

Grazia Russo Lassner vs New Orleans Auction Galleries

Grazia Russo-Lassner  
1029 Magnolia Curve  
Montgomery, AL 36106  
Grazia.RussoLassner@gmail.com

Louisiana Auctioneers Licensing Board  
5222 Summa Court, Suite 352  
Baton Rouge, LA 70809

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To Whom It May Concern,

We would like to bring to the attention of the Louisiana Auctioneers Licensing Board a case of fraud perpetrated by one of the auction houses licensed by the Louisiana Auctioneers Licensing Board and of which my husband and I are the victims

We placed the winning bid on a cabinet auctioned on Sept 13-14, 2010 by the New Orleans Auction Galleries (801 Magazine Street, New Orleans, Louisiana phone:800 501 0277). The cabinet had been advertised on the catalog of the said auction house as shown on Attachment 1, i.e. as a mid XIX century Dutch cabinet made of walnut and mahogany.

At our request, the auction house had previously sent to us various emails with photos of the cabinet, showing all its age caused defects, and an evaluation of the piece made by the auction house "experts" (see attachments 2- 4).

We placed the bid on the phone, after filling out their online Absentee/Telephone bid form (see attachment 5); we did not deem it necessary to see the piece in person since we trusted the information provided by the auction house in their catalog and their honesty.

We paid \$11,992 for the cabinet. Then, we arranged for the delivery of the cabinet to the restoration expert we trust, Mr Branyan (Lower Lodge Conservation & Museum Services - Natchez, MS 39120 601-442-2617) since we wanted the piece to be appropriately restored. But on Oct 5, 2010, Mr Branyan contact us via phone and via email to let us know that the piece is made of Medium Density Fiberboard and that it is not at all an antique piece (see attachment 6 with Mr Branyan's evaluation of the piece and his resume).

Instead of being an antique piece in walnut and mahogany, as advertized by the New Orleans Auction, the cabinet turns out to be a cheap forgery made of pressed cardboard and being at most twenty years old, as stated eloquently by our restoration expert, Mr. Branyan.

Since we had paid with our American Express card, we opened a dispute with AmEx. We called the New Orleans Auction Galleries on Oct 5 to present the issue and talked to John Abajian. The auction house's representative did not say anything at all, did not offer an apology nor asked any further questions, and did not try to deny the piece was a forgery; he simply stated that they will wait for a "resolution of the case" with AmEx.

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American Express tried very hard to get a refund for us, but a credit card does not have any legal means to force the merchant to issue a refund or to judge the business practices of a merchant, thus suggesting we seek legal advice (see attached reply from American Express).

As shown in the New Orleans Auction Galleries' reply to American Express, the merchant appeals to the "Conditions for sale" (see attachment 7) to justify the sale.

The disclaimer claims in fact that:

"While the Company has endeavored to catalog and describe the lots correctly, each lot is sold "as is", and neither the Company nor the seller warrants or represents, nor shall be responsible for, the description, genuineness, provenance, importance, or condition of a lot. No statement contained in the catalog or made verbally prior to or during the sale shall be deemed to express any warranty, representation, or assumption of responsibility by the Company or the Seller."

In signing the absentee bid form, we would have never expected the piece did not correspond to what was advertised by the merchant. What the merchant described as a mid XIX century Dutch cabinet made of mahogany and walnut is in reality a FORGERY made of CARDBOARD. The merchant made NO effort towards cataloging the piece correctly. Rather, the merchant made every effort to MISLEAD THE BUYER with a FALSE DESCRIPTION in a FRAUDULENT attempt to sell a cardboard piece at the price of an antique.

Besides, what effort has the merchant made towards cataloging and describing the lots correctly, if the definition of the piece they auctioned is 100% false ?

We have contacted the Better Business Bureau and opened a complaint with them. We have been informed that the Better Business Bureau (710 Baronne St. Suite C, New Orleans, LA 70113, phone: (504) 581-6222) is waiting for a reply from the merchant.

We have already informed the New Orleans Police Department of the issue. We are waiting for an answer from the Police Department as to ~~whether~~<sup>when</sup> we will be able to file a criminal complaint. We made one last attempt on Dec 27, 2010 to contact the auction house to let them know we are about to file a criminal complaint if they do not issue a refund. The auction house's representative we spoke to on the phone, a man whose name is Charles, said he would have informed the owner, Ms Jean Vidos, and that she would have called me. As of today, nobody has called us.

It is clear to us that the New Orleans Auction is proving to be either incompetent or engaged in fraudulent activities, and there is no interest on the part of the auction house to provide any assistance to a very unsatisfied customer. As of today, the auction house has ignored any of our complaints, and skillfully avoided opening any discussion on this matter with us.