

local & state

ROBERT RAUSCHENBERG

Fame, fortune, fight

Artist's foundation, trustees in court Monday over money.

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Captiva artist Robert Rauschenberg left his \$600 million estate in the hands of three friends, including another artist, but now these trustees are suing to collect millions they say they're owed.

Darryl Pottorf, himself an artist and one of Rauschen-



Rauschenberg



Pottorf

berg's closest friends, inherited Rauschenberg's \$3 million Captiva home upon the artist's death in 2008. He also was named executor of Rauschen-

berg's will and a trustee, charged with ensuring his late friend's money and charitable foundation would run as planned.

Pottorf and two other trustees — Bill Goldston, who met Rauschenberg in 1969 and partnered with him for a fine-art print publishing company, and Bennet Grutman, Rauschenberg's accountant since 1989 — are seeking \$60 million for what they call "extraordinary services" they've provided to

Rauschenberg's legacy, according to court documents.

A court hearing is planned Monday morning in Lee in regard to the Robert Rauschenberg Foundation's request for a protective order and to discuss fees sought by trustees.

The history

The court battle began in Lee County in 2011, when the trio filed the lawsuit against the

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foundation. It has been a contentious back-and-forth between the groups, trading jabs over competency of the trustees, allegations of harassment and whether Rauschenberg actually meant for the three men to pocket millions meant for his charitable efforts.

Pottorf, who would not comment to The News-Press for this article, also filed paperwork Wednesday in a New York court, seeking additional money for handling Rauschenberg's Manhattan property, which includes the gallery and studio where the foundation is housed, and a Mount Vernon, N.Y., property that houses some of Rauschenberg's art.

Court documents show Pottorf, Goldston and Grutman have paid themselves \$5.7 million from the trust, divided evenly at \$1.9 million.

Rauschenberg's son, Christopher, a photographer who lives in Portland, Ore., is chairman of the foundation's board. In a statement to The News-

Press, he said his father's philanthropic intentions should not be eroded through payment of tens of millions to people he entrusted to carry out his wishes.

"We are confident that the Florida court will make a ruling that is fair and consistent with my dad's intent to promote his foundation and better the world," he said.

The foundation's efforts include funding worldwide youth art programs and struggling artists, as well as art-in-healthcare programs. It also runs the Rauschenberg Residency on Captiva, where artists spend a year in a collaborative environment.

Accusations

Court documents show the foundation alleges Pottorf harassed the foundation's executive director, Christy MacLear, and other staff, leaving as many as 75 obscene and threatening voicemails in a week. The allegations come from Naples attorney Laird A. Lile, who was hired by the foundation to conduct research into previous cases involving payments to trustees.

Lile, who is also gover-

nor of the Florida Bar, was unable to comment because of the pending litigation.

His affidavit states he finds the \$5.7 million the trustees have paid themselves to be "grossly excessive," equating to a \$40,000-an-hour wage, and because the trustees violated their duties, they should not be entitled to compensation. However, he said they are entitled to a "reasonable fee," which he said is about \$250 an hour.

The payments were not approved by any court, and Lile said although trustees may have the power to pay themselves fees without prior court approval, that power is "not unbridled and must be exercised prudently."

The foundation filed paperwork to have Pottorf, Grutman and Goldston removed as trustees, stating there were others better suited for the role. Among the reasons: The trustees retained some

employees who were not needed or beneficial to the trust, and failed to keep the foundation informed of significant transactions. The trustees are also alleged to be disloyal to the trust and unfit to perform their duties.

Response

In rebuttal, the trustees said they grew Rauschenberg's estate from \$600 million, after his death, to \$2 billion. This included, according to documents:

» Removing much of Rauschenberg's artwork from the commercial market immediately after his death;

» Reintroducing the art to the mar-

ket in a prudent manner and under a comprehensive plan, increasing its value and public appreciation and promotion;

» Evaluating the extensive copyright for all the artist's work, including obtaining legal and

other expert advice; and

» Analyzing complex tax issues affecting the operation of the trust.

An exhibit included in the court documents shows since June of last year, 10 pieces of Rauschenberg art have been sold to New York-based Gagosian Gallery for more than \$14.5 million by the foundation. The gallery is listed as a representative for the estate, housing private collections.

The foundation expressed several times its concern over fees and time that is adding up as they fight the trustees – and that the trustees' fees also were being paid by money from the trust.

"Obviously, circumstances have substantially changed after Mr. Rauschenberg died and his intent is being thwarted, at great expense to the Charity and those persons, including Floridians, who might benefit from the Charity's activities," the foundation's complaint says.

Pottorf also claims in a deposition Rauschenberg told him he would be paid for his work as trustee.

Ted Edwards, the trustees' attorney, did not respond to calls for com-

ment. The foundation's attorney, Robert Goldman, was unavailable for comment until a later date.

Hopes

Rauschenberg was involved in local charities, including the annual Arts for ACT auction, which raises funds for Abuse Counseling and Treatment Inc., providing housing for abused men, women and children. After Rauschenberg's death, the auction took a hit. Its biggest haul was \$450,000 – when Meryl Streep was in attendance – came in 2003. This year's auction raised about \$90,000.

Jennifer Benton, ACT CEO, is Pottorf's sister.

Kat Epple, a renowned flautist who said Rauschenberg was "a dear friend of mine for over 20 years," while Pottorf continues to be a friend, had this to say in an email about the controversy:

"I really wish all the best for all parties concerned, including the trustees who knew and loved Bob, and the Robert Rauschenberg Foundation which is working hard to continue Bob's brilliant legacy."

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