

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

\* CRIMINAL NO. 08-249

v.

\* SECTION: "L"

CHRISTOPHER BREITHOFF  
CONSTANCE "CONNIE" BREITHOFF

\* VIOLATION: 18 U.S.C. § 371  
18 U.S.C. § 1341

\*

\* \* \*

**FACTUAL BASIS**

Should this matter proceed to trial, the Government and the defendants, **CHRISTOPHER BREITHOFF** and **CONSTANCE BREITHOFF**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendants are pleading guilty and the government would prove the following beyond a reasonable doubt.

The Government would show that at all times mentioned in the Bill of Information, the defendants, **CHRISTOPHER BREITHOFF** and **CONSTANCE BREITHOFF** were residents of the Eastern District of Louisiana. Since 2004, defendants **CHRISTOPHER BREITHOFF** and **CONSTANCE BREITHOFF** owned and operated the Barlow Art Gallery and Transitions, ("Barlow"), 3523 Highway 190, Mandeville, Louisiana. From 1999 to 2005, defendants operated a Barlow location at 805 Royal Street in the French Quarter, New Orleans, Louisiana.

The government would present evidence and testimony to establish that the defendants devised a scheme to defraud Barlow customers through various misrepresentations. FBI agents would testify that **CHRISTOPHER BREITHOFF** would purchase, in bulk, Chinese paintings from wholesale distributors knowing that the paintings would be resold by Barlow as original works of local and regional emerging artists. Evidence would show that **CONSTANCE BREITHOFF** concocted fictional artist identities, biographies, and unique signatures to mask the true nature and origin of the Chinese paintings. In some instances, **CONSTANCE BREITHOFF** would paint over any existing signatures on the Chinese artwork and would then paint the bogus artist's unique signature. Barlow also sold artwork on consignment and **CONSTANCE BREITHOFF** sold her original works of art as well.

The government would prove that **CHRISTOPHER BREITHOFF, CONSTANCE BREITHOFF**, and employees of Barlow would misrepresent the true artist's identity to its customers and would provide Barlow customers with fictional written biographies of the non-existent artists that defendants created. Defendants would advertise on their website and represent to their customers in person that artwork sold at Barlow was painted by "hand-picked local and regional artists" and by "emerging artists" knowing that to be untrue.

Further, **CHRISTOPHER BREITHOFF, CONSTANCE BREITHOFF**, and employees of Barlow would mail a Certificate of Authenticity along with a description of the fictional artist to the customer. Further, some employees of Barlow would represent to customers that the artwork sold at Barlow would likely appreciate in value as the artist became more popular.

The government would introduce records that were seized on January 30, 2008, by the FBI after obtaining federal search warrants. These records include written documentation of the bogus artists' biographies and the unique signatures. Invoices and other records would establish that the defendants would charge Barlow customers significantly more for a painting once they had assigned a bogus artist's identity and signature to that painting. The Breithoffs allege that all artwork sold at their gallery was priced in a similar manner. Agents would also testify at trial regarding incriminating statements made by the defendants on January 30, 2008.

The government would show that on or about October 24, 2006, Barlow sold the following Chinese painting to customers S. E. and G. E.

<b>Fictional Artist Name</b>	<b>Barlow Registration No.</b>	<b>Painting Title</b>	<b>Price</b>
Falgot	60331	"Activity"	\$4,150.00

Then on or about October 26, 2006, defendants, or a Barlow employee at the direction of the defendants, mailed to customers S. E. and G. E. an envelope containing a Certificate of Authenticity signed by **CONNIE BREITHOFF** and a bogus biography for the artist Falgot.

Further, the government would show that on or about May 23, 2007, Barlow sold the following Chinese paintings to customers S. E. and G. E.

<b>Fictional Artist Name</b>	<b>Barlow Registration No.</b>	<b>Painting Title</b>	<b>Price</b>
Shanta	60667	"Kio Movement II"	\$2,400.00
S.A.M.	60743	"Far & Away"	\$1,875.00

Then on or about May 29, 2007, defendants, or a Barlow employee at the direction of the defendants, mailed to customers S. E. and G. E. an envelope containing two Certificates of Authenticity signed by **C. BREITHOFF** and bogus biographies for the artists Shanta and S. A. M.

In addition, the government would present evidence to establish that on July 25, 2007, **CHRISTOPHER BREITHOFF** drove to Orange Beach, Alabama and sold two Chinese paintings to a customer with the initials N.C. who owns an antique store in Orange Beach. The following two paintings were purchased wholesale by the defendants, were altered by **CONSTANCE BREITHOFF**, and then sold by **CHRISTOPHER BREITHOFF** to customer N.C. who then re-sold them to customers in her antique shop without knowing the true origin of the paintings.

<b>Fictional Artist Name</b>	<b>Barlow Registration No.</b>	<b>Painting Title</b>	<b>Price</b>
Michel	60964	“Swim”	\$140.00
Michel	60965	“Feed”	\$140.00

Then on or about August 2, 2007, defendants, or a Barlow employee at the direction of the defendants, mailed to customer N.C. in Orange Beach, Alabama, an envelope containing Certificates of Authenticity and bogus biographies for the two Michel paintings listed above.

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CHRISTOPHER BREITHOFF  
Defendant

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CONSTANCE BREITHOFF  
Defendant

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PATRICK FANNING  
Counsel for Defendants

\_\_\_\_\_  
DATE

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BRIAN M. KLEBBA  
Assistant United States Attorney

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DATE