

# The good The bad and The ugly

## Pitfalls of Dealing with Galleries

By David E. Parvin A.L.I.

**T**he title of this article could have been reversed to emphasize "bad" and "ugly," But I do not consider galleries to be enemies or even necessary evils.

Galleries serve a vital function in the strategy of connecting the art producers with the art collectors; in biological terms, not parasitic but symbiotic. But for the majority of artist/gallery interactions go smoothly and are mutually beneficial which definitely has been my experience. However, in the almost 25 years that I have been a serious, rather than a hobby artist, I have had my fair share of problems which I will relate in hopes of preventing similar occurrences for others.

My first negative experience happened with only the second gallery with which I showed and it was my first dealings with a gallery that was a significant distance from where I resided, about 500 miles. As a new sculptor, I probably would have shown with any gallery which condescended to display my work. After shipping off a small female nude about 15 inches long, I waited anxiously for a call saying it had sold and the check was in the mail. After a

while of silence, I called and discovered that the gallery and my statue had disappeared. I was unable to find either or learn the circumstances.

There is an additional caveat if a gallery declares bankruptcy. One of the first things that can happen is that a bank may confiscate any art in the gallery and sell it to recoup its losses even if the art had been on consignment and not the property of the gallery. I know that this doesn't seem possible and it certainly isn't fair, but as near as I can tell, it can happen especially if the artist doesn't have iron clad documentation proving ownership. One gallery owner whom I queried on this subject said that it is best for the artist to retrieve his/her work before bankruptcy. Well that's pretty obvious because one might not know that a particular gallery is about to go under.

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My second problem was with a gallery that continually gyped me out of part of my share of the sales. When I agreed to show with this gallery, the owner asked me if I would be willing to take 10% less without calling me for authorization if he had a particularly difficult customer who insisted on a deal. Naive as I was, I agreed. The good news was that the gallery consistently sold my work. The bad news was that all my checks were 10% short. Eventually I found out that my work always sold for more than the full list price. The gallery owner simply was cheating me.

I am not against galleries sometimes resorting to a deal to get a sale. I have been in sales myself over the years with a number of different products and know that some people will not buy without a discount. I have heard galleries brag that they will not discount, the price is the price, take it or leave it. But in the real world, it's pretty hard for a sales person to leave money on the table. Imagine a collector interested in a \$10,000.00 acquisition that happens to have a 50/50 split., gallery to artist. The collector says that he will take the piece but the \$10,000.00 must include any taxes and shipping which in this case would be \$500.00. Even if the gallery absorbs the \$500.00 it will still make \$4,500.00 which would be lost once the prospect leaves without the deal. In the real world, which of the following is more likely to happen: The salesperson politely declined the offer.

1. The salesperson politely declined the offer.
2. The salesperson laughs hysterically and yells, "Ever hear of Fat chance?"
3. The salesperson is so incensed that he/she challenges the customer to a dual to the death to repair the fabric of the space/time continuum that had been torn assunder the customer's insulting offer.
4. The offer is accepted and the \$4,500.00 is used to pay the gallery lease and the college tuition for son #1 who is majoring in coeds and beer.

My third problem has been galleries which haven't told me that something has sold so that they can use or float my money as long as possible. More than once, I have paid a surprise visit to a gallery and noticed that something was not on display. The story is always the same, "Oh, it just sold yesterday!" Well, I wasn't born yesterday.

Along the same line, I have been informed of sales but still had to wait for my money. In one case, I was expecting a \$12,500.00 check and April 15 was rapidly approaching. I had to find my tax payment elsewhere. In this case, eventually I did get the money plus 10% for the inconvenience which was an unusually good outcome.

While we are on payments, twice galleries have paid me checks that bounced. Both of these were in the \$10,000.00 range. It will definitely get your attention when a week after you deposited a large check, some of which you may have already spent, you get a letter from your bank telling you that you are considerably poorer than you thought. In; both of these cases, the checks cleared on the second try.

I have had the dubious distinction of being a well-stolen artist having had at least five pieces snatched from galleries. The truth is that small pieces are easy to grab, conceal and get out the door. In one case, three well-dressed women entered the gallery and while two distracted the salesperson, the third grabbed a bronze and ran. In another case, a window was broken when the gallery was closed, and one of my acrylic pieces was taken. No matter how careful a gallery is, theft can not be completely eliminated.

I have also had several pieces damaged by galleries. In one case, a glass display case collapsed. In another, someone used an improper cleaning solution and crazed the surface of two acrylics. Also several pieces have been dropped. Accidents will always happen, and just as for theft, that's why galleries would have insurance.

There are some things that one can do for protection. Obviously, choose a gallery carefully. If you are acquainted with any of the other artists represented, for sure contact him or her and ask about the good and the bad. Insist on a contract that spells out responsibilities, notification of sales, discounts if any and payment both percentage and time frame. Keep in close contact not only for your protection but also because the better a gallery knows you, the more likely it is to represent you aggressively. As a courtesy, it is generally preferable to have an appointment when you stop by. However, an occasional surprise visit is probably a good idea to keep everybody honest. If you have reason for concern, you could have a friend drop in and report back to you. Remember, no one can force you to stay with a particular gallery. As an artist becomes more successful, he/she is in an increasingly advantageous position to control the situation.

As I said at the beginning of this article, I am not negative toward galleries. I would have sold far less without them. I encourage young artists to remember that gallery/artist relationships are a two way street and artists need to be as honest with their galleries as they expect the galleries to be with them.

Something happened in the last two decades that is having a negative impact on galleries. It used to be difficult for a collector to locate a particular artist which, of course, galleries were not eager to divulge. But now it is a snap

because of the internet. Even if an artist doesn't have a website, as long as he/she has some success, his or her name will probably pop up in a number of places. This gives the collector a chance to make a deal in two different ways. One is to contact the artist and try to eliminate the middleman. A chance to make more than if the gallery closes the deal just might be pretty tempting to an artist who is struggling. One gallery recently told me that it dropped several artists for just this reason. The second is for a collector to locate another gallery who represents an artist and get into a bidding war. I've been told by several galleries that this happening more and more. While we artists can control the first situation aching out any of our galleries, the second is a tougher problem especially in a world where most are used to shopping and comparing prices.

In a perfect world, art would be more like other commodities, galleries would buy outright from the artists. As soon as inventories got low, the galleries would reorder. It is largely the consignment system that contributes to the problems listed above. There wouldn't be any question about responsibility if the galleries had already paid for the work. While some artists have been able to demand purchase rather than consignment and a few galleries have insisted on owning what they stock (bless them) most artist's bankroll the galleries' inventories. How we ever got ourselves into this situation doesn't matter nearly as much as the fact that here we are. Alas, we artists somewhere along the line forgot the grandmothers' advice to her teenage granddaughter, "If he gets the milk for free, why would he ever buy the cow?"

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