

The Perils and Pitfalls of Charity Art Auctions

by Carole Yasmine

Dear Fellow Artists,

I write this to you as a cautionary tale so that you may avoid the consequence of losing your artwork as I did mine. I submitted a piece of artwork to a charity auction that was organized by a professional association. I sent a digital image of the work with my application and told them they could pick the work up at a Café where it was on exhibit with 3 other artworks of mine.

I attended the auction and discovered that they had picked up the wrong piece. So, deciding not to create a scene where the many attendees see an artist take their artwork off the wall and leave the premises, I decided to leave the work there and go with a volunteer to pick up the correct piece. After all, folks may like one piece and not the other and hopefully one piece would sell. Well, that turned out to be an optimistic forecast.

The piece in the live auction no one showed an interest in bidding on. The auctioneer kept at it, and the woman sitting next to me feeling sorry about the situation, said “Ok, \$50”. The auctioneer said that it wasn’t a \$50 piece and that bidding should start at \$400-\$500. I thought to myself “This is like flogging a dead horse” I spoke up to the auctioneer “Just withdraw the piece”. And he withdrew the piece.

After the live auction ended they gave folks another 20 minutes to participate in the silent auction. When that one closed I went to look at my piece in the silent auction and saw that no one had bid on it. I spoke to the organizer about having her return my pieces to the Café as I could not do so myself and she agreed.

Some time later I showed up at the Café and the first thing the owner said when he saw me was “They never returned your pieces” After a few weeks of phone calls and emails here is the gist of the first email response I received.

- It’s been the policy in the past (on and off) to

forward any unsold or non-picked up artwork to our charity of choice, so there may be a disconnect with the info you were given. I apologize for that, it’s difficult with a volunteer committee to get correct communication sometimes. As much as we encourage people to help, often they are not fully in the loop.

In another email-

- It’s important to us that we do everything we can for our donating artists. We appreciate the support. If we still have your pieces I will make sure we get them to you.

In another email-

- I have great news- actually the smaller piece that was hanging on the wall sold during the silent auction and the same bidder came back and purchased that larger piece that was going to be delivered to the Alternatives Café. So now your two pieces are hanging beautifully in a residence. If I have your permission I can send the bidder your email address so they can stay in touch and collect more of your pieces.

Now, there are a few discrepancies in the last email. The pieces weren’t sold during auction, if indeed they were sold at all. You can’t go to an auction and buy something after the bidding/auction is over. It’s just not done! Ever! The intention to raise money for charity may prompt someone to do that, I can sympathize but personally don’t want to be involved in something like that. Also, could someone call the artist and say they are planning not to return the work to the Café because they found a buyer? Not a bidder, but a buyer.

A few questions immediately came to mind after I read this.

- Who is the buyer?
- How much were the pieces sold for?
- How much of that money went to the charity?

I received two responses to this.

- I can't give you their information since we keep that confidential. As an organization we do not allow 3rd party access to our member information

- It's important to remember that this event is a fundraiser and donations go towards helping us raise money for charity and our annual programming. It's not a commercial event, so the pricing is often different than a show situation.

If the pieces had sold during auction I would have known the price and introduced myself to the winning bidder. The other artists at the event have this information on their sold work.unless they too had their work sold after the close of auction?

As a final end to this tale, there was an auction donation policy that I was not told of or sent. Surprise!

Re: would like your input on a creative dispute....

Wednesday, July 2, 2008 10:32 AM*****

I found out the ***** Art Auction donation policy is still in place, and that the information was made available to all donating artists.

What that means is that by donating both of your pieces to the Art Auction you gave up the rights/ownership to those pieces. Once pieces are donated, there is a "no return" policy.

In spite of the fact that you said that the wrong piece was picked up and hung, based on what you said, you had the opportunity to remove it from the silent auction and replace it with the correct piece. It was your decision not only to leave the wrong piece in the silent auction, but you also allowed the original piece to be included in the live auction.

So, from a "legal" standpoint, it sounds like your actions demonstrated that you donated both pieces to ***** , which means that they can do whatever they want with the pieces after that.

That's not what you wanted to hear, but from my objective standpoint, that's the way I see it...

I hope this helps though!



“Valley”
stained glass mosaic
30” x 49”



This is actually a sister piece. The other one has the same design, different color scheme.

“Untitled” approx. 36” square
plexiglass with translucent paint
stained glass mosaic frame,
fluorescent light