

January 25, 2023

**SENT VIA FAX: (720)-508-6030**  
**AND U.S. MAIL**

Abigail Hinchcliff  
First Assistant Attorney General  
Consumer Protection Unit  
Office of the Colorado Attorney General  
Ralph L. Carr Judicial Building  
1300 Broadway, 7th Floor  
Denver, CO 80203

**Re: The Denver Art Museum and Proposed Return of Donations**

Dear Ms. Hinchcliff:

We represent The Denver Art Museum (the “Museum”), a tax-exempt public charity incorporated in 1941 to, among other things, cultivate and promote a general interest in and appreciation of the Arts, advance such interest and appreciation, encourage and promote the study and practice of the Arts, conduct art exhibitions, and acquire, maintain and preserve a collection of the fine arts.

The Museum recognizes that the Colorado Attorney General has common law oversight authority over all Colorado charitable entities, including the Museum, and wishes to advise the Attorney General that the Museum intends to return certain monetary donations made to the Museum several years ago under conditions that the Museum is no longer willing or able to fulfill.

1. **Gift Agreements and Naming Rights Condition.** In connection with a capital campaign that began in 2014 to raise funds to revitalize the North Building of the Museum’s campus, now known as the Martin Building, Mrs. Emma C. Bunker (“Bunker”), her son, Lambert Bunker (“Lambert”), and her daughter, Jeanie Bunker (“Jeanie”), contributed a total of \$185,000 to the Museum (the “Cash Donations”) pursuant to three separate Gift Agreements (the “Gift Agreements”). The Gift Agreements are attached as Exhibits 1, 2 and 3. As provided in the Gift Agreements, in exchange for the Cash Donations the Museum agreed to name a gallery in the North Building after the Bunker family (the “Naming Rights Condition”). The Gift Agreements specify that the name will be in three-dimensional lettering in a prominent location and that the gallery will retain the Bunker family’s name for fifty years from the reopening of the North Building, or through 2071.

As required under the specific terms of the Gift Agreements, when the North Building was reopened in 2021 the Museum named a gallery exhibiting art from Southeast Asia the

**Location**  
555 17th Street, Suite 3200  
Denver, CO 80202-3921

**Mailing Address**  
P.O. Box 8749  
Denver, CO 80201-8749

**Contact**  
p: 303.295.8000 | f: 303.295.8261  
www.hollandhart.com

“Bunker Gallery.” However, for reasons described below, the Museum has determined to remove the Bunker name from the gallery and, accordingly, intends to return the Cash Donations to Lambert, Jeanie, and the estate of Emma Bunker, who died in 2021.

2. Bunker Involvement with the Museum. Bunker and members of the Bunker family have been involved with the Museum for over 60 years, including board service, volunteerism, cash contributions, and donation of more than 200 art objects in areas across the Museum including textiles, modern and contemporary art, and antiquities from Asian countries.

3. Investigations by the US Department of Homeland Security and US Department of Justice (together, “DOJ” or “DOJ Investigation”). Bunker introduced the Museum to Douglas Latchford (“Latchford”), who was indicted by a federal grand jury in October 2019, accused of looting, smuggling, and selling stolen art from Asian countries. Bunker co-authored several Asian art books with Mr. Latchford and traveled with him over several decades to various sites in Cambodia and Thailand. Shortly after learning of Latchford’s indictment, the Museum proactively reached out to officials in Cambodia and Thailand and ultimately repatriated several artworks in its collection associated with Latchford. Latchford died in 2020 before his case went to trial. Latchford donated and sold artworks to the Museum, including several whose provenance was confirmed by Bunker or substantiated through inclusion in the books she co-authored with Latchford. Documentary evidence and sworn testimony of which the Museum has recently become aware suggests that Bunker facilitated Latchford’s illegal activities by providing false provenances for, and introducing him to the Museum for the acquisition, assumption on loan, and display of, various artworks involved in the DOJ Investigation. The Museum has learned that before Bunker died in 2021, her role in Latchford’s criminal activities was part of the DOJ Investigation, which continues to focus on the provenance of several Asian antiquities she donated to the Museum.

Ethical collection practices are a core value of the Museum, evidenced by an ongoing commitment to provenance research and repatriation of pieces acquired throughout its history. In light of Bunker’s long involvement with Latchford, connection to pieces with false provenance, documents indicating that she intentionally provided false provenance, and related issues, the Museum has determined that it is no longer willing to abide by the Naming Rights Condition set forth in the Gift Agreements and accordingly believes that the Cash Donations should be returned to Bunker’s estate, Lambert and Jeanie.

4. Art Gift Pledge Agreement. At the time when Mrs. Bunker entered into her Gift Agreement with the Museum in January 2018, she also entered into an Art Gift Pledge Agreement with the Museum (the “Pledge Agreement”), in which she pledged to donate to the Museum fifteen (15) artworks either during her lifetime or at her death (“Artwork Donations”). The Pledge Agreement is attached as Exhibit 4. Although the Pledge Agreement does not reference the Naming Rights Condition in the Gift Agreements or gallery naming

rights generally, the Museum and the Bunker family understood that the Artwork Donations were considered partial consideration for the Naming Rights Condition.

Nine (9) of the fifteen (15) pieces described in the Pledge Agreement were donated to, and were accepted into, the collection of the Museum during Mrs. Bunker's lifetime (the "Collection Pieces"). The Museum declined to accept the remaining six (6) pieces into its collection.

Of the nine (9) Collection Pieces, (A) the Museum believes that six (6) remain involved in the ongoing DOJ Investigation; and (B) although the Museum does not believe that the remaining three (3) Collection Pieces are of interest to the DOJ, the Museum has notified the DOJ that they were donated to the Museum by Bunker so the DOJ may determine whether it is interested in them or not. Until the DOJ Investigation is complete, or reasonably foreseeable adverse claims to the Collection Pieces ("Adverse Claims") are resolved – which could take many years – the Museum cannot lawfully transfer possession of the Collection Pieces, including returning them to Bunker's estate. The Museum does not intend to retain possession of the Collection Pieces and once the DOJ Investigation and any / all Adverse Claims to the Collections Pieces are fully and finally resolved in the Museum's sole and absolute discretion, the Museum may return one or more Collection Pieces to Bunker's estate.

5. Proposed Return of Cash Donations and Collection Pieces. We ask that you please notify undersigned counsel in writing of any objection ("Objection Notice") to the Museum's anticipated (A) imminent return of the Cash Donations to Bunker's estate, Lambert and Jeanie, or (B) potential return of one or more Collection Pieces under the circumstances described in the preceding paragraph. Absent receipt of any such Objection Notice on or before February 22, 2023, the Museum will proceed to return the Cash Donations to Lambert, Jeanie, and Bunker's estate, and may return the Collection Pieces to Bunker's estate if and when the Adverse Claims are resolved.

Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,



Heidi S. Glance  
of Holland & Hart LLP

HSG:jsc  
Enclosure

20699659\_v8

**Exhibit 1**

D E N V E R

**Gift Agreement  
between the Denver Art Museum and  
Emma C. Bunker  
1077 Race Street, Apt 1501, Denver, CO 80206**

The Denver Art Museum (DAM) is grateful for this generous contribution to its Vision 2021 Capital Campaign.

Upon signature, Emma C. Bunker (Donor) agrees to the following gift arrangement:

Donor hereby irrevocably pledges to the DAM, a 501 (c)(3) Colorado charitable institution, Federal Tax ID # 84-6038240, located at 100 West 14<sup>th</sup> Avenue Parkway, Denver, CO 80204-2788, the sum of \$125,000 (Gift). With this Gift, together with the gifts of \$35,000 donated by Jeanie Bunker and \$25,000 donated by Lambert Bunker, a gallery (Gallery) in the Asian Art galleries in the North Building will be named in recognition of the Bunker Family.

The Donor's intention is to pay the Gift in full by December 31, 2021 in five consecutive payments. The Donor reserves the right to adjust the payments to a more suitable schedule, provided that the Gift is satisfied no later than December 31, 2021.

In return for the above-mentioned gift, DAM agrees to the following:

- The Gallery will be named in recognition of the Bunker Family for 50 years from the reopening of the North Building or through 2071.
- The Gallery name will be created in 3-dimensional lettering in a prominent location.
- The Gift will be publically announced at the discretion of the DAM during the announcement of the Capital Campaign.
- The Gift will be paid in cash or other assets which are acceptable to the DAM.

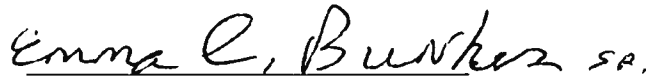
- The Gift will be recognized on the Vision 2021 Capital Campaign donor wall, as well as all Cumulative donor walls, and in member and patron publications.
- The DAM will provide Donor annual reports on the progress of the design, as well as the final design and implementation of the "Bunker Gallery" and the project overall.

This agreement shall be binding for all representatives named herein and for their successors, legal representatives, or assigns.

Approved by:



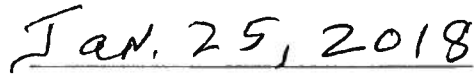
Christoph Heinrich  
Frederick and Jan Mayer Director  
Denver Art Museum



Emma C. Bunker



Date



Date

Gallery to be named: Bunker Gallery

Donor shall be recognized as: \_\_\_\_\_

**DENVER**

**Gift Agreement  
between the Denver Art Museum and  
Lambert Bunker  
1055 South Fillmore Way, Denver, CO 80209**

The Denver Art Museum (DAM) is grateful for this generous contribution to its Vision 2021 Capital Campaign.

Upon signature, Lambert Bunker (Donor) agrees to the following gift arrangement:

Donor hereby irrevocably pledges to the DAM, a 501 (c)(3) Colorado charitable institution, Federal Tax ID # 84-6038240, located at 100 West 14<sup>th</sup> Avenue Parkway, Denver, CO 80204-2788, the sum of \$25,000 (Gift). With this Gift, together with the gifts of \$125,000 donated by Emma C. Bunker and \$35,000 donated by Jeanie Bunker, a gallery (Gallery) in the Asian Art galleries in the North Building will be named in recognition of the Bunker Family.

The Donor's intention is to pay the Gift in full by December 31, 2021 in five consecutive payments. The Donor reserves the right to adjust the payments to a more suitable schedule, provided that the Gift is satisfied no later than December 31, 2021.

In return for the above-mentioned gift, DAM agrees to the following:

- The Gallery will be named in recognition of the Bunker Family for 50 years from the reopening of the North Building or through 2071.
- The Gallery name will be created in 3-dimensional lettering in a prominent location.
- The Gift will be publically announced at the discretion of the DAM during the announcement of the Capital Campaign.

- The Gift will be paid in cash or other assets which are acceptable to the DAM.
- The Gift will be recognized on the Vision 2021 Capital Campaign donor wall, as well as all Cumulative donor walls, and in member and patron publications.
- The DAM will provide Donor annual reports on the progress of the design, as well as the final design and implementation of the "Bunker Gallery" and the project overall.

This agreement shall be binding for all representatives named herein and for their successors, legal representatives, or assigns.

Approved by:



Christoph Heinrich  
Frederick and Jan Mayer Director  
Denver Art Museum

10-20-17  
Date



Lambert Bunker

10/18/17  
Date

Gallery to be named: Bunker Gallery

Donor shall be recognized as: \_\_\_\_\_



**Gift Agreement  
between the Denver Art Museum and  
Jeanie Bunker**

The Denver Art Museum (DAM) is grateful for this generous contribution to its Vision 2021 Capital Campaign.

Upon signature, Jeanie Bunker (Donor) agrees to the following gift arrangement:

Donor hereby irrevocably pledges to the DAM, a 501 (c)(3) Colorado charitable institution, Federal Tax ID # 84-6038240, located at 100 West 14<sup>th</sup> Avenue Parkway, Denver, CO 80204-2788, the sum of \$35,000 (Gift). With this Gift, together with the gifts of \$125,000 donated by Emma C. Bunker and \$25,000 donated by Lambert Bunker, a gallery (Gallery) in the Asian Art galleries in the North Building will be named in recognition of the Bunker Family.

The Donor's intention is to pay the Gift in full by December 31, 2021 in five consecutive payments. The Donor reserves the right to adjust the payments to a more suitable schedule, provided that the Gift is satisfied no later than December 31, 2021.

In return for the above-mentioned gift, DAM agrees to the following:

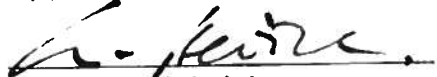
- The Gallery will be named in recognition of the Bunker Family for 50 years from the reopening of the North Building or through 2071.
- The Gallery name will be created in 3-dimensional lettering in a prominent location.
- The Gift will be publically announced at the discretion of the DAM during the announcement of the Capital Campaign.
- The Gift will be paid in cash or other assets which are acceptable to the DAM.



- The Gift will be recognized on the Vision 2021 Capital Campaign donor wall, as well as all Cumulative donor walls, and in member and patron publications.
- The DAM will provide Donor annual reports on the progress of the design, as well as the final design and implementation of the "Bunker Gallery" and the project overall.

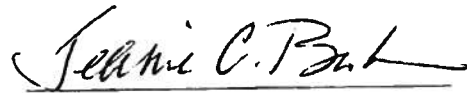
This agreement shall be binding for all representatives named herein and for their successors, legal representatives, or assigns.

Approved by:



Christoph Heinrich  
Frederick and Jan Mayer Director  
Denver Art Museum

10/25/2017  
Date



Jeanie Bunker

10/24/2017  
Date

Gallery to be named: Bunker Gallery

Donor shall be recognized as: Jeanie Bunker Family

Art Gift Pledge Agreement

I hereby irrevocably pledge to give to the Denver Art Museum (hereinafter "The Museum") either during my lifetime or at my death, absolute and unconditional ownership of the following objects, together with all copyright and associated rights which I have:

See attached Schedule A.

I wish that the gift be identified in the permanent records of the Museum as:

Gift of \_\_\_\_\_ Emma C. Bunker \_\_\_\_\_

Once received, each such object shall be included as part of the Emma C. Bunker collection. This pledge shall extend to and be binding upon my executor, administrator, heirs, and assigns. Should the gift of any of the foregoing identified objects not be completed during my lifetime, my failure to include a specific bequest of the objects to the Museum in my Will shall not release the executor or administrator of such Will from the obligation of delivering the objects to the Museum in accordance herewith.

As I believe that a definite commitment to make this gift will be of great value to the Museum, I agree that the Museum may publicly refer to this gift prior to its delivery, as a gift promised by me, that the Museum may act in reliance on this pledge, and that the pledge may be made known to the public, in the course of soliciting gifts from others. To the best of my belief, the subject of this pledge is free and clear of all encumbrances and restrictions and has not been imported or exported into or from any country contrary to its laws.

This agreement shall be governed by the laws of the state of Colorado.

Signature of Donor: Emma C. Bunker sp. Date: Jan 25, 2018

Typed Name/Title: Emma Bunker

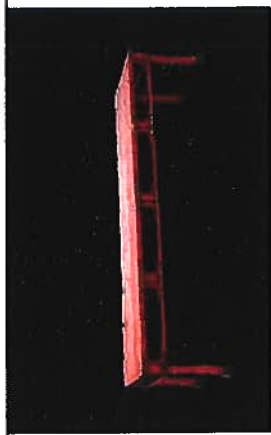

Address of Donor: 1077 Race Apt 1501 Denver CO 80206

I certify that this pledge agreement was accepted by the proper authority of the Museum and that it correctly states the agreement between us.



Signature of Museum official: C. Heinrich Jan 31 2018

Name/Title: Christoph Heinrich, Frederick and Jan Mayer Director

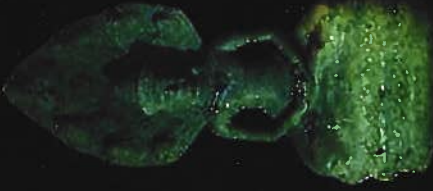

**Schedule A**  
**2017 Art Gift Pledge Agreement**  
**Between Emma C. Bunker and the Denver Art Museum**  
**Asian Art**

	<p>Negoro Lacquer Table  Japan  Muromachi period (1392-1573)  Lacquered wood, and brass  2014.313  h 13 3/4" / w 57 1/2" / d 16 1/2"</p>
	<p>Prajanaparamita  Cambodia, Khmer  Late 1100s, Bayon period  Bronze  2016.248  h 8" / w 3"</p>

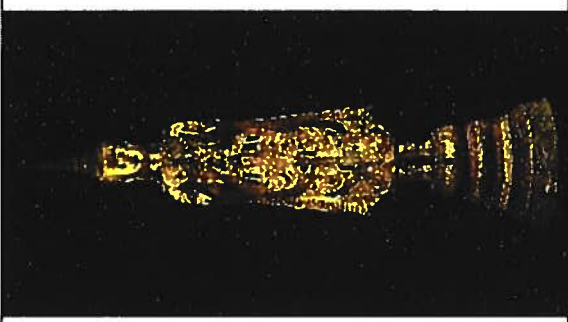

**Schedule A**  
**2017 Art Gift Pledge Agreement**  
**Between Emma C. Bunker and the Denver Art Museum**  
**Asian Art**

		<p>Dagger with Figural Handle          Northern Vietnam or Southwest China, Dongson culture          300 BCE-200 CE          Bronze          2016.249          h 9" / w 1 5/8"</p>
		<p>Vishnu Defeating two Asuras          Cambodia, Khmer          1100s          Bronze          2016.250          h 9 3/4" / w 7"</p>


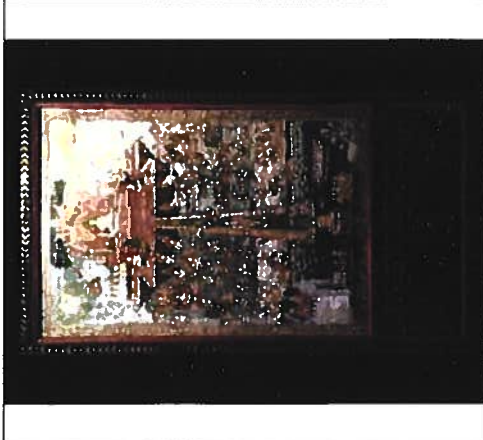
**Schedule A**  
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**Between Emma C. Bunker and the Denver Art Museum**  
**Asian Art**

		<p>Seated Buddha Enfolded by Naga          Thailand          1100s          Bronze          2016.251          h 10 1/2" / base w 4 1/2" / base d 2 3/4"</p>
		<p>Bodhisattva          Indonesia/Malaysia/Thailand (Srivijaya)          700s-800s          Bronze          2016.252          h 4 3/4" / w 3 1/4"</p>

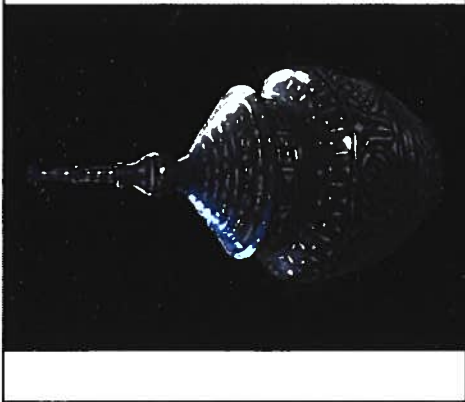
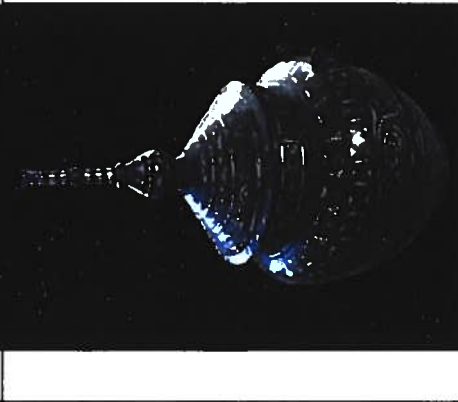
**Schedule A**  
**2017 Art Gift Pledge Agreement**  
**Between Emma C. Bunker and the Denver Art Museum**  
**Asian Art**

		<p>Standing Buddha in Royal Attire          Thailand          About 1800, Late Ayutthaya period          Gilded bronze with glass and mirror inlay          2016.253          oh 52" / w 12 1/4" / d 12 1/2"</p>
		<p>Cabinet          Korea          1700s, Joseon dynasty          Wood with brass fittings          2016.322          h 67 1/2" / w 44 1/2" / d 21 5/8"</p>

**Schedule A**  
**2017 Art Gift Pledge Agreement**  
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**Asian Art**

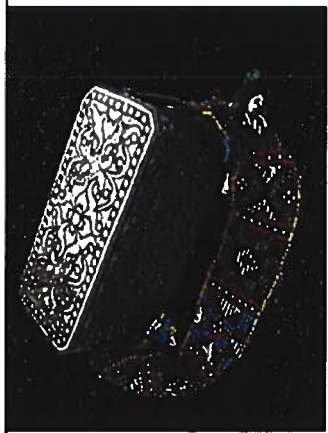
	<p>Painted Screen with Poetry Cards          Poetry by Inoue Tsujo (1659-1737)          Japan          1700s          Ink, colors and gold on paper, with wood and metal frame          2017.144          oh 45 1/2" / ow 112"</p>
	<p>Framed Buddhist Painting          Thailand          1700s-1800s          Color on cloth or wood, painted wood frame          Promised gift          ih 28" / iw 19 1/2" / fh 40 1/2" / fw 23 3/4"  <i>Must stay in / with frame. Jell</i>  <i>A. Krasie</i></p>

**Schedule A**  
**2017 Art Gift Pledge Agreement**  
**Between Emma C. Bunker and the Denver Art Museum**  
**Asian Art**



		<p>Covered Urm (1 of 2)  Philippines  1800s  Brass with silver inlay  Promised gift  h 16 1/2" / dia 10"</p>
		<p>Covered Urm (2 of 2)  Philippines  1800s  Brass with silver inlay  Promised gift  h 16 1/2" / dia 10"</p>



**Schedule A**  
**2017 Art Gift Pledge Agreement**  
**Between Emma C. Bunker and the Denver Art Museum**  
**Asian Art**

	<p>Betel Box with Beaded Strap Philippines 1800s Brass with silver inlay, thread and glass Promised gift h 2 7/8" / w 6 1/4" / d 2 3/4" (box)</p>
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**Schedule A**  
**Bunker Promised Gifts to the Denver Art Museum – Modern and Contemporary Department**

	<p>Marc Quinn <i>The Rolling of the Tides</i>, 2012 52 x 66.5 x 100 cm Edition of 4 with 2 APs Bronze 4 / 4</p>
	<p>Ernst Losifovich Neizvestny <i>CYBER HEAD</i>, 1964 7.5 x 8.5 x 2 in. Original bronze sculpture edition of 9 Signed by the artist and numbered</p>