Virginia Museum of Fine Arts

Minutes of the Full Board of Trustees Meeting

Wednesday, 26 September 2018, 12:30 pm

Claiborne Robertson Room

There were present:

Dr. Monroe E. Harris, President

Karen C. Abramson

Lynette L. Allston

Martin J. Barrington

Cindy H. Conner

Dr. Betty Crutcher

Kenneth M. Dye

Janet Geldzahler

Martha M. Glasser

Margaret N. Gottwald

Ivan P. Jecklin

Kenneth Johnson

Steven A. Markel

Sara O'Keefe

Thomas W. Papa

Michele Petersen

Satya Rangarajan

Pamela Reynolds

Pamela J. Royal

William A. Royall, Jr.

Rupa Tak

Absent:

Tyler Bishop

Ankit N. Desai

Anne Noland Edwards

Richard B. Gilliam

David Goode

Terrell Luck Harrigan

Jil Womack Harris

By Invitation

H. Hiter Harris III, Foundation President

Alex Nyerges, Director

Stephen D. Bonadies

Kristine Craig

Jody Green

Tom Gutenberger

Laura Keller

Cynthia Norwood

Katie Payne

Hossein Sadid

Jayne Shaw

Kimberly Wilson

1. CALL TO ORDER & REPORT OF THE PRESIDENT

President Monroe Harris called the meeting to order at 12:34pm and welcomed the board. He expressed excitement to be leading his first meetings as board president. Citing the article “Ranking the World’s Most Admired Museums and What Big Business Can Learn From Them” by Cees van Riel, he suggested ten qualities of a great museum: a world class collection offering something unique, skilled and enthusiastic employees, dedicated board members, positive and elevating impact on the community, accessibility to the public, ability to educate and entertain the public, preservation of culture, economic impact, professional management, and responsible use of funds. He commended the board and the staff for consistently achieving those ideals. He established five goals for his presidency: to help the museum grow, to increase staff and visitor diversity, to expand the museum’s educational reach, to improve museum technology, and to lay the groundwork for a successful campaign.

**Motion:** proposed by Mr. Papa and seconded by Mr. Johnsonto approve the consent agenda as distributed:

* + Approve the minutes of the June 14, 2018 Full Board meeting as distributed.
	+ Approve theproposed changes to the membership structure for approval by the Full Board, including the decision that all memberships with a price less than or equal to $175 be processed through the state, with memberships over $175 to be processed through the Foundation, in line with the proposed changes to the membership structure.

Motion approved.

1. REPORT OF THE DIRECTOR

Director Alex Nyerges and Deputy Director for Advancement & Membership Tom Gutenberger reported on the Mellon exhibition opening at the Musée de la Chasse et de la Nature in Paris. They said that there was great representation from VMFA board members and other museum donors. Mr. Gutenberger also provided an update on campaign planning, indicating that the museum would conduct the feasibility study internally instead of using a consultant. He said he would be working with a consultant to sharpen and refine the case for support.

Director of Government Relations Katie Payne updated the board on Commonwealth support. She explained that the museum would request an increase in operating support and maintenance reserve funding, in addition to requesting support for the campaign. She said that the meetings with government representatives have gone well. She presented a list of capital requests including an expansion of the main museum space and the creation of an annex for support space and storage across Grove Avenue.

**Motion:** proposed by Mr. Johnson and seconded by Mr. Royall to endorse the list of capital requests for the Commonwealth of Virginia as presented. Add list?

Mr. Nyerges also updated the committee on the museum’s new memorandum of understanding with the National Museum of China. The National Museum of China will send an exhibition of Chinese art here, and VMFA will send Schlumberger and an exhibition of American art to China.

1. REPORT OF THE FOUNDATION

Foundation President Hiter Harris reported that the Foundation is doing well, especially with the addition of Tom Gutenberger and Caprice Bragg. He said that the board elected three new board members: Kelly Armstrong, Charles Hodges, and Jennifer Schooley. The board will also add a representative from Altria. He explained that the endowment is positioned defensively and has performed at the same level as the markets.

# COMMITTEE REPORTS

* 1. Education Committee

Education Chair Terrell Harrigan provided an update on the Education Committee. The committee discussed the Artmobile and previewed artist videos being used on the truck. She explained that the group also discussed the development of audio tours for the permanent collection. The tours are designed to engage families and young adults.

* 1. Art Acquisitions Sub-Committee

At 1:18pm the meeting went into closed session.

**Motion:** proposed by Mr. Papa and seconded by Mr. Barrington that the meeting go into closed session to discuss proposed art purchases, gifts, deaccessions, and loans. The relevant exemption is Section 2.2-3711(A)(6 and 10)of the Code of Virginia. Motion approved.

At 1:28pm, the meeting resumed in open session.

Motion: proposed by Mr. Papa and seconded by Mr. Barrington that the Committee certify that the closed session just held was conducted in compliance with Virginia State Law, as set forth in the Certification Resolution distributed. Motion carried.

A roll call vote was taken, the results of which are outlined in the First Certification Resolution.

**Motion:** proposed by Mr. Papa and seconded by Mr. Barrington to approve the gift, purchase, deaccession, and loan considerations as fully described in the meeting packets.

* 1. Art & Collections Committee

Art & Collections Chair Tom Papa reported that the committee reviewed the collection plan for Modern and Contemporary art with Valerie Cassel Oliver. The group also discussed Nazi-era provenance research and the restitution of Nazi war loot.

* 1. External Affairs Committee

External Affairs Chair Ken Johnson commended the Advancement team for exceeding the FY18 fundraising goal. He also recognized Deputy Director of Communications Jan Hatchette for her division’s innovative approach to advertising for *Napoleon: Power & Splendor*.

* 1. Fiscal Oversight Committee

Fiscal Oversight Vice Chair Steve Markel reported that the museum ended FY18 on target and is also on track in FY19. He also explained that the risk assessment yielded great results.

1. EXECUTIVE CLOSED SESSION

At 1:42pm the meeting went into closed session.

Motion: proposed by Dr. Harris and seconded by Mr. Royall that the meeting go into closed session to discuss a proposed art purchase. The relevant exemption is Section 2.2-3711(A)(6 and 10)of the Code of Virginia. Motion approved.

At 2:19pm, the meeting resumed in open session.

**Motion:** proposed by Dr. Harris and seconded by Mr. Royall that the Committee certify that the closed session just held was conducted in compliance with Virginia State Law, as set forth in the Certification Resolution distributed. Motion carried.

A roll call vote was taken, the results of which are outlined in the First Certification Resolution.

**Motion:** proposed by Mr. Royall and seconded by Dr. Harris to purchase *Magdalena* by Frederic Church for contingent on the gift of *Progress of Empire* by Asher B. Durand. Motion approved.

1. ADJOURNMENT

There being no further business, the meeting was adjourned at 2:18pm

Recorded by: Laura Keller

 Assistant to the Secretary of the Foundation

MOTION SHEET

PURCHASE CONSIDERATIONS:

1. Gioacchino Assereto (Italian, 1600-1650), *Isaac Blessing Jacob (La Benediction de Jacob)*, circa 1645, Oil on canvas, 59 ½ × 43 ½ in. (151.4 × 110.5 cm)

Vendor: Galerie G. Sarti, 137 rue du Faubourg Saint-Honoré, 75008, Paris, France

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: This magnificent 17th century Italian painting dates to the end of Gioacchino Assereto’s career and is typical of his late style, which is noted for its limited color palette and fluidity of brushwork *Isaac Blessing Jacob* also combines the artist’s early interest in *sfumato* (the use of fine shading to produce soft, imperceptible transitions between colors and tones) with *chiaroscuro* (the dramatic play of light and shadow), which Assereto was exposed to during a trip to Rome in 1639, during which he visited the studios of a number of artists whose work was influenced by the heightened realism of Caravaggio.

1. David Gilmour Blythe (American, 1815-1865), *January Bills*, 1859, Oil on canvas, 20 × 24 in. (50.8 × 60.96 cm)

Vendor: Thomas Colville Fine Art, 111 Old Quarry Road, Guilford, CT 06437

Source: J. Harwood and Louise B. Cochrane Fund, and Adolph D. and Wilkins C. Williams Fund, by exchange

Executive Summary: VMFA has a rare opportunity to acquire one of the very few remaining canonical American genre paintings still in private hands. Probably the most renowned satirical painter in nineteenth-century America, David Gilmour Blythe offered a hard dose of critique and caricature at a time when several other artists were advancing their reputations with sweet, sentimental, sure-to-sell compositions. *January Bills* depicts James P. Barr, owner of the Pittsburgh newspaper, *The Post*, seated at his desk in a dimly lit office. A pro-slavery and anti-immigration advocate in the markedly abolitionist city of Pittsburgh, the much-reviled Barr is given small feet and grotesque physiognomy by the politically sensitive Blythe. Above the mantle at left, a calendar identifies the date as January 4, accounting for the garb thrown aside at left, as well as the heavy clothing worn by the debt collector at the door. The calendar date also suggests that Barr is three days late paying his bills—a string of unpaid invoices hangs on the side of the desk, partially covered by the “1859 almanac.” In these ways, *January Bills* takes its place among the most culturally incisive and darkly humorous masterpieces of contemporary painters George Caleb Bingham and William Sidney Mount.

1. Chester Higgins (American, born 1946), *The Burial Walk*, 1972, Gelatin silver print, 10 15/16 × 13 7/8 in. (27.78 × 35.24 cm)

Chester Higgins (American, born 1946), *Alabama, A barber in Tuskegee with heroes of his generation on the wall*, 1972, Gelatin silver print, 7 15/16 × 9 15/16 in. (20.16 × 25.24 cm)

Chester Higgins (American, born 1946), *Guardian for Black Panthers*, 1969, Gelatin silver print, 10 × 8 1/16 in. (25.4 × 20.48 cm)

Chester Higgins (American, born 1946), *Amiri Baraka*, circa 1973, Gelatin silver print, 9 15/16 × 8 in. (25.24 × 20.32 cm)

Chester Higgins (American, born 1946), *Kweku meditating at home*, 1973, Gelatin silver print, 9 15/16 × 8 in. (25.24 × 20.32 cm)

Chester Higgins (American, born 1946), *Ghana*, 1973, Gelatin silver print, 8 7/16 × 10 15/16 in. (21.43 × 27.78 cm)

Chester Higgins (American, born 1946), *New York City, A young Moslem woman in Brooklyn*, 1990, Gelatin silver print, 10 ½ × 8 7/16 in. (26.67 × 21.43 cm)

Vendor: Chester Higgins, 57 South Portland Avenue, Brooklyn, NY 11217-1301

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: Raised in a small town in Alabama, Chester Higgins studied photography with P. H. Polk at Tuskegee University in the late 1960s. After graduating from Tuskegee, Higgins moved to New York City and went on to become a staff photographer for the *New York Times*. He also traveled the world making images of people of African descent, many of which were featured in his book, *Feeling the Spirit: Searching the World for the People of Africa* (1994). The seven photographs proposed for purchase here follow the first few years of his career, from the period when he published *Black Woman* (1970) and *Drums of Life* (1974), following his first trip to Africa in 1973, where he explored the country and culture of Ghana. All seven were also featured in the recent photography exhibition: *Like A Study in Black History: P.H. Polk, Chester Higgins, & The Black Photographers Annual, Volume 2*.

1. Glenn Ligon (American, born 1960), *A Small Band*, 2015, Neon and paint, 74 ¾ × 797 ½ in. (189.87 × 2024.38 cm)

Vendor: Regen Projects

Source: Arthur and Margaret Glasgow Endowment with support from Revolving Art Purchase Fund

Executive Summary: *A Small Band* is an iconic work from Glenn Ligon’s neon series that he began in 2006. The title of the work references a quote by Daniel Hamm, who had been imprisoned in the 1960s as part of the famed “Harlem Six or Blood Brothers,” a group of young black men wrongly accused and convicted of murder in 1965. All of the members of the group—Daniel Hamm, Wallace Baker, William Craig, Ronald Felder, and Walter Thomas—were eventually released save for Robert Rice who remains incarcerated, serving a life sentence. In a statement following his release from prison, Hamm told the public about the brutality he experienced in prison at the hands of guards, testifying: “I had to, like, open the bruise up and let some of the blues…bruise blood come out to show them.” These three words—blues, bruise, and blood—are written in neon in lowercase in Ligon’s *A Small Band*. The work is particularly poignant against the backdrop of the contemporary landscape in the United States where incidents of police violence against young African-American men has escalated. This neon installation piece thus offers an opportunity to engage in a dialogue about identity and race, as well as police brutality and youth incarceration, through history and into today.

1. James Peale (American, 1749-1831), *Portrait of James Pool (1774-1861)*, 1794, Watercolor on ivory, 2 1/8 × 1 5/8 in. (5.4 × 2.86 cm)

Vendor: Hirschl & Adler Galleries, The Fuller Building, 9th Floor, 41 East 57th Street, New York, NY 10022

Source: John Barton Payne Fund

Executive Summary: The youngest of the Peale family of artists, James Peale excelled in miniature painting. In 1769, he began an apprenticeship with his brother Charles Willson Peale who had just returned from England. In 1786, he took over the miniature field of the family’s painting practice. A decade later, he had exceeded his brother in miniature painting to become a celebrated master of the post-Revolutionary era. This superb portrait of James Pool dates from the height of Peale’s talents. The sitter’s identity is also a rare benefit that adds to the American historical narrative. The subject was a Brooklyn farmer and boatman who served during the War of 1812 in the New Jersey Coast Guard and thereafter ran a ferry between Keyport and New York City. He is believed to have been the owner of the historic Cortelyou House.

1. Betty Blayton (American, 1937-2016), *Consume #2*, 1969, Oil on canvas, 59 in. diameter (149.86 cm)

Vendor: Betty Blayton-Taylor Lifetime Trust

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: Betty Blayton is an unsung heroine in the visual arts landscape. A native of Williamsburg, Virginia, and born during segregation, Blayton understood the importance of education and the power of artistic expression. *Consume #2* is an iconic work from Blayton’s body of tondo paintings that she created in the late 1960s and into the 1970s. If acquired, this workwill seamlessly engage with VMFA’s collection of abstract painting from the 20th and 21st centuries and expand our current dialogue on painting practices from an artist who is both female and African-American. Moreover, this acquisition highlights an artist who is a Virginia native.

1. Jaune Quick-to-See Smith (Salish/Kootinai, born 1940), *War Torn Dress*, 2002, Mixed media on canvas, 72 × 48 in. (182.88 × 121.92 cm)

Vendor: Garth Greenan Gallery, 545 West 20th Street, New York, NY 10011

Source: Arthur and Margaret Glasgow Endowment in two payments

Executive Summary: Raised on the Flathead Reservation in western Montana, Jaune Quick-to-See Smith is one of the most acclaimed Native artists today. She is deeply connected to her heritage and creates works of art that address the myths of her ancestors in the context of current issues facing Native Americans. Trained as an Abstract Expressionist painter, she employs similar color palettes, collage techniques, and appropriated imagery to contemporary artists such as Jasper Johns and Robert Rauschenberg, as well as traditional Native art. Through a combination of representational and abstract images, she confronts subjects such as the destruction of the environment, governmental oppression of Native cultures, and the pervasive myths of Euro-American cultural hegemony. *War Torn Dress* is an image of a Plateau woman’s traditional hide dress that is literally torn in two to highlight the suffering of Native women during war and conflict.

1. Unidentified Artist (Ethiopian, Early 19th Century), *Healing Scroll*, circa 1800, Parchment, ink, watercolor, 69 7/8 × 7 in. (177.48 × 17.78 cm)

Vendor: Trotsky & Sanders Gallery, 275 Conover Street, Brooklyn, NY 11231

Source: Funds provided by The Reverend Dr. Vienna Cobb Anderson for Ethiopian and Coptic Art

Executive Summary: Ethiopian healing scrolls are prepared as part of a larger process for exorcising evil spirits from a person suffering illness or to protect them from demons. The healing rituals also involve medicinal potions, recitations, prayers, and other actions as a patient’s condition might warrant. The patient’s name is inscribed on the scroll, which is made to match their full height in order to represent protection from head to foot. The rituals are conducted by *däbtäras* (religious healers), a class of clerics who are highly trained in theology and who are responsible for the liturgy and music in the church, but who are not ordained as priests. If acquired, this exceptionally large and early scroll, with its powerful and ancient healing images and verses, will headline our section of talismanic arts of Ethiopia.

1. Unidentified Artist (Ethiopian, late 19th- early 20th centuries), *Processional Cross*, late 19th – early 20th centuries, Silver, 15 1/8 × 9 7/8 in. (38.42 × 25.08 cm)

Vendor: Trotsky & Sanders Gallery, 275 Conover Street, Brooklyn, NY 11231

Source: Funds provided by The Reverend Dr. Vienna Cobb Anderson

Executive Summary: Since its revival at the turn of the 20th century, this style of cross has become a hallmark of the Ethiopian church, being often repeated, but seldom achieving the quality of design and execution as this example. For the significant historic moments that it references by its timeframe and the background behind its creation, as well as the absence of a cross of this design and date in the African art collection, this silver processional cross will make an important strategic acquisition for VMFA.

1. Unidentified Artist (Ethiopian, Early 18th century), *Processional Cross*, circa 1700, Wood, 18 × 7 in. (45.72 × 17.78 cm)

Vendor: Trotsky & Sanders Gallery, 275 Conover Street, Brooklyn, NY 11231

Source: Funds provided by The Reverend Dr. Vienna Cobb Anderson

Executive Summary: Much has been said about the extraordinary creativity of design found in Ethiopian crosses, especially their display of complex and expressive geometries. Few, however, obtain the iconographic complexity of this large wooden processional cross. A unique creation—processional crosses are usually made of metal, rather than wood—this religious object will add richly to the range of expression found in Ethiopian art within the African art collection.

1. Man Ray (American, 1890-1976), *12 Paris Portraits*, Gelatin silver prints, various dimensions (see Appendix A)

Vendor: Timothy Baum

Source: Arthur and Margaret Glasgow Endowment with support from the Revolving Art Purchase fund

Executive Summary: Like Nadar before him, Man Ray embarked on a sustained campaign to document the international avant-garde in Paris between the two world wars in a series of remarkable portraits that established his reputation as one of the leading photographers of his era. Timothy Baum, a New York-based art collector, poet, and dealer, has collected Man Ray’s Paris portraits since the late 1960s, often acquiring them directly from the artist. He has offered to sell VMFA 48 of these portraits at a heavily discounted price over the next two years in installments of 12 portraits at a time, beginning with portraits of such cultural luminaries as Jean Cocteau, Paul Eluard, Juan Gris, Aldous Huxley, Robert Mallet-Stevens, and Elsa Schiaparelli. This purchase would ensure that VMFA rivals the Getty Museum and the Museum of Modern Art, New York, as the largest public collection of Man Ray’s work outside of Paris.

DIRECTOR’S DISCRETIONARY PURCHASES:

1. Ben Shahn (American, 1898-1969) and Inslee A. Hopper (American, 1908-1987), *‘Mr. Clatterbuck’ (Maquette for a photo book on the Homestead’s Resettlement Community at Flint Hill, Shenandoah Valley),* 1949, printed 1957, 87 Gelatin silver prints and typewritten text mounted on paper and comb-bound with plastic wrapper, 13 3/4 × 10 3/4 in. (34.9 × 27.3 cm)

Vendor: Sotheby’s New York, 1334 York Avenue, New York, NY 10021

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: In the early 1940s, Ned Bruce, Chief of Fine Arts for the Treasury Department under Franklin D. Roosevelt and an unflagging advocate of the President’s New Deal and Resettlement program, commissioned his junior Inslee Hopper and artist-photographer Ben Shahn to record the community of Flint Hill as an example of the program’s success in Virginia’s Shenandoah Valley. The project was intended to result in a book and, to that end, this work, the preliminary maquette, was presented by Bruce to Roosevelt as a sample. However, post-War budget cuts precluded its publication, and this is the only known example of the work to exist.

1. Egyptian, (New Kingdom, Dynasty 18, Reign of Amenhotep III), *Wall-Painting of a Nubian and Assyrian from Tomb TT226*, circa 1390-1352 BC, 7 ½ × 10 ½ in. (20.5 × 27.2 cm), Framed: 10 ⅜ × 14 ¼ in. (26.3 × 35.5 cm), Polychrome plaster on mud wall

Vendor: Royal Athena Galleries, 153 East 57th Street, New York, NY 10022

Source: Arthur and Margaret Glasgow Endowment and Jack and Mary Ann Frable Fund

Executive Summary: This Egyptian wall painting is an exceptionally exciting addition to VMFA’s Ancient art collection both for its materiality and its iconography, which depicts parts of three kneeling figures of foreigners (Nubian and Assyrian) paying obeisance to the Egyptian pharaoh. The fresco comes from the Theban necropolis, tomb 226, and while this is but a fragment, the scholar who first published it described the fresco in the following terms: “The magnificent scene which once occupied this wall is complete in all is essential parts to allow it to be treated as if it were still extant. Its colour is perfectly preserved, its draughtsmanship sure, its tones rich, so that, when its size and completeness are taken into account, the restored copy may rank as perhaps the best example at the art at the Theban necropolis.”

1. Unidentified Artist (Tibetan, 19th century), *Milarepa*, Opaque watercolor on cloth, 33 × 21 5/8 in. (83.82 × 54.93 cm)

Vendor: Sotheby’s New York, 1334 York Avenue, New York, NY 10021

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: This Director’s Discretionary purchase of a first-rate later Tibetan thangka offers virtually limitless education possibilities. The painting portrays Milarepa, a subject previously missing from our Himalayan painting holdings, while perfectly complementing an important sculpture already in the collection. An important figure in the second wave of Buddhism’s transmission from India into Tibet, Milarepa (1040-1123 AD) is remembered as Tibetan Buddhism’s first home-grown yogi and founder of its Kagyu monastic order. His distinctive gesture, hand held to ear, visually references both his devotional singing, through which he made complex Buddhist ideas accessible to ordinary people, and the importance to the Kagyu, literally the “Oral Tradition,” of the direct verbal transmissions from master to student that guarantee the authenticity of its wisdom though unbroken teaching-lineages.

1. Arthur Rothstein (American, 1915-1985), *Window of Joe Handley's Cabin, Walker County, Alabama*, 1937, Gelatin silver print, Image: 6 15/16 × 9 7/16 in. (17.62 × 23.97 cm), Mount: 14 × 10 15/16 in. (35.56 × 27.78 cm)

Arthur Rothstein (American, 1915-1985), *House Formerly Inhabited by Family which has been Resettled, Grady County, Georgia,* 1935, Gelatin silver print, Image: 7 1/16 × 9 in. (17.94 × 22.86 cm), Mount: 14 × 10 15/16 in. (35.56 × 27.78 cm)

Vendor: William L. Schaeffer

Source: Eric and Jeanette Lipman Fund

Executive Summary: One of first of the many famous photographers to work for the New Deal agencies of the federal government during the Great Depression, Arthur Rothstein captured the lives and environments of those Americans most directly affected by the economic and social upheavals of the 1930s. Rothstein’s earliest assignments from the Resettlement Administration (RA) were to travel through the South, from Virginia through Alabama, photographing the daily life and homesteads of families that were to be forcibly displaced from their land into newly constructed, modern communities. *Window of Joe Handley's Cabin, Walker County, Alabama* and *House Formerly Inhabited by Family which has been Resettled, Grady County, Georgia* emphasize the rustic beauty of these ramshackle homes while documenting the substandard living conditions of those inhabiting them.

1. Unidentified Maker, Possibly George A. Schastey & Co. (American, Active 1873-1897), *Pair of Side Chairs from the Worsham-Rockefeller House,* circa 1882, Parcel-ebonized, parcel-gilt, and inlaid walnut, 37 in. high (93.98 cm)

Vendor: Christie’s New York, 20 Rockefeller Plaza, New York, NY 10020

Source: Gabe Burton Fund

 Executive Summary: This pair of chairs was originally installed in the Worsham-Rockefeller residence at 4 West 54th Street in New York, the original location of VMFA’s Worsham-Rockefeller bedroom. A photograph in the archives of the Hispanic Society locates them in a third-floor bedroom. The furniture in the house was completed by the most notable artisans of the day, including George Schastey, who is thought to have made this pair of chairs, which feature a finely orchestrated structure of geometric solids and voids detailed with ebonized, gilded, incised and inlaid embellishments.

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| 6. | Max Thorek (American, born Hungary, 1880-1960), *De Profundis*, circa 1935, Toned gelatin silver print, 11 ¾ × 8 ¾ in. (29.85 × 22.23 cm) |
|  | Max Thorek (American, born Hungary, 1880-1960), *O Sole Mio*, circa 1935, Toned gelatin silver print, 11 ¾ × 8 ¾ in. (29.85 × 22.23 cm) |
|  | Max Thorek (American, born Hungary, 1880-1960), *Tolstoy's Double*, circa 1930, Toned gelatin silver print, 11 ¾ × 8 ¾ in. (29.85 × 22.23 cm) |
|  | Max Thorek (American, born Hungary, 1880-1960), *Daybreak*, circa 1940, Toned gelatin silver print, 13 11/16 × 10 3/8 in. (34.77 × 26.35 cm) |
|  | Max Thorek (American, born Hungary, 1880-1960), *Lady Beatrice*, circa 1935, Toned gelatin silver print, 11 1/8 × 8 5/8 in. (28.26 × 21.91 cm) |
|  | Max Thorek (American, born Hungary, 1880-1960), *Terpsichore*, circa 1935, Toned gelatin silver print, 11 ¾ × 8 ¾ in. (29.85 × 22.23 cm) |
|  | Price: $7,500.00, reduced from $11,000.00Vendor: Etherton Gallery, 135 South Sixth Avenue, Tucson, AZ 85701Source: Kathleen Boone Samuels Memorial FundExecutive Summary: Max Thorek began making photographs around 1925 and was soon entering his work into group exhibitions and photographic salons throughout the United States and abroad. By 1950 he could proudly claim that he was the world’s most prolific exhibitor having shown nearly four thousand prints in 1,087 exhibitions during his career. As this group of gelatin silver prints attests, Thorek produced soft-focused, warm-toned images that conveyed emotional content and appealed to the viewer’s imagination and feelings. |

1. Sally Mann (American, born 1951), *Untitled* from the series *At Twelve*, 1983-1987, Gelatin silver print, 10 × 12 ¾ in. (25.4 × 34.4 cm)

Vendor: Heritage Auctions, 3500 Maple Avenue, 17th Floor, Dallas, TX 75219-3941

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: One of today’s leading photographers, Sally Mann was born and raised in Lexington, Virginia, where she continues to live and work. She has a long history with VMFA that dates back to 1982 when the museum awarded her a Fellowship. Since that time we have acquired Mann’s work in depth, but until now have lacked a photograph from her critical *At Twelve* series. Although Mann is best known for her *Immediate Family* series of photographs, which are portraits of her own children, *At Twelve* directly preceded and informed the *Immediate Family* images. Mann’s *At Twelve* series featured only images of a wide variety of twelve year old girls from her local community, exploring the border between childhood and adulthood. The trust between Mann and her subjects is apparent in this untitled image that was published as the last plate in a 1988 book on the series.

1. Unidentified Artists (Indian, Rajasthan, Central India, Punjab Hills, 17th-19th centuries), *16 Paintings from the Collection of Paul F. Walter*, circa 1625-1800, Opaque watercolor on paper, various dimensions (see Appendix B)

Vendor: Christie’s New York, 20 Rockefeller Plaza, New York, NY 10020

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: This Director’s Discretionary purchase of 16 paintings from the Collection of the late Paul F. Walter of New York City greatly expands our holdings of paintings from Rajasthan, Central India, and the Punjab Hills. Nine of the pictures are *ragamala* paintings, and eight are Central Indian works, especially reinforcing our available examples of this most characteristic Indian painting genre and regional style. While all the paintings are top-rate, works of particular significance in the purchase include three Provincial Mughal-period ragamala paintings, pages from two important 17th-century *Rasikapriya* sets, a ragamala picture from an impressive, large-format series from the early-18th century, and a 19th-century jewel-like portrait of an Englishwoman from the Punjab Hills.

1. Wendell MacRae (American, 1896–1980), *RCA Building Leaning on its Elbow*, 1936, printed 1937, Gelatin silver print, 8 ½ × 7 in. (21.59 × 17.78 cm)

Vendor: Laurence Miller Gallery, 521 West 26th Street, New York, NY 10001

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: Wendell MacRae was one of only a handful of American photographers, including Clarence John Laughlin, Lee Miller, George Platt Lynes, and Man Ray, who responded to Surrealism in the 1930s. This striking composition takes as its subject the RCA Building, an Art Deco skyscraper named for the Radio Corporation of America, that is today known as 30 Rockefeller Plaza. Construction on this 66-story, 850-foot tall building began in March 1932 and by the time MacRae created this photograph it was fully functioning. However, in 1937 a 24-foot tall sign in neon letters spelling “RCA” was installed on the the top of the tower, thus allowing us to date the negative of this work to the previous year, even though *RCA Building Leaning on its Elbow* was printed by the artist in 1937.

1. Susan Worsham (American, born 1969), *Jamel Cleaning His Church*, 2011, Archival Pigment Print, 22 × 27 in (55.88 × 68.58 cm)

Massa Lemu (Malawian, born 1979), *Patois Bourgeois, Warlord*, 2018, Archival inkjet print, 18 × 26 ½ in. (45.72 × 67.31 cm)

Vendor: Oakwood Arts, Inc.

Source: Arthur and Margaret Glasgow Endowment

Executive Summary: The Director’s Discretionary purchase of these photographs by Richmond native Susan Worsham and the Malawian contemporary artist Massa Lemu, who teaches at Virginia Commonwealth University and was the inaugural artist-in-residence at Oakwood Arts, supported an important, new arts organization in Richmond, while also expanding the museum’s representation of artists working locally and engaging in a global dialogue.

GIFT CONSIDERATION:

1. Thomas Hart Benton (American, 1889-1975), *Threshing*, 1941, Lithograph, 11 13/16 × 15 13/16 in. (30 × 40.16 cm)

Thomas Hart Benton (American, 1889-1975), *The Woodpile* (also called *Wood Cutter*), circa 1940-1944, Photomechanical etching, 5 13/16 × 7 7/16 in. (40.16 × 18.89 cm)

Donor: Charles and Louise T. Brownell and Louise T. Brownell

Credit Line: Gift of Charles and Louise T. Brownell

Executive Summary: These two prints have been generously offered as gifts from Louise T. Brownell and her brother Dr. Charles Brownell, professor emeritus of art history at Virginia Commonwealth University. The most recent American Art Collection Plan, presented to VMFA’s Board of Trustees at its June 2017 meeting, identified Regionalism and American scene painting among the top areas for growth. *Threshing* would enter VMFA as the strongest Regionalist print in the collection, rivaled only by John Steuart Curry’s lithograph, *John Brown* (97.221). *The* *Woodpile*, a photomechanical etching after a 1939 lithograph of the same title, is also a welcomed edition to the American art collection.

1. Larry Dinkin (American, born 1943), *Wind*, 2013, Oil on linen, 44 × 48 in. (111.76 × 121.92 cm)

Donor: Jeffrey H. Karlin

Credit Line: Gift of Jeffrey H. Karlin in memory of Estelle and Marty Karlin

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| Executive Summary: Like his colleagues and contemporaries, Louise Fishman, Al Held, and Thomas Nozkowski, the contemporary American artist Larry Dinkin has long been at the forefront of new developments in abstract painting. The 2013 painting *Wind* is emblematic of Dinkin’s efforts to depict a highly personal and purely imaginary universe in which the glowing landscape flickers and dissolves as if seen in a dream. This remarkably fluid and mysteriously compelling painting, which has been offered to the museum as a gift from Jeffrey Karlin in memory of his parents, Estelle and Marty Karlin, encapsulates both the rigor and the vulnerability at the center of Dinkin’s enterprise. 1. Max Thorek (American, born Hungary, 1880-1960), *Keep Away from Designing Women*, circa 1935, Toned gelatin silver print, 9 3/8 × 12 1/8 in. (23.81 × 30.8 cm)
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| Max Thorek (American, born Hungary, 1880-1960), *Chief Thunder Cloud*, circa 1936, Toned gelatin silver print, 16 ¼ × 13 1/8 in. (41.3 x 33.3 cm) |
| Max Thorek (American, born Hungary, 1880-1960), *Vanitas*, circa 1930, Toned gelatin silver print, 15 5/8 × 12 3/8 in. (39.69 × 31.43 cm)Donor: Terry EthertonCredit Line: Gift of Terry EthertonExecutive Summary: Max Thorek made a number of portraits throughout his career, including this famous image of the American character actor Victor Daniels, known professionally by his stage name of Chief Thundercloud, who appeared in numerous Western movies and was the first actor to play the role of Tonto, the Lone Ranger’s companion, on the silver screen. Thorek also specialized in allegorical themes like *Vanitas,* as well as figures studies and nudes, as seen in the mysterious, deeply shadowed *Keep Away from Designing Women*. These gifts have been offered by Terry Etherton, Director of the Etherton Gallery in Tuscon, Arizona, and will be featured in the upcoming *American, Born Hungary* exhibition at VMFA. |

1. Unidentified Artist (Ethiopian, early 20th century), *Prayer Staff*, circa 1900, Iron, wood, 60 in. high (152.4 cm)

Donor: Daria and Miloš Simović

Credit Line: Gift of Daria and Miloš Simović

Executive Summary: An Ethiopian church service lasts for several hours, almost all of it standing. Prayer staffs are frequently used by clergy and the congregation to lean on for support while participating in the lengthy service. They are also employed as batons by the clergy and choir during periods of liturgical dance when they are moved from side to side and elevated above the head in rhythm with the music of drums and sistra. On special religious feast days, the vision of hundreds of faithful moving their prayer staffs in unison creates a compelling sight to behold. As a gift from Daria and Miloš Simović, this prayer staff with its iron “ram’s horn” top makes a welcome addition to the African art collection.

1. Louis Majorelle (Designer) (French, 1859-1926), Majorelle Frères (Maker) (French (Nancy), 1893-1951), *Buffet*, circa 1904, Mahogany, Brazilian rosewood, silvered bronze, patinated wrought iron, 56 × 64½ × 21½ in. (142.3 × 163.9 × 54.6 cm)

Donor: Jayne Bentzen

Credit Line: Gift of Benedict Silverman, In Memoriam, 1929-2016

Executive Summary: Louis Majorelle was a leading French Art Nouveau decorator and furniture designer who manufactured his own designs. This unique buffet (or *panetière*) was originally part of a suite of dining room furniture with decoration related to tomatoes. There are carved wood elements and wrought-iron mounts that depict flowering tomato branches. The drawer handles are made of silvered bronze. The piece is offered as a gift from Jayne Bentzen in memory of her late husband Benedict Silverman. The museum has the finest group of French Art Nouveau furniture by Louis Majorelle in the United States, so it is most fitting that we own and display one of the artist’s unique objects.

DEACCESSIONING CONSIDERATIONS:

1. The Master of the Risen Magdalen (Italian, Ferrarese, active early 16th century), *Madonna and Child Enthroned with Saints Nicholas of Tolentino and Sebastian*, early 16th century, Oil on panel, 23 ½ × 18 in. (59.69 × 45.72 cm), Adolph D. and Wilkins C. Williams Fund, 58.31

Executive Summary: On August 7, 2018 VMFA received a restitution claim for this painting from the legal representative of Ms. Marei von Saher, sole heir of the noted Dutch-Jewish art dealer, Jacques Goudstikker. Through correspondence and consultations with von Saher’s legal representative, VMFA has concluded that the painting was owned by Goudstikker and was seized by the Nazis during World War II. VMFA accepts this claim and recommends that the Board of Trustees vote to deaccession the painting from the museum’s collection and subsequently return it to it its rightful heir and owner: Ms. Marei von Saher.

1. Benjamin Marshall (English,1767-1835), *Mockbird with Jockey Up*, circa 1812-1825, Oil on canvas, 27 ¾ × 36 in. (68.58 × 91.44 cm), Gift of Mr. C. Todd and Mrs. Holly C. Jenkins, 2000.119

Executive Summary: This painting by Benjamin Marshall, a follower of the Great English Sporting artist George Stubbs, is recommended for deaccession and sale at public auction on the basis of three criteria in VMFA’s Collection Management Policy: (1) the work is of poor quality and lacks value for exhibition or study purposes; (2) the work lacks sufficient aesthetic merit or art historical importance to warrant retention; (3) the work is being deaccessioned as part of the museum’s effort to refine and improve its collection.

1. Narcisse Virgilio Díaz de la Peña (French, 1807-1876), *Landscape*, 19th century, Oil on panel, 11 × 12 1/8 in. (27.9 × 30.8 cm), Gift of Mr. Laban Lacy Rice, 53.16.2

Executive Summary: This landscape painting by Narcisse Virgilio Díaz de la Peña, a minor figure in the French Barbizon School, is recommended for deaccession and sale at public auction on the basis of three criteria in VMFA’s Collection Management Policy: (1) the work is of poor quality and lacks value for exhibition or study purposes; (2) the work lacks sufficient aesthetic merit or art historical importance to warrant retention; (3) the work is being deaccessioned as part of the museum’s effort to refine and improve its collection.

1. André Eugène Dauchez (French,1870-1948), *Landscape with Trees*, Late 19th century, Oil on canvas, 49 ½ × 40 in. (125.6 × 101.5 cm), Bequest of Mr. Charles B. Samuels, 41.11.105

Executive Summary: This landscape painting by André Eugène Dauchez, a minor French artist, is recommended for deaccession and sale at public auction on the basis of three criteria in VMFA’s Collection Management Policy: (1) the work is of poor quality and lacks value for exhibition or study purposes; (2) the work lacks sufficient aesthetic merit or art historical importance to warrant retention; (3) the work is being deaccessioned as part of the museum’s effort to refine and improve its collection.

1. Imitator of Canaletto, *Riva Degli Schiavoni, Venice*, 19th century, Oil on canvas, 30 ½ × 50 in. (77.47 × 127 cm), Adolph D. and Wilkins C. Williams Fund, 58.26

Executive Summary: This painting by a 19th century imitator of Canaletto, is recommended for deaccession and sale at public auction on the basis of three criteria in VMFA’s Collection Management Policy: (1) the work is of poor quality and lacks value for exhibition or study purposes; (2) the work lacks sufficient aesthetic merit or art historical importance to warrant retention; (3) the work is being deaccessioned as part of the museum’s effort to refine and improve its collection.

1. Artist Unknown (American), *Dandridge Spotswood*, 19th century, Watercolor on ivory, 2 5/8 × 2 1/8 in. (6.7 × 5.4 cm), Gift of Miss Martha B. D. Spotswood, 56.3.1

Artist Unknown (American), *Robert Maitland*, 19th century, Watercolor on ivory, 3 ¾ × 3 in. (9.5 × 7.6 cm), Gift of Miss Martha B. D. Spotswood, 56.3.2

Artist Unknown (American), *James Dunlap*, 19th century, Watercolor on ivory, 4 5/8 × 3 ½ in. (11.8 × 8.9 cm), Gift of Miss Martha B. D. Spotswood, 56.3.3

Artist Unknown (American), *Portrait of Child*, 20th century, Watercolor on ivory, 1 1/8 in. diameter (2.9 cm), Gift of Miss Blanche H. Lowe, 61.34

Executive Summary: There are sixteen portrait miniatures in VMFA’s American collection. Four are recommended for deaccession and sale at public auction on the basis of three criteria in VMFA’s Collection Management Policy: (1) the works are of poor quality and wrongly identified, consequently lacking value for exhibition or study purposes; (2) the works are being deaccessioned as part of the museum’s effort to refine and improve its miniature collection; (3) the work is being deaccessioned as part of the museum’s effort to refine and improve its collection.

APPENDIX A:

1. Man Ray (American, 1890-1976), *Juan Gris*, 1922, Gelatin silver print, 4 3/4 × 3 13/16 in. (12.07 × 9.68 cm), Label affixed to verso of mat: “2. Juan Gris, 1922/ “In the early days Gertrude Stein brought Juan Gris to my studio./ He came prepared to be photographed with a high white stiff/ collar, as if for a family portrait.” Also on verso of mat: photographer's studio stamp, stamped in black ink: “Man/ Ray/ 31 bîs, Rue Campagne/ Première/ Paris XIV.”
2. Man Ray (American, 1890-1976), *Marie Laurencin*, circa 1923, Gelatin silver print, 8 1/16 × 5 3/4 in. (20.48 × 14.61 cm), On verso of photograph: photographer's studio stamp, stamped in red ink: “Photo/ Man Ray/ Paris/ 31 bis, Rue Campagne-Première (XIV).” Also titled in black ink on verso of photograph: “Marie Laurencin.”
3. Man Ray (American, 1890-1976), *Jules Pascin*, circa 1923, Gelatin silver print, 8 3/8 × 6 5/8 in. (21.27 × 16.83 cm), On verso of photograph: photographer's stamp, stamped in black ink: “Man Ray/ Paris.” Also titled and dated in graphite on verso of photograph: “Jules Pascin 1923.”
4. Man Ray (American, 1890-1976), *Barbette*, 1924, Gelatin silver print, 7 15/16 × 5 15/16 in. (20.16 × 15.08 cm)
5. Man Ray (American, 1890-1976), *Jean Cocteau*, 1925, Gelatin silver print, 10 15/16 × 7 7/8 in. (27.78 × 20 cm), Inscribed in graphite on verso of photograph: “Cocteau.” Also inscribed in graphite on verso of photograph: “28 x 20.”
6. Man Ray (American, 1890-1976), *Aldous Huxley*, circa 1928, Gelatin silver print, 9 1/16 × 7 1/16 in. (23.02 × 17.94 cm)
7. Man Ray (American, 1890-1976), *Elsie Houston*, circa 1932, Gelatin silver print, 9 1/8 × 6 15/16 in. (23.18 × 17.62 cm), On verso of photograph: photographer’s stamp, stamped in black ink: “Man Ray/ 31 bîs, Rue/ Campagne/ Première/ Paris/ XIV.” Also titled in graphite on verso of photograph: “Elsie Houston.”
8. Man Ray (American, 1890-1976), *Robert Mallet-Stevens*, circa 1933, Gelatin silver print, 6 7/8 × 6 15/16 in. (17.46 × 17.62 cm), Signed in recto lower right corner of photograph in black ink: “Man/Ray.”
9. Man Ray (American, 1890-1976), *Elsa Schiaparelli*, circa 1934, Gelatin silver print, 3 1/2 × 2 5/16 in. (8.89 × 5.87 cm), Barry Friedman gallery label affixed to backing board: “Man Ray [American, 1890-1976]/ Portrait of Elsa Schiapparelli, 1934/ solarized, vintage gelatin silver print/ 8.9 x 6 cm/ BFG #1391.” Inscribed in black ink in upper right corner of verso of mat verso: “75.” Also inscribed in graphite in upper right corner of verso of mat: “Man Ray/ Elsa Schiapparelli/ 1934/vintage, solarized/ #1391.”
10. Man Ray (American, 1890-1976), *Lise Deharme*, 1935, Gelatin silver print, 6 5/8 × 4 7/8 in. (16.83 × 12.38 cm)
11. Man Ray (American, 1890-1976), *Jeanne Bucher*, 1937, Gelatin silver print, 9 1/8 × 6 15/16 in. (23.18 × 17.62 cm)
12. Man Ray (American, 1890-1976), *Paul Eluard in Uniform*, 1939, Gelatin silver print, 4 1/4 × 3 3/16 in. (10.8 × 8.1 cm)

APPENDIX B:

1. Unidentified Artist (Indian (Rajasthan, Amber), dates unknown), *Page from a* Ragamala *Series:* Gunakari Ragini, circa 1700, Opaque watercolor on paper, 10 5/8 × 8 ½ in. (26.99 × 21.59 cm)
2. Unidentified Artist (Indian, (Rajasthan, Amber), dates unknown), *Page from a* Ragamala *Series:* Raga Malkos, circa 1700, Opaque watercolor on paper, 12 3/16 × 9 1/4 in. (30.96 × 23.5 cm)
3. Unidentified Artist (Indian, (Central India), dates unknown*)*, *Page from a* Bhagavata Purana *Series: The Death of Pralamba*, late 17th century, Opaque watercolor on paper, 5 15/16 × 8 in. (15.08 × 20.32 cm)
4. Unidentified Artist (Indian, (Central India), dates unknown), *Page 86 from a* Rasikapriya *Series*, circa 1630-1640, Opaque watercolor on paper, 8 1/16 × 7 1/8 in. (20.48 × 18.1 cm)

 5. Unidentified Artist (Indian, (Central India), dates unknown), *Page from a* Ramayana *Series: Rama and Sita Confer with Priests*, circa 1680, Opaque watercolor on paper, 8 × 11 ¼ in. (20.32 × 28.58 cm)

1. Unidentified Artist (Indian, (Central India), dates unknown), *Page from a* Ragamala *Series:* Raga Malkos, circa 1660, Opaque watercolor on paper, 8 3/8 × 6 in. (21.27 × 15.24 cm)
2. Unidentified Artist (Indian, (Central India), dates unknown), *Page from an* Amaru Shataka *Series*, 1650, Opaque watercolor on paper, 8 5/8 × 5 13/16 in. (21.91 × 14.76 cm)
3. Unidentified Artist (Indian, (Central India), dates unknown), *Page from a* Baramasa *Series*, circa 1660-1680, Opaque watercolor on paper, 10 × 6 7/8 in. (25.4 × 17.46 cm)
4. Unidentified Artist (Indian, (Central India), dates unknown), *Double-Sided Page from a* Rasikapriya *Series*, 1634, Opaque watercolor on paper, 8 ½ × 6 ¾ in. (21.59 × 17.15 cm)
5. Unidentified Artist (Indian, (Central India or Northern Deccan), dates unknown), *Page from a* Ragamala *Series:* Malavi Ragini, early 18th century, Opaque watercolor on paper, 16 ¼ × 11 ¾ in. (41.28 × 29.85 cm)
6. Unidentified Artist (Indian, (Rajasthan, Bikaner), dates unknown), *Page from a* Ragamala *Series:* Khambavati Ragini, 17th century, Opaque watercolor on paper, 6 3/8 × 4 5/8 in. (16.2 × 11.8 cm)
7. Unidentified Artist (Indian, (Punjab Hills, Kangra), dates unknown), *Portrait of a Young Englishwoman*, circa 1800, Opaque watercolor on paper, 5 ¼ × 4 3/16 in. (13.34 × 10.64 cm)
8. Unidentified Artist (Indian, (Rajasthan, Kota), dates unknown), *Page from a* Ragamala *Series:* Khambavati Ragini, circa 1700, Opaque watercolor on paper, 10 ½ × 7 ½ in. (26.6 × 19 cm)
9. Unidentified Artist (Indian, (Rajasthan), dates unknown*), Page from a* Ragamala *Series:* Bhairavi Ragini, early 17th century, Opaque watercolor on paper, 8 5/8 × 6 11/16 in. (21.91 × 16.99 cm)
10. Unidentified Artist (Indian, (Rajasthan), dates unknown), *Page from a* Ragamala *Series:* Vangala Raga, early 17th century, Opaque watercolor on paper, 9 × 7 1/16 in. (22.86 × 17.94 cm)
11. Unidentified Artist (Indian, (Rajasthan), dates unknown), *Page from a* Ragamala *Series:* Bhairava Raga, circa 1625-1630, Opaque watercolor on paper, 5 13/16 × 9 3/16 in. (14.76 × 23.34 cm)

MOTION: Mr. Papa MEETING: Board of Trustees

SECOND: Mr. Barrington DATE: September 26, 2018

FIRST CERTIFICATION OF CLOSED MEETING

 WHEREAS, the Board of Trustees has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

 WHEREAS, Section 2.2-3712 (A) of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

 NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Trustees.

VOTE

AYES: M. Harris / Abramson / Allston / Barrington / Conner / Crutcher / Dye / Geldzahler / Glasser / Gottwald / Jecklin / Johnson / Markel / O’Keefe / Papa / Petersen / Rangarajan / Reynolds / Royal / Royall / Tak

NAYS:

[For each nay vote, the substance of the departure

from the requirements of the Act should be described.]

ABSENT DURING VOTE:

ABSENT DURING MEETING: Bishop / Desai / Edwards / Gilliam / Goode / Harrigan / J. Harris

MOTION: Dr. Harris MEETING: Board of Trustees

SECOND: Mr. Royall DATE: September 26, 2018

SECOND CERTIFICATION OF CLOSED MEETING

 WHEREAS, the Board of Trustees has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

 WHEREAS, Section 2.2-3712 (A) of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

 NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Trustees.

VOTE

AYES: M. Harris / Abramson / Allston / Barrington / Conner / Crutcher / Dye / Geldzahler / Glasser / Gottwald / Jecklin / Johnson / Markel / O’Keefe / Papa / Petersen / Rangarajan / Reynolds / Royal / Royall / Tak

NAYS:

[For each nay vote, the substance of the departure

from the requirements of the Act should be described.]

ABSENT DURING VOTE:

ABSENT DURING MEETING: Bishop / Desai / Edwards / Gilliam / Goode / Harrigan / J. Harris