

March 22, 2007

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Business Dispute

Nasty split

March 22, 2007

By: Julie Kay

A former business manager for Purvis Young, one of South Florida's most famous artists, is asking a court to declare Young mentally incompetent and appoint a guardian to oversee his affairs.



Purvis Young

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In a separate action, the former business manager, Martin Siskind, also is seeking to be declared owner of 50 percent of Young's artwork, claiming he was Young's business partner.

The artist, who has diabetes and recently underwent a kidney transplant, is estimated to own 1,000 to 2,000 paintings. His paintings sell for up to \$60,000 apiece.

These actions come in the wake of Young firing Siskind and filing suit against him in Miami-Dade Circuit Court last month. The suit — brought on breach of agency relationship and breach of fiduciary duty grounds — alleges that Siskind changed the locks on Young's art warehouse and studio and denied him access, failed to properly account for sales and failed to turn over profits from the sale of Young's paintings.

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Young, a former homeless man who has achieved fame with his powerful, primitive-style paintings, needed money recently to help pay for a kidney transplant he received at Jackson Memorial Hospital in January, according to the suit. He is seeking \$1 million in damages from Siskind.

“Rather than carry out his fiduciary responsibilities as an ‘overseer,’ Siskind instead has taken steps to confiscate assets belonging to Purvis, removing art work created by Purvis in a clandestine fashion from the warehouse/studio locations to an unrelated and discrete location,” according to a motion for a temporary injunction filed Feb. 8 by Young’s Miami attorney, Richard Zaden.

James Sammataro, a shareholder at Akerman Senterfitt in Miami, who is representing Siskind in his effort to win ownership rights over the art work, denied that Siskind locked Young out of his two warehouse/studios. But he acknowledged that Siskind wanted to lock out Young’s new business manager and one of Young’s friends, Cristina Santeiro, whom Siskind has sued.

Akerman shareholder Richard Milstein — who gained fame last month when he was appointed guardian ad litem to the daughter of tabloid celebrity icon Ana Nicole Smith — has filed a motion to have a guardian appointed over Purvis. Milstein declined comment for this article.

Sammataro said the guardianship action was not brought up as “strategy” to derail Young’s suit against Siskind. “This was not a strategy, it’s really a mechanism to ensure [Young’s] health is being taken care of,” Sammataro said. He said he was told that Young has not seen his kidney transplant doctor in several weeks.

Sammataro said Young should not have signed a letter revoking his business relationship with Siskind, or any other legal document, while being treated in intensive care. He also said he was concerned that Young’s new business manager is taking advantage of him.

But Zaden said Young is in no way mentally incompetent and has been seeing his transplant doctor regularly. “I’ve known him for 12 years and there’s no difference in his mental capacity between then and now,” Zaden said. “Funny how Purvis was fine until he sent the letter of revocation, and now they say he’s incompetent.”

A hearing on whether a permanent guardian will be appointed will be held before Circuit Judge Maria Korvick on April 3. A panel of three doctors who already interviewed Young will make a recommendation to Korvick.

'Modern-day slavery'

Dubbed the Picasso of the Ghetto, Young, 64, paints his colorful works on a variety of media in his Overtown studio.

Young has displayed his work in more than 60 public collections, including the Smithsonian in Washington. The famed African-American artist has been featured in two film documentaries and appeared on the cover of the book, *Souls Grown Deep*.

Friends and art gallery owners were concerned when Young joined forces with Siskind almost two years ago. Siskind has been the subject of several critical newspapers articles over the years. He's been involved in 17 civil lawsuits in Miami-Dade County and has been arrested nine times, according to the Florida Department of Law Enforcement. Several of the arrests were for grand theft and larceny.

"I was concerned from the start," said Larry Clemon, a Young friend who helped produce a recent award-winning documentary about Young and who owns the Purvis Young Studio and Gallery 721 in Fort Lauderdale. "People would mention things from Martin's past. But I felt that everyone deserves a second chance."

Clemon said both he and Young grew increasingly concerned about Young's finances and Siskind's management. According to Zaden, Siskind was paying Young only \$500 a week and pocketing the rest of the proceeds. "It was almost like modern-day slavery," Clemon said.

Clemon said when he approached Siskind with his concerns, Siskind "got belligerent and started screaming names at me."

At the same time, Young's health was failing. A diabetic, he needed an eye operation and a kidney transplant. His friends say he was afraid to say anything to buck Siskind, who drove Young to all his medical appointments.

That's when Young's former friend, Leon Rolle, entered the picture. Rolle, a convicted felon and disbarred Florida attorney, offered to serve as Young's manager and took Young into his home. He has taken over Siskind's role and drives Young to his various doctor and physical therapy appointments.

Earlier this year, Young sent Siskind a letter revoking Siskind's agent relationship, and soon after filed suit against him. The day after the suit was filed, Young filed an emergency temporary injunction seeking an inventory, accounting and access to the warehouses.

On Feb. 15, Senior Judge Herbert Stettin ordered Siskind be made temporary overseer of Young's art warehouses and provide a complete

inventory of Young's art work, sold and unsold, since 2005.

Zaden said Siskind has provided an inventory of the warehouse's contents to Young. But the inventory is "inaccurate, deceptive at worst and incomplete at best," according to Zaden's motion for temporary injunction.

No proof of partnership

Both Zaden and Clemons said they are not worried about Young's association with Rolle because Rolle has no access to any of Young's funds. A temporary guardian appointed by Judge Stettin, retired judge Martin Kahn, is overseeing Young's finances.

Sammataro said while Siskind may be controversial, "he has nothing but Young's best interests at heart."

"Purvis would be dead if it weren't for Siskind," Sammataro said. Siskind, he claimed, had offered to donate one of his own kidneys to Young but was rejected. "There are no shortage of witnesses, including doctors, who will testify that for the last two years, Martin has been Purvis's primary caregiver. For every bad word you hear about Siskind, you will hear twice as many good words."

Sammataro said he will provide proof during discovery that Siskind had a business partnership with Young rather than a managerial relationship, which means he is entitled to half of Young's art work. "That is what the case boils down to," he said.

But Zaden contended there is no written proof of any partnership, Young signed no contracts, and there is no reason why Siskind should be granted an ownership interest in art work created before Young even knew Siskind, including Young's personal collection of paintings.

Sammataro countered that "Martin deserves it," because the value of Young's paintings has increased dramatically in the time he has managed the artist.

Zaden, however, said Young needs help in getting free of an abusive relationship with Siskind. "Plain and simple, Purvis is just a simple, nice, giving loner," Zaden said. "All he wants to do is paint beautiful art work. When someone like that is harmed by a bad business relationship, as a lawyer it just feels right to help."

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Purvis Young photos by Jill Kahn

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