Prodigus', you may purchase this piece from our Gallery at the same retail price that you had originally ordered it aboard ship (\$8000 + 15% Buyers Premium = \$9,200). Although, this piece is currently priced in our gallery at \$10,500, due to the nature of your situation we will honor your request.

Enclosed is a framing booklet for you to select a frame for your Dali, a breakdown of your charges, and an information sheet for you to fill out to process your order. Please send the information to me via mail, email, or through a phone call. I am available in the Gallery Tuesdays and Wednesdays from 10am - 6pm US Eastern Standard Time, and on the weekends from 11am - 6pm. I look forward to hearing from you.

Sincerely,

Jennifer Puzsar
Park West Gallery
Gallery Sales Associate
29469 Northwestern Hwy
Southfield, MI 48034
(248) 204-6874
jpuzsar@parkwestgallery.com



Jennifer Puzsar

29469 Northwestern - Southfield - Michigan 48034
(800) 521-9654 Ext. 1874 - Fax (800) 600-7275
E-mail: jpuzsar@parkwestgallery.com

I was very upset about this, as the information from Park West Gallery didn't make any sense. At this point I was sure that they were trying to defraud me.

I made written contact with Park West to make them take both pieces back, and return me my money. Via email I had a long correspondence with Mr. Bill Smith. At first he stood by the statement, that the wrong piece was 'far higher in value.' At some point however he admitted that he was wrong about this.

[E-mail correspondence follows:]

From: Brian Falk
Sent: Thursday, January 27, 2005 9:25 AM
To: jpuzsar@parkwestgallery.com
Subject: Lost Dali pieces

Dear Jennifer

I'm writing on behalf of my wife, Malene Hansen, concerning the matter of the lost Dali lithograph, *Filius Prodigus*. I want you to know that I am happy that you are doing something about this. However, this has now become a matter between Park West and me, so please don't take this e-mail personally.

As you might know, this has been nothing other than a big mess since we originally bought the mentioned Dali piece on board a Royal Caribbean cruise ship on September 9th last year at a price of \$9,442.50 including shipping. After almost 4 months of waiting and numerous calls and mails to your gallery we finally received something early January (by the way, 800- numbers in the US are not free of charge when calling from Denmark).

However we were very sad to see that the piece we received was NOT the piece that we bought for ourselves on our honeymoon as a wedding gift to each other ((for a short moment I was thinking, if you were actually trying to defraud me !!)). I called the gallery to tell about the fault. I do

remember that I at some point in an e-mail asked for the gallery to quote me a favourable price for the *Ipse erat Elias* piece, in order to compensate for the long wait. I never said anything about buying it. Since then I have sent a couple of e-mails but received absolutely no reply.

At that point I had already lost my trust in your company. Today we received the letter from you. I was almost offended by your offer to sell me the *Ipse erat Elias* piece at the same price as the *Filius Prodigus* piece claiming it to be: "far higher in value" than the *Prodigus*. First of all, on the invoice the *Ipse erat Elias* piece has a value of only \$2,500 (as printed on the declaration statement). Second the *Ipse erat Elias* is NOT numbered and is NOT signed/ approved by "g.a." Giuseppe Albaretto. Still you're trying to "sell" me the *Ipse erat Elias* piece at "far higher value". I must sincerely say, that the thought about Park West Gallery trying to defraud me is no longer just a thought in my head. I really can't find the right words to describe how I feel about the way that all this has been handled, besides that I have no trust left in your company, and I do not want to do business with you at the moment. Most of all I would like to go out and tell a lot of people about this – but then again, I also want to settle this in a proper manner. I therefore want an immediate return of the money I paid for the *Filius Prodigus* piece including currency loss. On the 9th of September there were 6,0995 Danish Crowns (DKK) for one dollar. Today there's 5,723 DKK for one dollar.

Furthermore I expect the Park West Gallery to heavily compensate us for the loss of our "wedding gift" and inconvenience in this case. When taking the currency loss into calculation I expect to receive not less than \$ 10,063.70 plus whatever Park West Gallery think is appropriate as compensation. I expect to hear from you or someone else very soon.

Finally I would like you to know, that I have had the *Ipse erat Elias* piece appraised at a Danish auction house "Bruun-Rasmussen Auktioner".

Best regards
Brian Falk

From: Jennifer Y. Puzar
[mailto:jpuzsar@parkwestgallery.com]
To: Brian Falk
Received: Thursday, January 27, 2005 8:29 PM
Subject: RE: Lost Dali pieces

Dear Brian,

Thank you for expressing your concerns through your email. I am forwarding your thoughts to the proper individuals in our Client Services department to assist from here on out. You can expect to hear from them shortly.

Thank you,
Jennifer Puzsar
Gallery Sales Associate
Park West Gallery

From: Jennifer Tashman
<jtashman@parkwestgallery.com>
To: Brian Falk
Subject: Misshipped Dali
Date: Mon, 7 Feb 2005 10:02:43 -0500

Dear Mr. Falk,
I am writing in response your most recent letter, received January 27, 2005, regarding the Dali you purchased aboard the Royal Caribbean *Explorer* in September.

I have been forwarded the file but unfortunately have been unable to reach you by phone. I understand you are in receipt of the wrong Dali image. The correct image, *Filius Prodigus*, is framed and ready to ship, and is on hold pending return of the incorrect piece. We would like to make arrangements for return of the incorrect image currently in your possession. Unfortunately, FedEx will not pick-up internationally, and thus, you will need to bring the piece to your local FedEx facility.

Please give FedEx the following return address:
Park West Gallery
29469 Northwestern Highway
Southfield,
MI 48034
Account #: 048221742

(This will ensure that Park West is billed with the costs associated with the return).

Additionally, please be sure to provide FedEx with the paperwork corresponding to customs and duties charges.

I apologize for any inconvenience and hope we can

quickly resolve this matter to your satisfaction.

Sincerely,
Jennifer Tashman
Client Services

From: Brian Falk
Sent: Thursday, February 24, 2005 4:25 AM
To: jtashman@parkwestgallery.com
Subject: RE: Misshipped Dali

Dear Jennifer

Today I have waited 16 days for your reply on my email dated 7/8 of February 2005.

Best regards

Brian Falk

From: Jennifer Tashman
<jtashman@parkwestgallery.com>
To:
Subject: RE: Misshipped Dali Received: Date: 24 Feb 2005 4:01 PM

Dear Mr. Falk,

I apologize for the delay, however, your file was forwarded to one of the gallery directors, who just recently returned from being out of town. He will be in contact with you soon.

Regards,

Jennifer

From: Brian Falk
Sent: Thursday, March 23, 2005 4:00 PM
To: jtashman@parkwestgallery.com
Subject:

Dear Jennifer

Please forward this message to the appropriate gallery director:

I'm sure you know what matter I'm writing about, but let me just sum it up one more time.

On February the 8th I wrote to you to get my money

back for a Salvador Dali piece that I purchased on a cruise ship on September 9th, 2004 – a piece that I, by the way, have not received yet.

16 days after my initial mail, I asked what was going on, and was told, that the message had been forwarded to a gallery director. This is now more than 6 weeks ago, and I must say, that I'm extremely disappointed about the way Park West is handling this.

My complaint is that the piece of art that I purchased is not in any way as valuable as you claim it to be.

I'm in possession of a written document from Park West Gallery, in which you claim that the faulty piece I initially received (Salvador Dali: *Ipse erat Elias*) is even more valuable than the piece I originally bought on the cruise ship (Salvador Dali: *Filius Prodigus* (\$9,400)). Even though on the shipping documents from UPS you state, that the value is only \$ 2,500.

I've had the *Ipse erat Elias* piece appraised at the leading Danish auction house. The piece that I have is not even worth the shipping costs. And since you claim that this piece is even more valuable than my initial buying, I can't see why this is taking so long. According to your "Additional terms and conditions" and more importantly according to the art director who sold me the piece, there's a 60 day money back guarantee, if a purchase does not hold the value stated by, and paid to, Park West.

I still have the faulty piece, and am just waiting for this matter to be solved, so that I can return it.

*** Dear Park West. I'm done being "the understanding customer" and I'm tired of waiting for you to respond. I'm now giving you 14 DAYS UNTIL APRIL THE 6TH. ***

On April the 7th I will take the necessary measures to get my money back including loss caused by changing exchange rates and including a compensation for the time and effort I have put in to this matter in the past 6 months.

Be advised, that I will:

- file a complaint with the FTC - The Federal Trade Commission and the Danish OECD representative in the US.
- report the case to the Danish Customs Office, since you obviously states too low unit values on your shipping documents.
- contact my attorney in order to make the US

authorities start up a criminal investigation, as I believe that this is actually a case of fraud, and highly questionable trading methods

- have to inform the Royal Caribbean Cruise Lines about this matter, and

- have to go public, including informing about the case on various internet sites.

I think I have been more than patient in this matter. I haven't told anyone about it yet and I believe I have been very loyal to your company. BUT like I said, you have 14 days to solve this matter. In the meantime I'll just sit tight and wait for your reply. But if you do not solve this, I'm forced to take the above-mentioned steps.

However I still believe that we can solve this in a proper manner, as I really have no wish of harming your company. I did actually buy other pieces of art from Park West, that I appreciate.

As English is not an official language in Denmark, I please ask you to bear with me if my writing is a little poor.

Kind regards,
Brian Falk

From: Brian Falk
Sent: Thursday, March 31, 2005 3:10 PM
To: jtashman@parkwestgallery.com
Subject: Reply ??

Dear Jennifer

I haven't received an answer from you concerning my e-mail dated March 23rd.

I'm letting you know, that I still consider April the 6th as the final date for Park West to deal with my complaint.

Kind regards
Brian Falk

From: Jennifer Tashman <jtashman@parkwestgallery.com>
To: Brian Falk
Subject: RE: Reply ?? Received:
Date: 31 Mar 2005 11:00 PM

Dear Mr. Falk,
I am in receipt of both emails and they have been properly forwarded.
Sincerely,
Jennifer

From: Bill Smith <bsmith@parkwestgallery.com>
To: Brian Falk
CC: Jennifer Tashman
<jtashman@parkwestgallery.com>
Date: Thu, 31 Mar 2005 18:00:13 -0500

Dear Mr. Falk,

I have reviewed the e-mail you sent to Jennifer Tashman in our customer service department. Please note the following regarding the concerns you have raised.

1. You received a different work from the "Biblia Sacra," by Salvador Dali than the one you bid on while on the ship.
2. You expressed an interest in purchasing the piece you received instead of exchanging it for the correct piece. At the time you asked for our "best offer."
3. The piece you have possession of is a more expensive work. However, we agreed to allow to have it for the same price as the one you bid on.
4. The work that you have in your possession is numbered in Roman Numerals and annotated g.a.. You will find the annotation and numbering in the lower left corner of the work. The Roman Numeral numbering scheme indicated that your work comes from one of the nine bound bibles that we received with the collection. There are only nine examples of this work that were from bound bibles.
5. The work is hand-signed by Dali. I actually have an example of this work in my office. You will note two signatures in the lower left part of the image. One is in a reddish color with the date 1964 just below it. That signature is a signature in the plate, i.e. it was printed when the image was printed. Dali's hand-signature is just to the above right of the red signature. On the example in my office it is just below the left

big toe of the main figure. The example I have in my office is hand-signed in blue.

7. It is ridiculous that the Danish auction house "Brunn-Rasmussen" would value the work for less than the shipping cost. These works have never been sold at any international auction and therefore there would be no publicly available records for them to base a value judgment upon. We have exclusively sold hundreds of works from this collection and have the sales records to substantiate the values. On the other hand the Danish auction house has never had one of these works for sale. Please send me a copy of the Dutch auction house's "appraisal" if you would like me to provide a specific response to their determination of value.

8. I do not know where you got the "Additional Terms and Conditions" that discuss "a 60 day money back guarantee, if a purchase does not hold the value stated by, and paid to Park West." That is not our corporate policy and it is not in writing on any Park West documents.

9. I am not involved in the shipment of artwork so I cannot comment on the declared value that was on your UPS documents. If you like you may keep the work that you have in your possession or we can send you the work you originally acquired in exchange. Please e-mail Jennifer Tashman and let her know what you would like for us to do. There is no basis for a refund.

From: Brian Falk
Sent: Friday, April 01, 2005 2:29 PM
To: jtashman@parkwestgallery.com
Subject: The ... Dali piece

Dear Jennifer

I was told to send e-mail to you.
However this

mail is as much to Mr. Smith, so please forward this message to him:

Dear Mr. Smith

Thank you very much for your answer. BUT: The piece that I received is NOT numbered and signed by Giuseppe Albaretto. Obviously I would not have argued about this, if there had been a signature by g.a. and a number on the piece. So once again - the piece that I hold is NOT numbered. Concerning the appraisal, surely you must be the first to know about the complications regarding "Dali" pieces, which "only" holds a signature. The *Sacra Biblia* collection has been overproduced to say the least, and without any documentation it is questionable if the lithograph was actually made by Mr. Dali. I do not at this point want to comment on the reasons for the low appraisal made by the auction house.

Regarding your section 8 - the 60 day money back guarantee, it is stated on the back of the invoice, that claims concerning the artwork has to be provided to you within 60 days. According to the art director, that sold us the piece, this was insurance to us, that if the piece did not hold the value that was paid for it, we could get our money back. Once again I urge you to give us full refund. We bought the piece to have a great memory from our honeymoon. No matter what happens these lithographs will always remind us about all the trouble we had to go through. Finally I am a bit disappointed with the "tone" in your reply. I don't remember saying anything that could have upset you. Anyway I'll still end my e-mail, by wishing both of you a nice day

Best regards
Brian Falk

From: Jennifer Tashman
<jtashman@parkwestgallery.com>
To: Brian Falk
Subject: RE: The ... Dali piece
Received: Date: 1 Apr 2005 9:36 PM

Dear Mr. Falk,

I am in receipt of your email and have forwarded it on. However, please be advised that Mr. Smith will be out of the office for the next two weeks on

company business.

Sincerely,
Jennifer

From: Brian Falk
Sent: Wednesday, April 27, 2005 11:45 AM
To: jtashman@parkwestgallery.com;
bsmith@parkwestgallery.com
Subject: Complaint about a Dali piece

Jennifer and Bill

Since you didn't even bother to answer my emails, I have had to carry on with my complaints to the various offices, that I mentioned.

For your information, some one of my claims are:-

The written invoice (agreement) made on board the Explorer of the Seas on the 9th of September stated a delivery period of 6 to 8 weeks. When I received the (incorrect) piece in January, it had already been 17 week. By this Park West have mistreated the agreement, which therefore is not valid. In other words: the deal is off.-

The invoice and terms and conditions written on it, deals with sales made on an auction. Since I did not buy the piece on an auction - the invoice(agreement) is not valid. **SINCE YOU OBVIOUSLY DO NOT WANT TO GIVE ME A REFUND, I HERBY DEMAND, THAT YOU IMMEDIATELY SEND ME MY PICTURE.** When I'm in receipt of my picture (Filius Prodigus, signed "g.a. II/IX"), you can have the one that belongs to you picked up (Ipse Erat Elias).

However: You can still give me full refund - and I'll withdraw all my claims/reports. After all, that is what I want the most.

Brian Falk

During our conversations, in his effort to assure me that the piece I originally collected was indeed genuine and original, Bill Smith sent me several documents:

Fra: Bill Smith [bsmith@parkwestgallery.com]
Sendt: 27. april 2005 21:47
Til: Bill Smith;
Cc: Jennifer Tashman
Emne: RE: Your Dali Biblia Sacra

Hopefully this address works. Let me know that you have received it.

> -----Original Message-----

> From: Bill Smith
> Sent: Wednesday, April 27, 2005 11:58 AM
> To: 'brianfalk'
> Cc: Jennifer Tashman
> Subject: FW: Your Dali Biblia Sacra

> Dear Brian,

> Here is the previous e-mail.

> Regards,
> Bill

> -----Original Message-----

> From: Bill Smith
> Sent: Wednesday, April 20, 2005 7:06 PM
> To: 'brianfalk'
> Cc: Jennifer Tashman
> Subject: Your Dali Biblia Sacra

> Dear Mr. Falk,

> I apologize if you felt that the tone of my last e-mail indicated that
> I was upset. I did not mean to infer that I was. I am passionate
> about the extraordinary Dali collection that Park West represents and
> perhaps my passion came through negatively. I merely was attempting
> to present you with the facts regarding your work. I will try to
> relate them and address your noted concerns in a more organized
> manner.

> 1. As I noted in paragraph 4 of my previous e-mail, the work in your
> possession is numbered in Roman numerals and annotated g.a. Perhaps I
> did not clarify that the work was not signed by Giuseppe Albaretto.
> It was annotated by Park West with his initials to indicate that the
> work came from his collection. Mr. Albaretto had passed away prior to
> the time this collection came to Park West.

> 2. I apologize, but I do not understand you comment regarding the
> Biblia Sacra being "over produced." 1797 bibles were printed. Only
> ten bound bibles were hand-signed (we represented 9). and in the case
> of the work you received there were an additional 73 unbound loose
> sheets that were hand-signed. Therefore, for your image, Dali only
> hand-signed 83 examples. This is exceptionally rare.

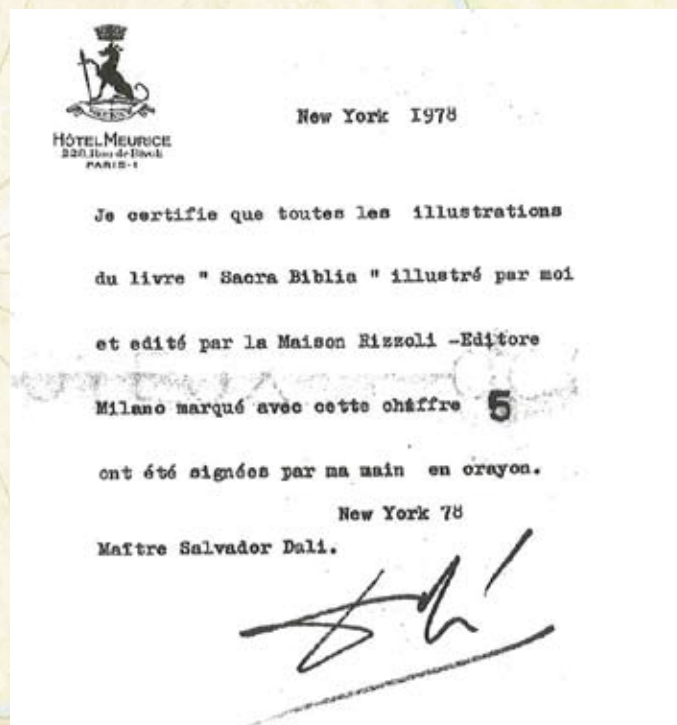
> 3. It is well known and catalogued that Dali created the Biblia
> Sacra. Attached is copies of some of the documentation we used to
> establish the provenance and authenticity of these works.

> << Message: Bible Certs >> << Message: Mrs. Albaretto >> <<
> Message: Ewell >> << Message: Essay >> A. The first envelop "Bible
> Certs" is a copy of one of the certificates of authenticity, on
> parchment, that came with each of the bound bibles. The cover depicts
> the initials BSDR. We do not know exactly what those initials
> represent. However, my educated opinion is that they stand for Biblia
> Sacra Dali Rizzoli. Rizzoli was the noted Italian book publisher that
> printed the bibles for Mr. Albaretto. The inside of the front cover is
> hand-signed by Dali and the opposing page is signed by an unknown

> party on behalf of the publisher.
>
> Also, I have included a copy of a certificate, signed by Dali,
> attesting to his signature on the unbound loose sheets.
>
> B. The second envelop contains an attestation (including translation)
> from Mrs. Albaretto regarding the Biblia Sacra.
>
> C. The third envelop contains the letter of authenticity from Bernard
> Ewell, ASA. Mr. Ewell is the leading Dali expert in the world. If
> you would like to examine his credentials you can see them on his
> website at <http://www.bernardewell.com/>.
>
> D. The final envelop contains a copy of an essay that Mr. Ewell wrote
> about the Biblia Sacra.
>
> This information should address your concerns about who produced the
> Biblia Sacra and its authenticity.
>
> 4. I too will not comment on the auction house's "appraisal."
>
> 5. I have reviewed the back of our invoice. I know understand where
> you made the reference to 60 days notice. However, as stated on the
> invoice, this provision only applies to damage or packing
> irregularities.
>
> I cannot suggest a refund in this matter. We have the work that you
> originally purchased on hold and I can offer to exchange that one for
> the one you have in your possession should you wish to do so.
> Otherwise, the artwork is as it has been represented and the value is
> as we have stated. Please review the above information I attached.
> There are few other art dealers that can provide you with similar
> documentation on the Dali artwork that they represent.
>
> I also wish you a good day. Please e-mail me directly should you have
> additional concerns or questions.
>
> Regards,
> Bill Smith
> Senior Auctioneer
> Park West Gallery
>
>
>

Among this documentation I particularly noticed the attached, which is a written statement from Mr. Dali,

confirming that his signature on lithographs stamped with the number "5" on the back is genuine.



You've probably seen this written statement before, but just to be sure, I'll make a short translation:

"New York 1978. I certify, that all illustrations from the "Sacra Biblia" book, made by me and published by "The Rizzoli House - Milano" and marked with this number "5" is signed by my hand with pencil. New York 1978. Salvador Dali".

[Yes, we have seen this letter before. The German police also have 27 such letters, all signed the same way, all attesting to the fact that various pieces were genuine and by Salvador Dalí. However, like other letters of this nature, this one is full of simple French grammatical errors which Dalí would never have made and has other inconsistencies that makes it suspicious as to its authenticity. - Editor]

The email conversation is very long. Most of this is probably not relevant in this case, but you'll find a lot of information from Mr. Bill Smith, that you might be able to use in other cases.

One of the main arguments concerned the alleged certification of the lithograph with the red stamp "5" on the back of the piece. Mr. Bill Smith confirms that the written statement about this applies to both works:

"Both of these works are included in the collection I sent you the documentation on".

And: *"The number "5" that is mentioned in the documents*

refers to a red stamp that was placed on the back of each of the loose sheets that Dali hand-signed. This was done by Mr. Mastella as a security feature. You would see this on the back of the work you originally collected if it was unframed".

[Interestingly enough, there is a stamped "5" on another couple of prints allegedly from the same collection, sold by Park West, but they are BLACK, not RED as stated here. Someone needs to get their stories straight. - Editor]

You can call me naive, but Mr. Bill Smith actually succeeded in convincing me that the lithograph was genuine as well as the signature on it. At that point I was well aware that I had not made a good deal, but it was still "a real Dali", which was OK in regards to the fact that I couldn't get my money back. I never checked the red stamped "5" though.

I finally received the *Filius Prodigus* piece on May 9th 2005, seven months after the original purchase. To my surprise this wasn't the piece I bought. Both my wife and I were sure that the one we bought was annotated "g.a. II/IX". The one we received was annotated "g.a. IV/IX". In the email correspondence you will find that the annotation "g.a. II/IX" was mentioned by me, even before I received the piece. I tried to get an explanation for this by Mr. Bill Smith, but his only response was: *"Perhaps the IV looked like an II on the ship"*.



***Filius Prodigus* print and close-up showing signatures.**

At this point I didn't have the energy to go into any more debates with Park West Gallery, and I silently accepted the different annotation. I was/am still sure though, that this piece is not the one, that we bought on the ship.

We also received the appraisal. The Appraisal concerns Filius Prodigus, registration number 100617.0010. It has an appraised value of \$15,250.

PARK WEST
G • A • L • L • E • R • Y

Appraisal

May 11, 2005

Malene Hansen

Ansager,

The following work of art has been examined by Park West Gallery. In our opinion, the current gallery retail replacement price for this work, including its frame, is:

Dali, Salvador
Filius prodigus
(The prodigal son)
1964

Registration Number: 100617.0010
Appraised Value: \$15,250

19''x 13 3/4''

Lithograph in color on heavy rag paper. Signed in color pencil, also signed on the plate. Numbered in Roman numerals and annotated "g.a." One of 9 examples hand-signed by Dali between 1976-1979.

One of one hundred and five illustrations of the "Sacra Biblia" by Salvador Dali, published by Rizzoli Editions, Milan, Italy, 1967, and commissioned by Giuseppe Albaretto. From the collection of Roberto Mastella. One complete hand-signed Bible also exists, in a private collection.

Dali's friend and patron, Giuseppe Albaretto, commissioned the artist to create one hundred and five lithographs to illustrate the Bible. Four years were spent, from 1963 to 1967, in creating the lithographs which were edited and printed by Rizzoli Editions. Between 1976 and 1979 Mr. Roberto Mastella, a prominent Dali collector arranged through Mr. Albaretto to have Dali hand-sign examples of the lithographs.

(Continued on next page)


ALBERT SCAGLIONE
Director





Appraisal

May 11, 2005

These are the only know examples of the Sacra Biblia hand-signed by Salvador Dali in existence.

More than one year was spent researching and authenticating these lithographs. Mr. Bernard Ewell, ASA, a recognized expert in the field of Dali's works and appraiser of the Salvador Dali Museum, St. Petersburg, FL, authenticated the lithographs and the hand-signatures by Dali. Dr. Mara Albaretto Berio, widow of Giuseppe Albaretto, has also authenticated these lithographs.

Albaretto's intention in convincing Dali to accept the Biblical commission was to lead the artist to God. He believed that studying the Bible, Dali would once again be drawn to the Catholic religion, fearing that through the influence of Dali's wife, Gala, the artist was risking his spiritual redemption. We can never know the spiritual outcome of the experience of creating the Sacra Biblia, but, the artistic outcome is certainly remarkable. Bernard Ewell, in commenting on the series stated, "Having examined the original paintings, as well as...the printed illustrations, I am tremendously impressed by the fidelity of the prints. It is frequently difficult to tell they are not the original paintings. They are of quality that would fool most viewers. Truly, the coming together of the Albarettos, the Bible, and Dali resulted in a creation of a set of images that represent far more than the sum of the parts. Even so, it is worth stating again that each image quite clearly can stand alone as an individual work of art by Salvador Dali".

This Appraisal is subject to the terms and conditions set forth on the reverse side hereof.

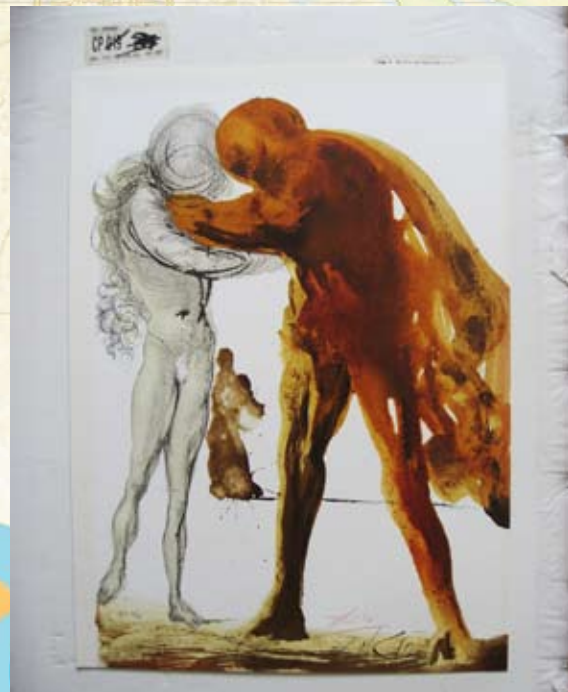
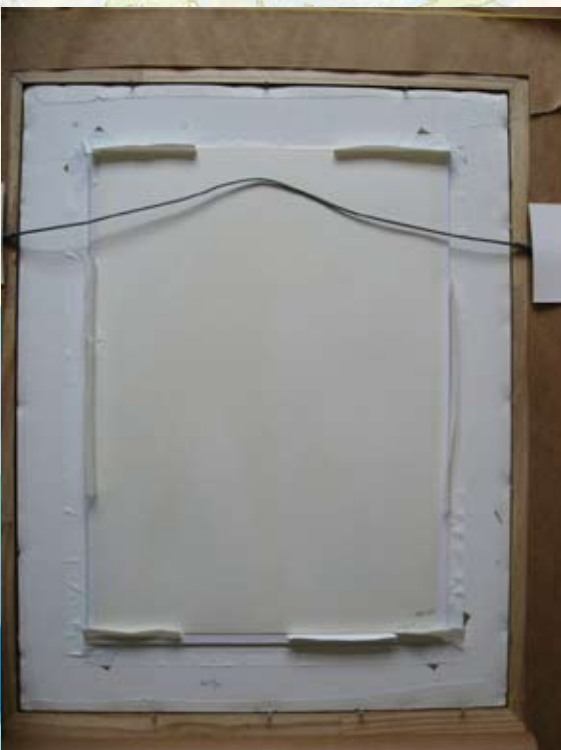


ALBERT SCAGLIONE
Director



Ignorant of the true facts, the piece *Filius Prodigus* after this hung on my wall for three years. On September 25th, 2008, I stumbled across an article on the Fine Art Registry website concerning fake Dalis being sold by Park West Gallery.

I immediately checked my Dali piece. After removing the back cover I discovered that this piece did not have the above mentioned stamp. Furthermore I noticed that the Park West registration number was 100617.0002, which to some point proves my allegation, that this was not the piece I bought on *Explorer of the Seas*.



I immediately forwarded an email directly to Mr. Bill Smith, demanding an annulment of the deal, and a full return of the appraised value. It was/is my opinion that these facts were so incriminating to Park West Gallery, that if there was any honesty and dignity in the company, they would immediately return my money and compensate me, and thereby accept my generous offer to settle the issue in a discrete and quiet way.

From: Brian Falk
Sent: Thursday, September 25, 2008 12:18 PM
To: bsmith@parkwestgallery.com
Subject: RE: From Brian - concerning the Dali pieces

Dear Mr. Smith

We had a long conversation some years ago. I have all of it stored, and what's below is just some of it. I did/do appreciate the time You took to explain me about the Salvador Dali piece that I bought on Explorer of the Seas on September 9th, 2004. You were very kind trying to assure me about the authenticity of the piece I bought. This is the reason why I'm writing directly to you and not some "public" mailbox. What I'm about to mention is a serious matter, and I want to address you directly.

The story is very short:

- we bought the piece, *Filius Prodigus* by Salvador Dali, in Costa Maya, on Explorer of the Seas on 9/9 2004. Reg.no. 100617.0010
- January 2005 we received a wrong piece, *Ipse erat Elias*.
- for several months we tried to get the correct piece instead of the wrong one (obviously).
- I was very concerned about the authenticity of the pieces, due to various circumstances. We had a long correspondence, and finally you convinced me, that everything was OK.
- May 2005 we received the correct piece. In our correspondence, among other things you sent me a French written statement signed by Salvador Dali, stating, that the piece was original and signed by Mr. Dali in hand. The authenticity of this was marked by a red stamp "5" on the back of the piece. You also explain this in the below mail. I have no reason to think, that you knew about this, but the very shocking fact is, that my piece does NOT have this stamp. I have thought about checking the stamp for a long time, and today I finally had the time. I'm very sad to learn, that my piece is a fake. The lithograph

itself may be by Dali, but there's really no arguments left to claim, that the signature is. I'm truly very sad about this, as the piece was meant to be a wonderful memory of the trip of a lifetime. Furthermore, I just want to add, that at some point I claimed, that the piece I received was not the one, that I bought on the ship. I remembered is as mine was no. II/IX but the one I received was no. IV/IX. However at that time, I didn't want to dig further into that, as my main concern was the authenticity of the lithograph. The registration no. I bought was 100617.0010 as stated on both the appraisal and also on the address sticker on the back of the frame. However the piece that I hold is 100617.0002. This alone should be more than enough to make an annulment of the deal. Dear Bill, I really want to settle this in quiet. I have no interest in sharing this issue with any third parties. My only purpose now, is to get this piece out of my life at it has become a total disaster story. I really hope you're still at Park West Gallery. My suggestion is, that you make the arrangements of a pick-up here at my address, and that the piece is returned to Park West Gallery. Furthermore Park West Gallery gives me a refund of the appraised value: \$ 15,250. You might argue, that Park West should only return the payment total, but really refunding the appraised value is the least you could do in this matter. Actually I believe, that this matter is so serious, that you should consider an even larger compensation. My discretion is guaranteed. I just want to add, that the piece was not bought at an auction. It was bought while in port in Costa Maya, Mexico on September 9th 2004. The art director was Mr. Roger Nevard, who I still feel very positive about. I hope he's doing fine. I look forward to a fast solution of this matter.

Kind regards

Brian B. Falk

Information on purchase:

Lot number: CP 438 -

Reg./ser. number: 100617.0002

Invoice number: u743-27-2

From: "Brian Falk"

Sent: Friday, September 26, 2008 10:43 AM

To: "Bill Smith" <bsmith@parkwestgallery.com>

Subject: FW: From Brian - concerning the Dali pieces

Dear Mr. Smith

I haven't heard from you. Either you're having a day

off, or you're not at Park West any more. I expect a reply by Monday 29th.

Best regards
Brian Falk

I still haven't heard from Mary Gordon. With reference to the below mentioned correspondence this is not acceptable. As I tried to indicate, I'm well aware of the various ongoing investigations concerning Park West but most important concerning Salvador Dali pieces sold by Park West. At this point, however, my only interest is to resolve this issue, and get my money back, as stated below. I have no interest in participating in any "campaign against Park West Gallery". Therefore I wonder why I still haven't received any answer from Park West/ Mary Gordon. I think my offer to solve this issue in a quiet and discrete matter is very generous. If Park West haven't understood the seriousness of this matter, I suggest you read my email dated September 25th, 2008 once again.

I expect to hear from Mary Gordon by today, Wednesday, October 1st. I will not write directly to you again in this matter.
Kind regards
Brian B. Falk

For a week I received only an answer from Mr. Bill Smith that my email was forwarded to Mary Gordon.

From: "Bill Smith" <bsmith@parkwestgallery.com>
Sent: Friday, September 26, 2008 2:26 PM
To: "Brian Falk"
Cc: "Mary Gordon" <mgordon@parkwestgallery.com>
Subject: RE: From Brian - concerning the Dali pieces

Dear Mr. Falk,

I have been at home most of the summer dealing with a medical issue. I have forwarded your e-mail to Mary Gordon who is in charge of our customer service department. She will be in touch with you soon.

Kind Regards,
Bill

October 3rd I send my last email to Park West Gallery, and after this I contacted Fine Art Registry. Again: see attached "Summary of email correspondence".

From: Brian Falk
Sent: Friday, October 03, 2008 9:06 AM
To: Bill Smith bsmith@parkwestgallery.com; "Mary Gordon" mgordon@parkwestgallery.com
Subject: Re: From Brian - concerning the Dali pieces

From: Brian Falk
Sent: Sunday, September 28, 2008 1:57 PM
To: Bill Smith
Subject: Re: From Brian - concerning the Dali pieces

Dear Bill

Thank you for that reply. I expect to hear from Mary Gordon then. Sorry to hear about the medical issue. My best wishes to your health.

Best regards
Brian Falk

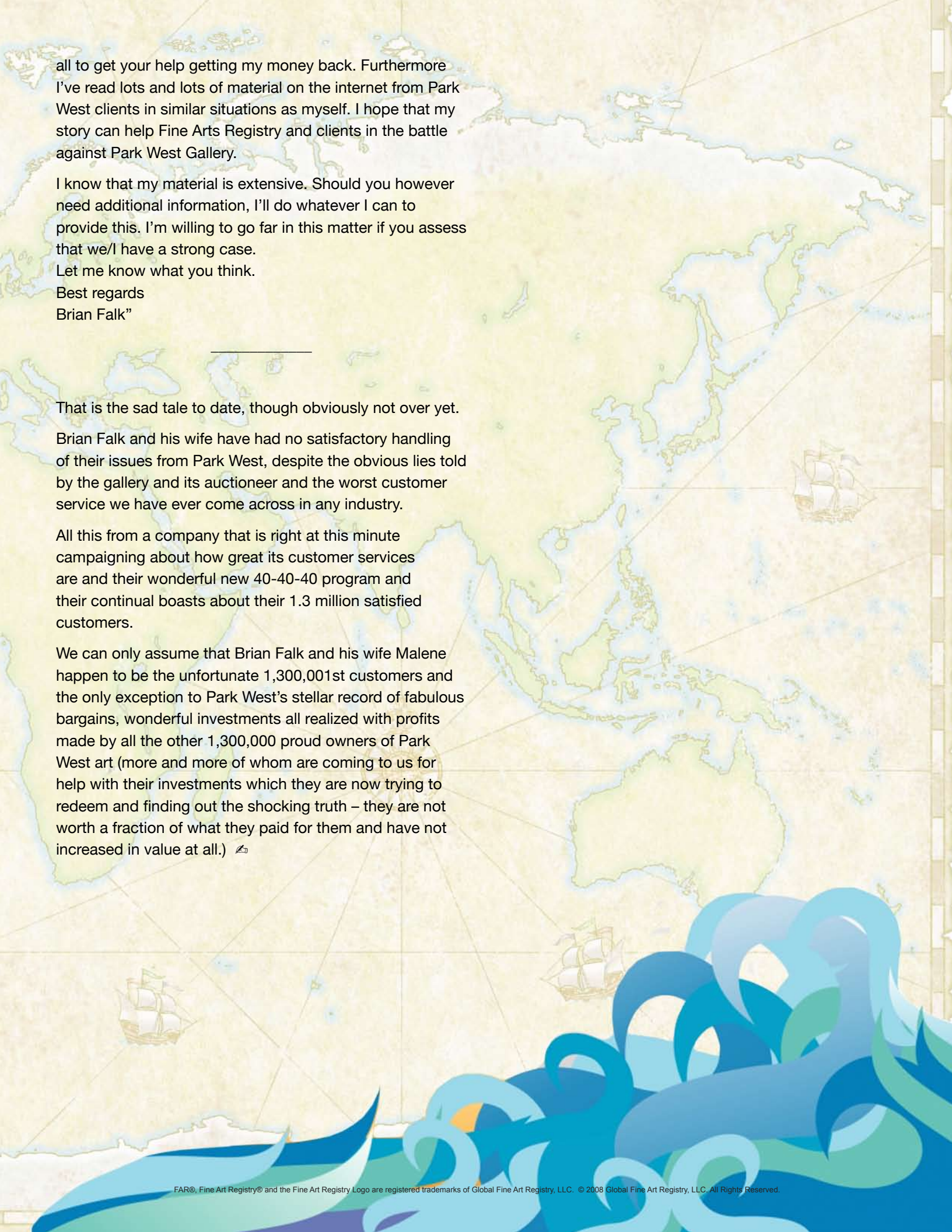
Mary Gordon/Bill Smith
Sadly I must note, that you have chosen to disregard my messages. This is both surprising and deplorable, as a legal handling of this issue will be long, expensive and tiring for both Park West and me. I regret your decision. However; from here on I want you to keep in mind, that you were given the opportunity to solve this matter in a discrete way. I will now address this issue elsewhere.

Regards
Brian Falk

From: Brian Falk
Sent: Wednesday, October 1, 2008 11:36 AM
To: Bill Smith
Subject: Re: From Brian - concerning the Dali pieces

Dear Bill

I forward all this documentation to Fine Art Registry, first of



all to get your help getting my money back. Furthermore I've read lots and lots of material on the internet from Park West clients in similar situations as myself. I hope that my story can help Fine Arts Registry and clients in the battle against Park West Gallery.

I know that my material is extensive. Should you however need additional information, I'll do whatever I can to provide this. I'm willing to go far in this matter if you assess that we/I have a strong case.

Let me know what you think.

Best regards

Brian Falk”

That is the sad tale to date, though obviously not over yet.

Brian Falk and his wife have had no satisfactory handling of their issues from Park West, despite the obvious lies told by the gallery and its auctioneer and the worst customer service we have ever come across in any industry.

All this from a company that is right at this minute campaigning about how great its customer services are and their wonderful new 40-40-40 program and their continual boasts about their 1.3 million satisfied customers.

We can only assume that Brian Falk and his wife Malene happen to be the unfortunate 1,300,001st customers and the only exception to Park West's stellar record of fabulous bargains, wonderful investments all realized with profits made by all the other 1,300,000 proud owners of Park West art (more and more of whom are coming to us for help with their investments which they are now trying to redeem and finding out the shocking truth – they are not worth a fraction of what they paid for them and have not increased in value at all.)