

INx 02-65

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Wednesday, November 20, 2002 4:08 PM
To: Cabrera, Rem (CUA)
Subject: RE: Art work purchase

Rem,

Thank you for the question. I checked with our staff general counsel and she and I agree that there is no ethical conflict that would bar Michael Spring's wife from purchasing art for him at fair market value. Assuming the \$300 figure you stated represents the price the artist would ordinarily charge the general public for the piece in question, then the purchase conforms to the County's ethics rules.

If you have any additional questions, feel free to contact me.

Thanks,

Robert Meyers

-----Original Message-----

From: Cabrera, Rem (CUA)
Sent: Wednesday, November 20, 2002 10:05 AM
To: Meyers, Robert (COE)
Subject: Art work purchase

I understand that Vivian Rodriguez approached you with a question regarding the purchase of art work from our Cultural Resource Center. I have one for you too.

We initiated this exhibit as a new idea to provide yet another benefit to our local artists. That is, this is the first time we have hosted an exhibit in the Center with the primary purpose of selling work. Every purchase benefits the artist completely. We charge no commission on purchases. Buyers make checks for the full amount of their purchase directly to the artist.

Another intention of the exhibit was to introduce the concept of buying art to people who might not normally think of art as something that is beyond their means. The artists participating in the exhibit were asked to provide works no bigger than 20" x 20" with accessible prices (with the definition of "accessible" being determined individually by each of them). My director, Michael Spring, and I decided that, as a policy, staff members of the Department of Cultural Affairs would not be allowed to purchase any works during the run of the exhibit, as we didn't want to be responsible for depriving any County employee or any member of the public from purchasing a piece. Additionally, we wanted to prevent the appearance of having orchestrated an exhibit of accessibly-priced art works for the convenience of our own shopping spree! Staff members may buy works should they so wish once the show closes in January. Works in the exhibit, incidentally, range from \$75 to \$500.

Michael has long admired the works of one of the artists in the exhibit, Carolina Salazar. I checked with Carolina and was assured that the \$300 price on the piece she submitted to the exhibit was not a "special" price she created in order to comply with the accessibility issue. The small work is normally priced at \$300 regardless of the circumstances. I asked her if she would be in any way offended if my director's wife, Regina Bailey, were to purchase the piece in the exhibit to give to Michael as a Christmas gift. Also, were she to agree to selling that piece to Regina, would Carolina have more pieces of similar size and price to replace the sold piece, so that others might have an opportunity to buy her work? Carolina was delighted at the prospect of her work being owned by Michael and Regina and said that there were other pieces of similar size and price she could provide to replace works as they were sold. True to her word, she delivered another \$300 work earlier this week. It is now on display in the exhibit.

It occurred to me, however, that Michael might be uncomfortable to discover the art work under his tree on Christmas morning without some official assurance that no breach of ethics has occurred here. I wonder if you could put his mind (as well as mine) at ease with a response to this query. Assuming you have no problem with this issue, I will forward your reply to Regina so that she may provide it to Michael on 12.25. In the event that you feel the purchase was not appropriate, we will ask the artist to return the check and the art work will be put back on display.

Thank you for your attention!

Rem Cabrera

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