

16 MAG 639

Approved: ANDREW C. ADAMS  
Assistant U.S. Attorney

Before: HONORABLE JAMES L. COTT  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
	:	Violation of 18 U.S.C.
	:	§§ 1343 & 2.
- v. -	:	
ERIC IAN HORNAK SPOUTZ,	:	COUNTY OF OFFENSE:
a/k/a "Robert Chad Smith,"	:	NEW YORK
a/k/a "John Goodman,"	:	
a/k/a "James Sinclair,"	:	
	:	
Defendant.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

CHRISTOPHER MCKEOGH, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE  
(Wire Fraud)

1. From in or about at least February 2010, up to and including in or about March 2015, in the Southern District of New York and elsewhere, ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, SPOUTZ engaged in a scheme to defraud purchasers of works of art by, among other things, falsely and fraudulently representing that they were authentic paintings by well-known artists and falsifying the

provenance for those artworks, and, in furtherance of the scheme, SPOUTZ transmitted and caused to be transmitted interstate wire communications to and from New York, New York.

(Title 18, United States Code, Sections 1343 & 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been a Special Agent for approximately 12 years. I have been assigned to the Major Theft Squad since 2014. In connection with my assignment to the Major Theft Squad, I specialize in investigations concerning art theft and art fraud, and have participated in other investigations concerning financial crimes, mail fraud, wire fraud, and money laundering.

3. I make this Affidavit in part on personal knowledge based on my participation in the investigation and conversations with other FBI Special Agents, and other law enforcement officers; conversations with witnesses and victims of the offenses described herein; reviews of reports and other documents prepared by agents and others; and my interview of ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant.

4. Throughout this Affidavit, where I assert that a statement was made, I was not the individual to whom the statement was made unless I specifically so state. Rather, information about the statement was provided by the specified law-enforcement officer or other individual (who may have had either direct or indirect knowledge of the statement) to whom I have spoken or whose reports I have read and reviewed. Such statements are set forth in substance and in part, unless otherwise indicated.

5. Furthermore, the facts and circumstances of this investigation have been summarized for the specific purposes of this Application. I have not attempted to set forth the complete factual history of this investigation or all of its details. In making this application, I rely only on the facts stated herein.

## **I. Overview of Spoutz's Fraud**

6. Since in or about 2014, ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, has been under investigation for selling counterfeit works of art purportedly by renowned artists such as Willem de Kooning, Franz Kline, and Joan Mitchell, among others.

7. As set forth in more detail below, in order to increase his ability to sell those counterfeit artworks, and to deceive his purchasers, (i) SPOUTZ created a false provenance (that is, a history of prior ownership tracing the painting from the artist to the current owner) for these artworks by, among other things, forging letters from law firms and art galleries, and by creating false receipts and bills of sale; (ii) SPOUTZ continued to sell paintings that were previously returned to him as forgeries, without disclosing that information to his new purchasers; and (iii) SPOUTZ used various identities when marketing these paintings, including the names "Robert Chad Smith" and "John Goodman," among others, in order to mask his connection to those sales.

## **II. Sales and Resales of Forgeries Using False Provenance Documentation**

### **A. Spoutz's Use of Multiple Aliases Following His Exposure as a Fraudulent Art Dealer**

8. From my review of publicly available articles and postings on a particular website ("Website-1"), I have learned, among other things, that, in or about 2005, Website-1 published several postings accusing ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, of offering forged artworks for sale on eBay, an online auction site, among other online auction sites. These postings include the text of what appears to be an email from SPOUTZ, using the name "Eric I. Spoutz" and providing an address of "Fisher Building, 3011 W. Grand Blvd, Suite 216, Detroit, MI," as the address of an entity identified as the "Eric I. Spoutz Collection of Fine Art" (the "Fisher Address").

9. In the course of this investigation, I have reviewed records and documents provided by a website dedicated to publishing press releases and other articles relating to public relations for individuals and entities ("Website-2"). From

those records and documents, I have learned, among other things, that:

a. On or about April 24, 2006, ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, using an email account associated with a business of which SPOUTZ was, at that time, the director, submitted an article purportedly authored by "Peter Jameson" entitled "Art-World Powerbroker, Eric I. Spoutz reminences [sic] and speaks of his preparation for a 'rebound.'"

b. SPOUTZ, using the name "Eric I. Spoutz" and a contact address at the Fisher Address, submitted this article to Website-2.

c. As reported in that article, SPOUTZ acknowledged the accusations of sales of forgeries under the name "Eric I. Spoutz," as published on Website-1. The article reads, in part:

i. "In 2005, article by article, word started to leak out of the alleged less then [sic] ethical business practices of Eric I. Spoutz."

ii. "Critics began to question the authenticity of a grouping of artworks that Mr. Spoutz was actively selling through an unlikely venue."

iii. "'Sometime around 2003, I [i.e., SPOUTZ<sup>1</sup>] had purchased a few thousand attributed artworks from a couple of different private collections. . . . I would try to sell them on eBay! . . . I just figured that if I opened a sales division of my company for eBay sales and offered affordable artwork to the public with the appropriate disclosures that both my clients and I would be safe. The works were offered with stiff terms and conditions of sale clearly stating that the works were attributed to the respective artists and that there was no assurance of authenticity.'"

iv. "'There was a self-proclaimed art expert by the name of [the proprietor of Website-1] in Denmark who took note of the auctions and decided that he would slander my name as a swindler.'"

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<sup>1</sup> This article is drafted in such a way as to appear to be authored by "Peter Jameson," who in turn appears to conduct an interview of SPOUTZ. The statement in this subparagraph is presented in the article as the statement of SPOUTZ himself.

10. Tax filings by ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, provided by the United States Internal Revenue Service include copies of a "Final Judgment Changing Name" issued by the Circuit Court of the Fifteenth Judicial Circuit in Palm Beach County Florida on December 15, 2006, which, among other things, granted a petition by SPOUTZ to change his name from "Eric Ian Spoutz" to "Robert Chad Smith."

11. In the course of this investigation, I have reviewed records provided by the State of Michigan, Department of Motor Vehicles ("MI-DMV"), from which I have learned, among other things, that:

a. MI-DMV has issued multiple versions of a driver's license with the number ending in "326-608" to ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, under the names "Eric Ian Spoutz" and "Robert Chad Smith."

b. SPOUTZ's date of birth is August 3, 1983.

12. In the course of this investigation, I have reviewed records provided by Cardinal Mooney Catholic College Preparatory School, Marine City, Michigan, from which I have learned, among other things, that "Eric Spoutz," with date of birth August 3, 1983, and a parent/guardian with the last name "Hornak-Spoutz," resided at an address in Mount Clemens, Michigan, in or about 2001, and that "Eric Spoutz" attended the Cardinal Mooney Catholic College Preparatory School from on or about August 25, 1997, until on or about May 20, 2001. Based on the names, address, and date of birth, I believe this to be a school record of ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant.

13. In the course of this investigation, I have reviewed records provided by the Macomb County, Michigan, County Clerk's Office, from which I have learned, among other things, that, on or about June 11, 2012, "Eric Hornak Spoutz" registered a purported business with a "doing business as" name of "John Goodman" and a particular address located in Harrison Township, Michigan.

14. In the course of this investigation, I have reviewed records provided by PayPal with respect to a particular account held under the name "Eric Ian Hornak Spoutz," for which the

following email addresses, among others, were listed as "confirmed" contact addresses for "Eric Ian Hornak Spoutz":

- a. "chadsmith1898@yahoo.com" (the "Smith Account");
- b. "biggsby1900@yahoo.com" (the "Goodman Account"); and
- c. "ericspoutz@gmail.com" (the "Spoutz Account").

15. In the course of this investigation, I have reviewed records provided by Yahoo!, Inc., relating to the Smith Account and the Goodman Account. From those records, I have learned, among other things, that:

a. The Goodman Account, used by SPOUTZ under the name "John Goodman," as described in more detail below, is registered under a separate name, "James Sinclair." No physical address is provided in connection with the registered owner of the account, although the account owner provided the ZIP code 48045 (a ZIP code in Michigan).

b. The Smith Account, used by SPOUTZ under the name "Robert C. Smith" as described in more detail below, is registered under the name "Mr. Robert Smith," but is linked to a separate email account, "eric@ianhornak.com." The physical address provided with respect to the Smith Account is located in Harrison Township, Michigan 48045

16. In the course of this investigation, I have reviewed documents provided by a Special Agent of the FBI ("Agent-1") who was previously involved in the investigation of the sale of fake works purportedly by the American abstract painter Paul Jenkins. From those documents, I have learned, among other things, that:

a. On or about February 12, 2010, Agent-1 received an email from ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, using the name "Robert C. Smith," from the Smith Account.

b. The email sent from the Smith Account stated, in part, "My name is Robert C. Smith and I am contacting [you] regarding the Paul Jenkins works in question. Earlier this week I sent numerous emails to [the two purchasers] in an attempt to bring some clarity and closure to this matter . . . . I am offering full refunds to the two purchasers of the works on paper. Since I was first informed of the supposed authenticity issue last Friday, I have attempted two times to get the Auction

House in Detroit to withdraw the works from their Feb. 14th auction."

c. The email also included a forwarded email, purportedly from the Smith Account to representatives of the artist Paul Jenkins. This forwarded email is signed "Robert Smith," and below the signature line a particular address located in Mount Clemens, Michigan (the "Mount Clemens Address") is provided.

**B. Spoutz Sells Fake Mitchells and De Koonings Using Multiple Aliases and False Provenance Material**

17. In the course of this investigation, I have reviewed documents provided by an auction house located in Connecticut ("Auction House-1"), from which I have learned, among other things, that:

a. On or about March 4, 2010, ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, using the name "Robert Smith" and providing a contact address located at the Mount Clemens Address, previously provided to Agent-1 by "Robert C. Smith," as described above, provided two purported Joan Mitchell art works to Auction House-1 on consignment. In a letter of the same date, "Robert Smith" stated, in part, "Enclosed are two 1976 Joan Mitchell Pastel works that I would like to consign for your April 29 auction that I inherited from Jay Wolf . . . . From my research of the current value of Mitchell's pastel's [sic], these works could easily each hold the estimates of \$15,000.00 - \$20,000.00, though \$20,000.00 - \$25,000.00 would be preferable as both are strong pieces. . . . In addition to the provenance documents that I have provided you, I also have the original Will, though I would prefer to keep that private as it contains the names and personal information of a number of people."

b. Documents submitted to Auction House-1 in support of the provenance for this Mitchell painting included three letters, dated June 29, 1976, July 27, 1976, and August 2, 1976, respectively, each purporting to be from a particular law office ("Law Firm-1") with an address located in New York, New York.

c. The June 29 and July 27, 1976, letters are each addressed to "Mr. Robert C. Smith, Box 1372, East Hampton, NY

11937," and refer to Joan Mitchell art works purportedly bequeathed by "Jay Wolf" directly to "Robert C. Smith."<sup>2</sup>

d. The August 2, 1976, letter is addressed to an employee of Dartmouth College (the "Dartmouth Letter"). The Dartmouth Letter refers to an appraisal of artworks bequeathed by "Jay Wolf" to Dartmouth College, and appears over an unsigned signature block providing the name of a particular attorney ("Attorney-1"), an attorney at Law Firm-1. For the reasons set forth below, the Dartmouth Letter, and all of the letters provided to Auction House-1, appear to be recent forgeries by ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant.

e. On or about April 29, 2010, Auction House-1 sold the two "Jay Wolf" purported Joan Mitchell artworks at auction, for \$28,800 and \$38,400, respectively. One of the two works, which SPOUTZ later falsely denied having sold, as described in more detail below, was designated as "Lot 20" by Auction House-1 and is described by Auction House-1, in part, as follows: "Joan Mitchell, American/French (1926-1992), Untitled, pastel on paper, signed lower right, 15 x 11" and "Provenance: The estate of Jay Wolf, New York, New York" (referred to below as "Lot 20").

18. In the course of this investigation, I have reviewed records provided by Yahoo!, Inc., including emails to and from the Goodman Account. From those records, I have learned, among other things, that:

a. On or about October 24, 2013, ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, using the alias "John Goodman," was negotiating for the consignment and sale of multiple purported Joan Mitchell and Willem de Kooning artworks with an individual art dealer based in California ("Dealer-1").

b. On or about October 24, 2013, Dealer-1 emailed SPOUTZ at the Goodman Account regarding Lot 20 (the purported Joan Mitchell sold by Auction House-1 for \$38,400 on or about

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<sup>2</sup> According to MI-DMV records, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, was born in 1983, seven years after the date of the letters purporting to demonstrate the transfer of Joan Mitchell art works by "Jay Wolf" to "Robert Smith," one of SPOUTZ's multiple aliases.

April 29, 2010). Dealer-1 wrote, in part, "I pulled the comparables [i.e., examples of previously sold authentic Joan Mitchell paintings used by Dealer-1 to establish an asking price for pieces consigned by SPOUTZ] from [a website dedicated to providing information on the art market] . . . . There was a small Joan Mitchell that sold from a private collection in Michigan. Was that one of yours you said sold at auction?" Below this question, Dealer-1 included a description of Lot 20, including the precise date, dimensions, seller, and sale price provided by Auction House-1.

c. In response, SPOUTZ falsely denied having been involved in the sale of Lot 20, claiming, in part, "No, that piece isn't mine."

19. In the course of this investigation, I have reviewed documents provided by an auction house located in Chicago, Illinois ("Auction House-2"), from which I have learned, among other things, that:

a. On or about May 16, 2010, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, using the name "Robert Smith" and providing the Mount Clemens Address as a contact address, provided a purported Joan Mitchell art work to Auction House-2 on consignment.

b. Documents submitted to Auction House-2 in support of the provenance for this Mitchell painting included a letter, dated October 18, 1976, purporting to be from Law Firm-1 and addressed to "Mr. Robert Smith, Box 1372, East Hampton, NY 11937." The letter purports to establish a provenance for the artwork offered to Auction House-2 similar to that provided to Auction House-1, as described above, and reads, in part, "Dear Robert: We have located the Joan Mitchell bequeathed to you by Jay Wolf. The painting is oil on canvas, measures 36 x 23 ¼ inches and depicts a predominately blue landscape on the recto and an unfinished abstract composition on the verso. From Jay's records it appears that the painting was created circa 1963 and was acquired shortly after Eleanor Ward introduced Jay to Joan [Mitchell]."

c. Documents submitted to Auction House-2 in support of the provenance for this Mitchell painting include a copy of the Dartmouth Letter, also provided to Auction House-1.

20. In the course of this investigation, I have reviewed documents provided by the Rauner Special Collections Library at Dartmouth College in Hanover, New Hampshire, including records from a collection of papers referred to as the "Papers of Jay Wolf," which Dartmouth College identifies as being a gift of "Eric Ian Hornak Spoutz," among others.<sup>3</sup> From my review of those documents, I have learned, among other things, that:

a: Included in the Papers of Jay Wolf is a Notice of Probate in the Probate Proceedings respecting the Will of Julius R. Wolf, a/k/a, Jay Wolf, Docket Number 3507/1976, filed in the Surrogate's Court for the County of New York.

b. Also included in the Papers of Jay Wolf is a July 28, 1976, appraisal of the art collection of Jay Wolf conducted at the request of Law Firm-1 (i.e., the law firm whose letterhead was used to create the documents provided to Auction House-1 and Auction House-2, as described above) (the "Appraisal").

c. The Appraisal includes forty-one pages of detailed information on approximately ninety-five artworks, but includes no reference to any artwork by Joan Mitchell or Willem de Kooning.

d. The Papers of Jay Wolf also include a letter that appears to be the template for the false Dartmouth Letter provided to Auction House-1 and Auction House-2 (the "Template Letter"). The Template includes the text of the Dartmouth Letter (as well as a sentence referring to a Notice of Probate, which the Dartmouth Letter omitted), and is signed not by Attorney-1, but by another attorney from Law Firm-1 ("Attorney-2").<sup>4</sup>

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<sup>3</sup> From my review of records provided by Dartmouth College, I have learned, among other things, that the "Papers of Jay Wolf" were provided as a gift to Dartmouth College on or about March 20, 2012, by ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, using the name "Eric Ian Spoutz."

<sup>4</sup> From my review of publicly available information, including articles and notices published by the New York Times, I have learned, among other things, that Attorney-1 was, in fact, a partner at Law Firm-1. Attorney-1 passed away in 2009, and Law Firm-1 dissolved in 1982. Attorney-2, however, presently practices law and contact information for Attorney-2 is readily

21. In the course of this investigation, I have reviewed documents filed in the Probate Proceedings respecting the Will of Julius R. Wolf, a/k/a, Jay Wolf, Docket Number 3507/1976, in the Surrogate's Court for the County of New York, including the last will and testament of Julius R. Wolf. From those documents, I have learned, among other things, that:

a. "Robert Smith" is not among the individuals named in the will of Julius R. Wolf and received no bequest through that document.

b. The will of Julius R. Wolf expressly provides that Wolf gave his "entire art collection, including all of [his] paintings, drawings, sculpture and other objects of art of any kind or nature which [he] own[ed] at the time of [his] death [with a single exception not relevant here] to Dartmouth College." No artworks were bequeathed to "Robert Smith," despite the contrary claim that ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, made to Auction House-1, as described above.

22. In the course of this investigation, I have reviewed emails and other records provided by an individual to whom ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," using the alias "John Goodman," sold purported Joan Mitchell paintings ("Victim-1"). From those emails and records, I have learned, among other things, that:

a. In or about March 2013, Victim-1 resided in New York, New York, and contacted an individual known to Victim-1 as "John Goodman" after finding certain artworks purportedly by Joan Mitchell posted for sale on EBay, an online auction site.

b. Victim-1 communicated with "John Goodman" by writing to the Goodman Account.

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available through open source internet searches. Thus, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, in drafting the Dartmouth Letter based on the Template Letter, replaced the name of Attorney-2 with the name of Attorney-1, an attorney whom a potential purchaser could not contact to seek information regarding the artworks marketed by SPOUTZ.

c. On or about March 19, 2013, Victim-1 wrote to the Goodman Account regarding the Mitchell works being marketed by "John Goodman," and stated, in part, "Great looking work. John what is your full name? Where in the states are you? Do you have original paperwork on any of these three - I saw the [Betty Parsons] recp [sic] - just want to know if it's an original or a photocopy."

d. On or about March 19, 2013, and in reply to Victim-1's email of the same date, SPOUTZ, using the Goodman Account, sent to Victim-1 an email stating, in part, "My name is John Goodman and I'm from New York. I will give you all of the original paperwork that I received when I acquired the pieces." At no point in this or any email to Victim-1 did SPOUTZ indicate that "John Goodman" is merely the name of a purported "entity," established by SPOUTZ in Michigan, rather than New York, through which SPOUTZ sells artworks.

e. On or about March 19, 2013, SPOUTZ, using the Goodman Account, sent to Victim-1 an email stating, in part, "Here are the other two Mitchells that I own. They are both from Eleanor Ward's . . . collection and were created in 1978." At no point in this, or any other email provided by Victim-1, does SPOUTZ suggest that SPOUTZ was offering Victim-1 anything other than authentic Joan Mitchell artworks.

f. On or about March 28, 2013, Victim-1 wrote to the Goodman Account and agreed to send "John Goodman" approximately \$12,000 in return for artwork purportedly by Joan Mitchell. Victim-1 informed "Goodman" that the payment information provided with the Paypal account to which "Goodman" initially directed Victim-1's payment indicated the payee name "Robert Smith," writing, "It says it goes to a Robert Smith - slightly odd. Thanks[, Victim-1]."

g. On or about March 28, 2013, and in response to the email from Victim-1 seeking confirmation of "John Goodman's" true identity, SPOUTZ sent an email from the Goodman Account to Victim-1 reading, in part, "Robert is my partner."

h. The same email provided updated payment instructions for payment to a PNC Bank account that included the following recipient name and address: "John Goodman" / 80 Broad Street / New York, New York 10004."<sup>5</sup>

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<sup>5</sup> In the course of this investigation, I have interviewed a representative of the property management company for the

23. From my review of documents provided by an auction house based in California ("Auction House-3"), I have learned, among other things that, between in or about March 2013 and June 2013, while negotiating the sale of the false Joan Mitchell works to Victim-1 using the Goodman Account and using false provenance information, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, was also attempting to sell four works purportedly by Joan Mitchell through Auction House-3. For example:

a. On or about March 20, 2013, SPOUTZ, using the alias "John Goodman," wrote to Auction House-3 from the Goodman Account, stating, in part, "I am interested in consigning, for your soonest auction, the four Joan Mitchells listed below. The pieces were originally gifts from Joan Mitchell to Bernard Reis, the executor of Mark Rothko's estate. . . . They are each exceptionally strong works and should do very well at auction." In addition, SPOUTZ provided brief descriptions of four purported Joan Mitchell works, each with the following provenance: "Gift from the artist to Bernard Reis, thence by descent, present owner."

b. On or about March 21, 2013, SPOUTZ, using the alias "John Goodman," wrote to Auction House-3 from the Goodman Account, stating, "I have receipts for each piece from Mr. Reis." In response, and in a series of emails from on or about March 21 through 26, 2016, Auction House-3 estimated that the auction price for each piece would be \$30,000 to \$50,000 and, thereafter, inquired as to when "John Goodman" would be available to personally visit Auction House-3.

c. On or about March 26, 2013, SPOUTZ, using the alias "John Goodman," replied, in part, "I am literally in a transitional state right now, trying to figure out . . . if I will be returning to California to live or using one of my homes on the East Coast or the Midwest for my future residence. . . . I will definitely not be back in California soon enough to bring the pieces in person. . . . Please let me know to what address you would like me [to] send the pieces. I will, of course, send the original documents that will accompany the pieces also."

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building located at 80 Broad Street, New York, New York 10004, from whom I have learned, among other things, that there is no record of occupancy of any person or entity using the name "Eric Spoutz," "John Goodman," or "Robert Chad Smith."

d. For each of the four purported Joan Mitchell artworks provided by SPOUTZ to Auction House-3, SPOUTZ provided what purports to be a letter memorializing the transfer of the piece from "Bernard Reis" to an individual identified as "Jim Rice" (collectively, the "Reis Letters"). Each of the Reis Letters is dated August 5, 1978. The typeface of each of the Reis Letters is visually distinctive. Specifically, the height of the upper-case characters used throughout the Reis Letters is limited to the same height as the lower-case characters, while the bottom of the upper-case characters descends below the baseline of the lower-case characters. As discussed further below, the identical typeface was used in provenance letters SPOUTZ provided for multiple pieces, from multiple purported authors, with dates ranging across multiple decades. Based on my training and experience, I believe this indicates the letters are very likely to be fraudulent.

e. On or about June 4, 2013, Auction House-3 wrote to SPOUTZ at the Goodman Account, stating, in part, "I have run the Mitchells past several dealer/collectors. . . . The responses I have received were fairly unsure that there were indeed 'by' the artists even with your provenance from Mr. Reis (it's unfortunate that these were not signed). . . . Therefore, the best I can offer is 'attributed to' the artist at reduced estimates, \$8-12k each."

24. In or about 2015, Auction House-3 released the artworks provided to Auction House-3 by ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, to law enforcement for inspection.

**C. Spoutz Knowingly Resells Forgeries Using False Provenance**

25. In the course of this investigation, I have interviewed an individual purchaser of three paintings purportedly by Joan Mitchell ("Victim-2"), from whom I have learned, among other things, that, in or about 2013, Victim-2 purchased the three paintings on EBay (the "Victim-2 Paintings"). After purchasing those paintings, Victim-2 showed the works to a representative of a non-profit organization devoted to promoting and preserving Joan Mitchell's legacy raised questions relating to the authenticity of the Victim-2 Paintings. Victim-2 thereafter contacted the seller of these artworks, and returned the pieces.

26. In the course of this investigation, I have reviewed emails and records provided by Victim-2, from which I have learned, among other things, that:

a. On or about November 13, 2013, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, using the Goodman Account, sent Victim-2 an email acknowledging Victim-2's interest in purchasing the Victim-2 Paintings and offering to sell those paintings for \$19,000. This email was signed "John" and included certain attachments. Among those attachments were the following:

i. A type-written letter dated November 20, 1980, from "Eleanor Ward" to "Larry Larkin," the body of which stated, in part, "This is a confirmation of your payment of \$9,000.00 for the following drawings: Joan Mitchell / Untitled / pastel/paper / 1977" ("Ward Letter-1"). Despite being dated two years later, and despite purportedly having been written by a different person, the typeface of Ward Letter-1 appears to be identical to that used to create the Reis Letters, described above.

ii. A type-written "bill of sale" reading, in part, "AGREEMENT made as of the 19th day of December of 2004 between [redacted]<sup>6</sup> located at 301 Clematis Street, West Palm Beach, Florida 33401<sup>7</sup> and the Estate of Lawrence Larkin (Gerald Kemper), located at 877 Third Avenue, New York, New York 10022.<sup>8</sup> . . . Artist: Joan Mitchell / Title(s): Untitled / Medium(s): Pastel on paper . . . / Quantity: 3 / Year of Creation: 1977 / Signed by Artist: Yes / Provenance: Eleanor Ward, Stable

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<sup>6</sup> This redaction, and all other redactions noted throughout this affidavit, appears in the original of the quoted document.

<sup>7</sup> In the course of this investigation, I have reviewed publicly available entity incorporation records provided by the State of Florida, from which I have learned, among other things, that, on or about July 13, 2005, "Eric I. Spoutz" filed registration paperwork for "Stable Fine Art Investments, LLC," purportedly headquartered at 301 Clematis St., Suite 3000, West Palm Beach, Florida 33401, the address listed for the purported purchaser in the Mitchell Bill of Sale.

<sup>8</sup> From my review of publicly available address information, I have learned that "877 Third Avenue, New York, New York 10022" is a non-existent address.

Gallery, New York, NY / Lawrence Larkin, East Hampton, NY & Tallahassee, FL" (the "Mitchell Bill of Sale"). The Mitchell Bill of Sale is purportedly signed by "Gerald Kemper."

b. On or about November 15, 2013, Victim-2 received a payment confirmation for a \$17,500 wire payment in exchange for an item or items described as "Joan Mitchell" to a PayPal account subscribed to an individual using the Goodman Account.

c. On or about November 16, 2013, Victim-2 received an email from the Goodman Account referring to an untitled artwork purportedly by de Kooning and having the same provenance as the Victim-2 Paintings. In support of this proposed sale, the email included three photographs of what appear to be artworks signed "de Kooning," and a letter dated November 20, 1980, from "Eleanor Ward" to "Larry Larkin," the body of which stated, in part, "This is a confirmation of your payment of \$12,000.00 for the following drawings: Willem de Kooning / Untitled / Charcoal/paper / 1975" ("Ward Letter-2"). The same visually distinctive typeface used to compose Ward Letter-1 was also used to compose Ward Letter-2.

d. On or about November 18, 2013, Victim-2 emailed the Goodman Account, stating, in part, "John, The pieces have been received. Unfortunately I have to return them. I have been advised against the purchase by the [non-profit foundation]."

e. Thereafter, Victim-2 returned the inauthentic Mitchell artwork, and subsequently received a refund of his purchase price from SPOUTZ.

27. In the course of this investigation, I have reviewed documents provided by a company that hosts an online auction website that frequently lists works of art for sale ("Auction Site-1"). From those documents, I have learned, among other things, that:

a. In or about April 2014, Auction Site-1 listed for sale three Joan Mitchell artworks and appearing to be identical to the Victim-2 Paintings (the "Victim-3 Paintings").

b. Documents provided by the seller of these artworks in support of their provenance include exact copies of Ward Letter-1 and the Mitchell Bill of Sale, both of which were provided by ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant,

using the Goodman Account under the alias "John Goodman," to Victim-2 prior to Victim-2's return of the Victim-2 Paintings to SPOUTZ. As noted above, both Ward Letter-1 and the Mitchell Bill of Sale bear indicia of fraud, including the use of the same type setting as the Reis Letters (with respect to Ward Letter-1) and the use of a false address (with respect to the Mitchell Bill of Sale).

28. In the course of this investigation, I have interviewed the owner of Auction Site-1. From that interview, I have learned, among other things, that:

a. Auction Site-1 sold approximately 13 paintings, including the Victim-3 Paintings, to an individual purchaser ("Victim-3").

b. Auction Site-1 had obtained the Victim-3 Paintings, along with the other paintings sold by Auction Site-1 to Victim-3, from an individual using the name "John Goodman" with an address of "80 Broad Street, New York, New York," i.e., the same address associated with the PNC Bank account to which Victim-1 was instructed to wire payment, as described above.

29. In the course of this investigation, I have interviewed Victim-3 and have learned, among other things, that:

a. At the time of Victim-3's purchase of the Victim-3 Paintings, Victim-3 lived in New York, New York.

b. Following his purchase of the Victim-3 Paintings, Victim-3 received indications from an auction house based in New York, New York, that the Victim-3 Paintings did not appear to be authentic Joan Mitchell artworks.

c. Victim-3 thereafter released the Victim-3 Paintings to law enforcement and sought a refund of his purchase price from Auction Site-1.

**D. Spoutz Continues to Market and Sell Forgeries Using Multiple Aliases and False Provenance**

30. In the course of this investigation, I have reviewed documents provided by an individual ("Individual-1") who purchased several paintings and other artworks from ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, who used the name

"John Goodman" when dealing with Individual-1. From those documents, I have learned, among other things, that:

a. On or about February 9, 2014, Individual-1 contacted "John Goodman" at the Goodman Account after viewing several works purportedly attributed to the artists Franz Kline and Willem de Kooning. In this email, Individual-1 requested documentation demonstrating the provenance of these pieces, in particular copies of bills of sale.

b. On or about February 9, 2014, SPOUTZ, using the Goodman Account, sent Individual-1 a purported bill of sale on letterhead purporting to be from the "Betty Parsons Gallery, 24 West 57th Street, New York, N.Y. 10019," dated January 17, 1959 (the "Parsons Bill of Sale").<sup>9</sup>

c. The Parsons Bill of Sale is addressed to "Mr. Henry Hecht / 2360 Sunset Plaza Drive / Los Angeles, California," and reads, in part, "SALE: 'Untitled' 10 7/8 x 14" pastel and graphite on paper signed lower right 'de kooning' / by WILLEM DE KOONING." The type setting of the Parsons Bill of Sale is distinctive in the same manner as the Reis Letters, Ward Letter-1, and Ward Letter-2, despite having been purportedly issued from a different sender approximately two decades prior to the drafting of the Reis Letters, Ward Letter-1, and Ward Letter-2.

d. On or about February 9, 2014, SPOUTZ, using the Goodman Account, sent Individual-1 a letter purportedly from

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<sup>9</sup> From my review of public information provided by the United States Postal Service, I have learned, among other things, that the Zone Improvement Plan ("ZIP") Code system was implemented in 1963, four years after the date of the Parsons Bill of Sale, which purports to list "10019" as the ZIP code for the Betty Parsons Gallery. From my review of emails provided by Individual-1, I have learned that SPOUTZ, using the Goodman Account, attempted to explain this anachronism after being confronted with the discrepancy by Individual-1, claiming, in part, that: "[Henry] Hecht acquired the pieces in the 1950s casually from Parsons as a friend of hers. Apparently, from what I understand, there were no documents or very limited notations that were issued. Sometime later (from what I've been told, in the 1970s), Hecht approached Parsons and requested formal documents. They were backdated to the original date of acquisition."

"James Wilson L.L.P., a Registered Limited Liability Partnership, 707 Wilshire Boulevard, Los Angeles, CA 90017," dated July 12, 1995, purporting to memorialize the acquisition of 31 works of art by a person whose name is redacted, but who, from the context of the transaction, as described below, is implied to be "John Goodman," with an address in East Hampton, New York (the "Wilson Letter"). The Wilson Letter states that these 31 works of art were "bequeathed to you [i.e., 'John Goodman'] by H.H. Hecht" (the "Wilson Letter").<sup>10</sup>

e. On or about February 10, 2014, the SPOUTZ, using the name "John Goodman" and the Goodman Account, sent Individual-1 two documents pertaining to the same de Kooning piece described in the Wilson Letter:

i. First, SPOUTZ sent a letter dated January 14, 2004, purportedly from "Gerald Kemper, Asset Liquidation Specialist, Fine Art & Collectables, 885 Third Avenue, New York, New York 10022," addressed to "Mr. John Goodman, [redacted], East Hampton, NY 11937" (the "Kemper Letter"). The Kemper Letter reads, in part, "Dear Mr. Goodman, . . . I have been retained by James Wilson in Los Angeles on behalf of the estate of Henry Hecht for the liquidation of his collection of fine art. The collection has original artwork by Arthur Garfield Dove, Joan Mitchell, Franz Josef Kline and Willem de Kooning. . . I will be conducting a viewing of the works of art in my office at 1:00 p.m. on January 21 in the Lipstick Building at 885 Third Avenue at the corner of 53rd Street." The letter is signed "Gerald Kemper," with a signature substantially identical to that used to sign the Mitchell Bill of Sale, also bearing the name "Gerald Kemper."

ii. Second, SPOUTZ sent an "invoice," also purportedly signed by "Gerald Kemper," dated June 28, 2004, describing the same de Kooning work that was also described in the Parsons Bill of Sale. The invoice reads, in part, "AGREEMENT made as of the 28<sup>th</sup> day of June, 2004 between John Goodman located at [redacted] East Hampton, New York 11937 and Gerald Kemper (in association with JBJ Fine Art) located at 885 Third Avenue, New York, New York 10022."

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<sup>10</sup> According to MI-DMV records, SPOUTZ's date of birth is August 3, 1983. Thus, SPOUTZ would have been eleven years old in July 1995, when "John Goodman" purportedly received 31 artworks from "H.H. Hecht."

f. On or about February 10, 2014, SPOUTZ, under the name "John Goodman" and using the Goodman Account, sent an email to Individual-1 stating, in substance and in part, that he had been referred to "Gerald Kemper" by a longtime family friend.

g. On or about May 3, 2014, SPOUTZ, under the name "John Goodman" and using the Goodman Account, offered to sell Individual-1 two artworks by Franz Kline. In support of this attempted sale, SPOUTZ included what appears to be a receipt or bill of sale, dated 1955, which is printed in the same distinctive typeface as the Reis Letters, Ward Letter-1, and Ward Letter-2, and the Parsons Bill of Sale.

31. On or about February 12, 2014, Individual-1 sent an email to the Goodman Account, stating, in part, "The Lipstick building says there was no such tenant in 2004." On the same day, and in reply to Individual-1's email, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, using the name "John Goodman" and the Goodman Account, sent an email to Individual-1 stating, in part, "Another thought that I had regarding what you said about Kemper and the Lipstick building is that I believe he was subletting an office form another firm/company. It wasn't his suite of offices."

32. In the course of this investigation, I have spoken with a representative of the property management company for the building located at 885 Third Avenue, New York, New York, popularly referred to as the "Lipstick Building," from whom I have learned, among other things, that there is no record of a "Gerald Kemper," "Asset Liquidation Specialist, Fine Art & Collectables," or "JBJ Fine Art" occupying space at that address at any time.

33. In the course of this investigation, I have reviewed emails and records provided by an individual to whom ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, offered for sale several purported De Kooning sketches ("Individual-2"), from which I have learned, among other things, that:

a. On or about February 11, 2014, the SPOUTZ, using the name "Eric I. Spoutz" and using the email address spoutz@rocketmail.com (the "Rocketmail Account") sent Individual-2 an email proposing to sell six purported "de Kooning drawings," and claiming that "[a] few years ago I purchased about 20 de Kooning drawings from 1975 with another

private dealer. We've sold off most of the pieces through private sales and also through auction houses." This email included an attached .pdf document containing images of six sketches purportedly signed by Willem De Kooning.

b. On or about February 12, 2014, Individual-2 responded to SPOUTZ at the Rocketmail Account, requesting proof of the six pieces' provenance: "If I'm going to buy these drawings, I'm going to want to sell them with the bill of sale from Ward to Larkin or whatever documents you have that tie them to the pieces. Do you have that and anything else associating her or Larkin with those drawings. I believe they are authentic, but I need more meat to be able to convince buyers."

c. On or about February 13, 2014, SPOUTZ, using the Rocketmail Account, replied to Individual-2, stating, in part, "[h]ere are the scans of the documents. There is one more Ward receipt that I have to locate for the other three pieces. I also have a couple of letters relating to my purchase. . . ." Attached to this email were two images:

i. The first image is a purported "bill of sale" that appears substantially identical to the Mitchell Bill of Sale described above, although altered so as to describe a work by De Kooning (the "De Kooning Bill of Sale"). The De Kooning Bill of Sale reads, in part, "AGREEMENT made as of the 19th day of December of 2004 between [redacted] located at 301 Clematis Street, West Palm Beach, Florida 33401 and the Estate of Lawrence Larkin (Gerald Kemper), located at 877 Third Avenue, New York, New York 10022. . . . Artist: Willem de Kooning / Title(s): Untitled / Medium(s): Charcoal on paper . . . / Quantity: 6 / Year of Creation: 1975 / Signed by Artist: Yes / Provenance: Eleanor Ward, New York, New York / Lawrence Larkin, East Hampton, New York & Tallahassee, Florida". Like the Mitchell Bill of Sale, the De Kooning Bill of Sale is purportedly signed by "Gerald Kemper," the individual from whom SPOUTZ claims to have obtained a collection of artwork.

ii. The second image is Ward Letter-2, which was previously sent to Victim-2, as described above.

34. In the course of this investigation, I have reviewed emails and records from the Rocketmail Account provided by Yahoo, Inc., from which I have learned, among other things, that:

a. On or about March 18, 2015, the Rocketmail Account received an email from an individual ("Victim-4") who referenced the previous purchase of artworks purportedly by the artists Joan Miro, Henri Magritte, Juan Gris, Piet Mondrian, and Ferdinand Leger, which Victim-5 and others associated with Victim-4 had purchased in 2007 from another individual not named herein ("Individual-3"). In relevant part, the email read, "I am researching and eventually presenting to the different committees the Miro, Magritte, Gris, Mondrian and Leger that [Individual-3] purchased from you in 2007. In your certified affidavit you state that the artworks came from your []surrogate uncle[] Chad Smith. Finding Chad Smith anywhere is almost impossible and made worse by the fact that the drummer for the Black Eyed Peas is named Chad Smith and he takes up the first twenty pages of Google. . . . [I]f you would be so kind as to either call me, answer my calls or email to me a way that I can establish who your uncle was I would greatly appreciate it."

b. On or about March 23, 2015, the Rocketmail Account received an email from Victim-4. In relevant part, the email read, "I would like very much if you could respond to my emails. I am trying to figure this collection out. On the one hand I have [Individual-3]'s five works that you certify are from your uncle Chad Smith. Coincidentally, another client has just sent me a modern work to research and it has several letters including one from you stating that it comes from Crispo to Jay Wolf [i.e., the name of the individual used to sell artwork to Auction House-1 in 2010, as described above], he dies and Frank Burton sells on behalf of the estate to Rose Vagavich and from her to you. . . . So, my question is, are Ian and Chad the same person?"

c. On or about March 23, 2015, ERIC IAN HORNAK SPOUTZ, a/k/a "John Goodman," a/k/a "James Sinclair," a/k/a "Robert Chad Smith," the defendant, using the Rocketmail Account, sent an email to Victim-4 in reply to the email quoted immediately above. SPOUTZ's email read, in part, "Although I have no recollection of [Individual-3], the artwork that you are referencing was sold under the strict condition of being 'attributed to the artist' which is the art world and legal designation for not being sold as authentic/authenticated. In other words, there was no guarantee or assurance of authenticity whatsoever. The prices that he paid, which were certainly very low, reflected that designation. Furthermore, the artwork was sold 'as is' with no warranties having been expressly stated or implied. All sales were final. Unfortunately, I have no

further information." SPOUTZ made no reply regarding the identity of "Chad Smith."

### III. Spoutz's Tax Filings Contradict the Kemper Provenance

35. In the course of this investigation, I have reviewed tax filings by ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, provided by the United States Internal Revenue Service. From those filings, I have learned, among other things, that:

a. SPOUTZ (who filed taxes under both the name "Eric Spoutz" and "Robert Chad Smith," but using the same Social Security Number) did not file income taxes, or report profits for a business, for tax year 2004.

b. SPOUTZ filed a Form 1040, Schedule C (Profit or Loss from Business (Sole Proprietorship)) for tax year 2005, for his purported business as an "art dealer," but did not declare any expenses relating to the purchase of artworks from Gerald Kemper, which purportedly occurred in or about 2004, as reflected in the documents and statements set forth above. For example, and as described in more detail below, SPOUTZ has provided certain victims with false provenance documentation stating that SPOUTZ purchased fourteen Willem de Kooning artworks from Kemper on or about June 28, 2004, for \$123,000. Despite that significant expense, the largest business expense declared on SPOUTZ's 2005 filing is a \$26,998 entry for "commissions and fees."

c. SPOUTZ filed a Form 1040, Schedule C-EZ (Net Profit from Business (Sole Proprietorship)) for tax year 2006, for his purported business as an "art dealer." For that year, SPOUTZ declared no expenses.

### IV. Spoutz's Statements to Law Enforcement

36. On or about November 3, 2014, I interviewed ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, by telephone and, from that conversation, have learned, among other things, that:

a. SPOUTZ had recently been in contact via email with an auction house located in New York, New York ("Auction House-4") regarding the consignment for sale of several paintings purportedly by the artist Willem de Kooning. SPOUTZ

had used an intermediary to place these de Kooning works with Auction House-4 and had promised that intermediary a commission payment upon the sale of these and other artworks.

b. SPOUTZ claimed to have previously acquired a collection of approximately 30 works by de Kooning. SPOUTZ admitted that he did not know if the works were, in fact, by the hand of de Kooning, and claimed that he had only sold these works as "attributed" to de Kooning.

c. When asked where he had acquired this collection, SPOUTZ replied, "That's the big question."

d. SPOUTZ claimed that in or about 2003 he met an individual named "Gerald Kemper" through an introduction by an employee of SPOUTZ. In contrast to his statements to Individual-1, as described above, SPOUTZ did not claim that he had been referred to "Gerald Kemper" by a longtime family friend.

e. "Kemper" purportedly had a large collection of "as attributed" artworks to sell, and SPOUTZ purportedly agreed to review those works for possible purchase.

f. SPOUTZ claimed that, in or about 2004 and 2005, SPOUTZ met with "Kemper" several times in New York, New York, and on several occasions in Florida. SPOUTZ claimed to have acquired from "Kemper" works attributed to, among others, the artists Joan Mitchell, Willem de Kooning, Franz Kline, and Arthur Dove.

g. SPOUTZ claimed that he and "Kemper" would only meet in public places, such as a coffee shop, and that SPOUTZ never went to an office to meet "Kemper." Further, SPOUTZ claimed that "Kemper" would bring the artwork that SPOUTZ purports to have purchased from "Kemper" to these public places to provide to SPOUTZ. In return, SPOUTZ claims, "Kemper" accepted cash payments from SPOUTZ as well as in-kind trades of paintings provided by SPOUTZ. SPOUTZ claimed that he had no documentation or proof of purchase relating to any of the artworks purportedly obtained from "Kemper," without mentioning the existence of the multiple letters purportedly from "Gerald Kemper" described above.

h. SPOUTZ further claimed that he maintains no contact information for "Kemper." Moreover, SPOUTZ claimed both that he could not remember the email account from which he would

write to "Kemper" and that, in any event, SPOUTZ had deleted that purportedly unknown email account.

i. SPOUTZ stated that he had no contact information for his former employee whom SPOUTZ claimed introduced SPOUTZ to "Kemper." Although SPOUTZ provided a name for this purported employee, SPOUTZ explained that the employee may not remember "Kemper" in the event that law enforcement agents succeeded in reaching the employee.

j. Despite having included electronic images of de Kooning works in communications with various counterparties and consignees, SPOUTZ stated that he maintains no catalogue or photographs of any of the de Kooning works that he previously owned, including those he purportedly discarded.

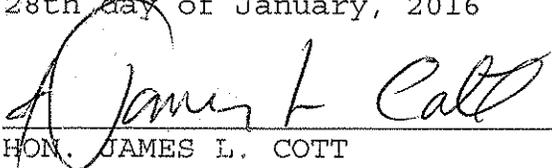
k. SPOUTZ stated that he was no longer in possession of any de Kooning works. SPOUTZ stated that he had previously "thrown away" his last de Kooning works.

l. SPOUTZ claimed to have sold artworks by de Kooning and Mitchell as "attributed" to those artists, which SPOUTZ contrasted with sales of artworks for which he guaranteed the authenticity of the artwork. In contrast to this claim, and as described in more detail above, SPOUTZ's artworks were sold with false provenance documentation intended to demonstrate that the works were, in fact, by the artists to whom they were "attributed" (i.e., any such "attributions" were made by SPOUTZ himself). Moreover, and as described in more detail above, in certain instances, SPOUTZ's counterparties and consignees (e.g., Auction House-3), rather than SPOUTZ himself, initially required that SPOUTZ's artworks be marketed as "attributed." Even in such cases, and as described above, SPOUTZ did not reveal to his counterparties and consignees that his artworks were "attributed" to their respective artists by SPOUTZ himself using false provenance information.

WHEREFORE, I respectfully request that ERIC IAN HORNAK SPOUTZ, a/k/a "Robert Chad Smith," a/k/a "John Goodman," a/k/a "James Sinclair," the defendant, be arrested, and imprisoned or bailed, as the case may be.

  
CHRISTOPHER MCKEOGH  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
28th day of January, 2016

  
HON. JAMES L. COTT  
United States Magistrate Judge  
Southern District of New York