Date	February 26, 2007	

HOLD HEARING ON AND APPROVAL OF 28E OPERATING AGREEMENT BETWEEN THE CITY OF DES MOINES AND EDMUNDSON ART FOUNDATION, INC., D/B/A DES MOINES ART CENTER, FOR "WESTERN GATEWAY" SCULPTURE PARK

WHEREAS, the Master Plan for the park bounded by 10th Street to 15th Street and Grand Avenue and Locust Street, commonly referred to as "Western Gateway Park" ("the Park"), envisioned works of art being placed in the Park; and

WHEREAS, John and Mary Pappajohn have agreed to donate several pieces of sculpture to the Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center ("DMAC"), with the intention that such pieces be placed in the Park; and

WHEREAS, the DMAC desires to install and maintain such sculptures in certain areas of the Park to be exhibited for the enjoyment of the general public; and

WHEREAS, the DMAC will retain the ownership of such sculptures; and

WHEREAS, the City, pursuant to its authority under Iowa Code Chapter 28E, desires to cooperate with the DMAC in the development of a Master Plan designating areas for placement of such sculptures in the Park, and City staff have negotiated a 28E Operating Agreement, a copy of which is on file in the City Clerk's office; and

WHEREAS, the Park and Recreation Board has voted to recommend adoption of said 28E Operating at its meeting on February 20, 2007; and

WHEREAS, the DMAC Board has approved the execution of said 28E Operating Agreement on February 20, 2007; and

WHEREAS, on February 22, 2007, due notice of a proposal to enter into a 28E operating Agreement for the term of 49 years with Edmundson Art Foundation, Inc., d/b/a the Des Moines Art Center for the Western Gateway Park Sculpture be set down for hearing on February 26, 2007, at 5:00 p.m., in the City Council Chambers was given as provided by law, setting forth the time and place for hearing on said agreement; and

WHEREAS, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed agreement are hereby overruled and the hearing thereon is closed.

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2. The "Western Gateway" Sculpture Park Operating 28E Agreement with and Edmundson Art Foundation, Inc. d/b/a the Des Moines Art Center, for a period of forty nine years from March 1, 2007

until December 31, 2056, with the option of twenty five year renewal periods, to operate a sculpture park within the Western Gateway Park, a copy of which is in the City Clerk's Office, be and is hereby approved.

- 3. The Mayor is authorized and directed to sign said 28E Operating Agreement on behalf of the City of Des Moines, and the City Clerk is authorized and directed to attest to the Mayor's signature.
- 4. The City Clerk is directed to cause fully executed copies of said 28E Operating Agreement to be (a) delivered to the Director of the Art Center; (b) filed in the Office of the Secretary of State of Iowa; and (c) recorded in the Office of the Polk County Recorder.

(Council Communication No. 07-

Moved by	to approve.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

Date	
67	_
Agenda Item <u>57</u>	-
Roll Call #	<u> </u>

DES MOINES ART CENTER

For Immediate Release

Contacts:

Des Moines Art Center, Jeff Fleming, Director, 515.271.0322 City of Des Moines, Mayor Frank Cownie, 515.283.4507 City of Des Moines, Christine Hensley, City Council Ward III, 515.237.1625

John and Mary Pappajohn Pledge Gift of Major Sculptures to the Des Moines Art Center

Works will be permanently installed in Des Moines' Western Gateway Park

Des Moines, Iowa (February 5, 2007) – Des Moines Art Center Director Jeff Fleming has announced that Des Moines philanthropists John and Mary Pappajohn plan to give the Art Center a minimum of 16 major sculptures by internationally acclaimed contemporary artists. The collection of sculptures by artists Louise Bourgeois, Scott Burton, Deborah Butterfield, Anthony Caro, Tony Cragg, Willem de Kooning, Mark di Suvero, Barry Flanagan, Ellsworth Kelly, Martin Puryear, Richard Serra, Joel Shapiro, Judith Shea, Tony Smith, and William Tucker will be the most significant donation of artwork to the Art Center in a single gift in the museum's history. In a new partnership formed with the city of Des Moines, the sculptures will be installed in the city's Western Gateway Park in a permanent feature to be named The John and Mary Pappajohn Sculpture Park.

"The magnitude of this gift to the Art Center and the impact it will have on the city of Des Moines cannot be over emphasized," says Fleming. "The John and Mary Pappajohn Sculpture Park will elevate the cultural landscape of this community to a whole new level. This is just a remarkable gift to the Art Center, and to the city."

Des Moines' Western Gateway Park is located on 13 acres of land on the western end of downtown Des Moines between 10th and 15th Streets, and Grand and Locust. A mix of green space and buildings, the park provides a memorable entry to downtown Des Moines and is currently home to the John and Mary Pappajohn Higher Education Center, the Des Moines Library, and the Temple for Performing Arts. Current special features of the park include a 500 foot water runnel, a large meadow

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area, and a central promenade. A master plan for the placement of the new sculptures will be determined by a selection committee comprised of the Pappajohns along with representatives from the Art Center and the city of Des Moines, with assistance from Substance Architecture of Des Moines. Installation of the work is expected to occur in phases over the course of several years, beginning in the spring of 2007.

According to Des Moines city council member Christine Hensley, "The Pappajohn Sculpture Park will have a huge impact on the city of Des Moines. It will place us in the top tier of cities not only within in the country but internationally within the art world. We are so grateful to the Pappajohns for their generous gift to the Art Center and the city. This has to be one of the largest gifts in the history of Des Moines."

John and Mary Pappajohn Sculpture Park of the Des Moines Art Center Complete list of works (digital images available on request; all photos courtesy of Substance Architecture):

- Louise Bourgeois
 American, born France, 1911
 Spider, 1997
 Bronze
 94 x 94 x 84 inches
- 2. Scott Burton American, 1939-1989

Untitled (Eight-Part Seating/Café Table I)

Table: designed 1984/fabricated 1992 Polished Absolute black granite

28 x 22 x 22 inches

Chairs: designed 1985/fabricated 1989-90

Polished Deer Island granite 32 x 34 x 18 inches each

- 3. Deborah Butterfield American, born 1949 **Juno**, 1989 Cast bronze 81 x 95 x 75 inches
- 4. Sir Anthony Caro
 British, born 1924
 In the Morning, ca. 1950s
 Bronze
 42 ½ x 33 x 24 inches

- 5. Tony Cragg
 British, born 1949
 Order, 1989
 Cast bronze, 2 elements
 64 x 120 x 78 inches
- 6. Willem de Kooning
 American, born Holland, 1904-1997
 Reclining Figure, 1969-82
 Bronze
 67 x 130 x 96 inches
- 7. Mark di Suvero
 American, born China, 1933 **78**, 1985
 Painted steel
 28' 7" x 24' x 37'
- 8. Barry Flanagan
 British, born 1941 **Thinker on a Rock**, 1997
 Bronze
 131 ½ x 71 ½ x 101 ½ inches
- 9. Ellsworth Kelly
 American, born 1923
 Untitled, 1986
 Stainless steel
 96 x 96 x 84 inches
- 10. Martin Puryear
 American, born 1941
 Decoy, 1990
 Cast iron
 40 ½ x 110 ½ x 109 ½ inches
- 11. Richard Serra
 American, born 1939
 Five Plate Pentagon, 1986
 Steel
 60 x 112 x 112 inches
- 12. Joel Shapiro
 American, born 1941 **Untitled**, 1985
 Bronze
 90 1/4 x 89 3/4 x 52 inches
- 13. Judith Shea
 American, born 1948

 Post Balzac, 1990
 Cast bronze and stone
 101 x 18 ¼ x 19 inches

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- 14. Tony Smith
 American, 1912-1980

 Marriage, 1961
 Welded steel with black paint
 120 x 144 x 120 inches
- 15. Tony Smith
 American, 1912-1980
 We Lost, 1962
 Steel painted black
 128 x 128 x 128 inches
- 16. William Tucker
 British, born Egypt, 1935 **Gymnast III**, 1985
 Bronze
 90 x 60 x 35 inches

About John and Mary Pappajohn

John Pappajohn immigrated from Greece at the age of 9 months. He grew up in Mason City, Iowa. His father died when he was 16 years old...and it changed his world. He worked his way through college and alternated working and attending school with his brothers. It took him six years to get his degree. He graduated with a BSC degree in business from the University of Iowa in 1952. He did not interview for a job. He wanted to own his own business. He established an insurance agency after graduation from college and subsequently organized and became Chairman of the Board of Guardsman Insurance Investors, a public insurance holding company.

In 1969, Mr. Pappajohn organized equity Dynamics, Inc., a financial consulting entity and Pappajohn Capital Resources, a venture capital firm in Des Moines, Iowa. He was one of the early venture capitalists. Since this time, Mr. Pappajohn has been involved in over 100 start ups and has served as a Director in over 40 public companies.

Mr. Pappajohn and his wife, Mary, have gifted more than \$25 million to various philanthropic causes including the John Pappajohn Business Building at University of Iowa Business School, the Pappajohn Pavilion at the University of Iowa Hospital and Clinics and the John and Mary Pappajohn Clinical Cancer Center. Mr. Pappajohn also organized and financed the John Pappajohn Entrepreneurial Centers at five universities and colleges in the state of Iowa for more than \$15 million. These centers have helped create and launch over 1000 new companies. Funded the NIACC Pappajohn Business Building in Mason City, IA 2001. In 1997, he and his wife, Mary,

funded a \$5 million John and Mary Pappajohn Scholarship Fund for ethnic, disadvantaged and minority students. \$237,150 in scholarships were granted in 2006. He and his wife recently committed \$2 million to help finance the new John and Mary Pappajohn Higher Education Center, a collaborative of seven universities and colleges in the state of Iowa.

He has been the recipient of many awards including: Horatio Alger recipient in 1995, Board of Directors Horatio Alger Association; past Trustee Pine Manor College, Boston, MA; since 1988, a member of the Anatolia College Board of Trustees, Thessaloniki, Greece; University of Iowa Foundation Board of Trustees, Iowa City; University of Iowa Board of Visitors; University of Iowa Business School Finkbine Award 2004; University of Iowa Homecoming Honored Guest 2002; University of Iowa 1996 Recipient Distinguished Alumni Award for Service; 1993 Oscar D. Schmidt Iowa Business Leadership Award from the University of Iowa College of Business; Iowa Business Leader of the Year 1992; Brotherhood Award from the Iowa Region National Conference of Christians and Jews 1997; inducted into the Iowa Hall of Fame 1996; Beta Gamma Sigma Medallion for Entrepreneur of the Year 1997; over 20 year association with the JF Kennedy Center for the Performing Arts, Washington, D.C. former member of the Advisory Board, appointed by President Ronald Reagan; reappointed by President George Bush; presently active member of the National Committee of the Performing Arts; Member Trustees Council and Collectors Committee for the National Gallery of Art, Washington, D.C.; Director of the Hirshhorn Museum, Washington, D. C.; Member of the National Committee for the Whitney Museum, New York; Honorary Trustee Des Moines Art Center, Des Moines, IA; named by Art News Magazine as one of the top 200 art collectors in the world from 1997-2006; awarded the Meredith Willson Heritage Award, 1998; Central Iowa Business Hall of Achievement, 1999 and Ellis Island Medal of Honor recipient in 2000; 33rd Degree Mason Shriner 2003; Hellenic Heritage Achievement Award 1997; Leadership 100 Board of Directors; Greek Orthodox Archon Award 2000; Iowa Philanthropists of the Year 2004; Honorary Alumni Iowa State University 2005 and Outstanding Alumni American Association of Community Colleges 2006.

Mr. Pappajohn lives in Des Moines, Iowa with his wife, Mary. They have one daughter, Ann Vassiliou.

About the Artists

Louise Bourgeois American, born France, 1911

Although associated with a generation of Abstract Expressionists and Surrealists, Louise Bourgeois has always been at the forefront of new developments in contemporary art. After studying with surrealist Fernand Léger in Paris, she moved to New York in 1938 and studied at the Art Students League. Initially a painter and printmaker, she began creating wood sculpture in abstract, organic forms in the 1940s. By the 1960s she was working in rubber, bronze, and stone in more representational imagery. Her autobiographical work has always mined her personal family history and dysfunctional childhood focusing on themes of identity, love, sex, alienation, and death. In particular, Bourgeois has used the spider for decades to explore memories of her mother, who died when the artist was 20 years old. She stated, "My mother was deliberate, clever, patient, soothing, reasonable, dainty, subtle, indispensable, neat, and useful as a spider."

Scott Burton American, 1939-1989

Credited for transforming the idea of public art, Scott Burton made functional sculpture that requires the visitors' interaction to complete the work. He began as a performance artist in the streets of NY in the 1960s. This work evolved into "furniture tableaux" using chairs as stand-ins for the human figure. In the late 1970s, Burton's work moved in the direction of the dual sculpture-and-furniture pieces he is best known for. His various minimalist sculptural configurations assume the functional role of tables and chairs, while creating poetic places to rest and contemplate in public areas.

Deborah Butterfield American, born 1949

The horse has been the singular sustained focus of the popular work of Bozeman, Montana-based sculptor Deborah Butterfield for more than thirty years. The native Californian earned her BFA and MFA at the University of California at Davis. Her early horse sculptures—made of natural materials like mud and sticks—proved problematic in the long term. Wood shrinkage and dirt disintegration resulted in the works requiring constant attention. In response, the artist now simulates sticks by molding them individually in bronze and then adding natural-looking patinas. The loose and open construction of the "stick" horses lends a false vulnerability to the life-size forms. Butterfield masters the horse's natural "gesture" in the works—they lie or stand untethered and embody a quiet strength and spirit.

Anthony Caro British, born 1924

Sir Anthony Caro, who was knighted in 1987, played a critical role in the development of 20th-century sculpture. The previously figurative and now abstract sculptor studied art at the Royal Academy School in London before becoming Henry Moore's assistant. Caro gained prominence after his 1963 solo exhibition at Whitechapel Art Gallery in London. His large, brightly painted, abstract floor sculptures were groundbreaking in their one-to-one engagement with viewers—a EDMUNDSON ART FOUNDATION, INC.

new direction for sculpture at the time. Caro was a renowned professor of art at London's St. Martin's School of Art (1953 – 1981) where he taught a new generation of contemporary artists including Richard Deacon, Barry Flanagan, Hamish Fulton, Gilbert & George, and Richard Long. Major solo exhibitions of his work have been presented at the Museum of Modern Art in New York, the Museum of Contemporary Art Tokyo, the Tate Gallery and the National Gallery in London.

Tony Cragg British, born 1949

Tony Cragg worked as a laboratory technician (1966-68) before attending art school—first Gloucestershire College of Art and Design and finally Royal College of Art in London. Cragg is credited with developing more possibilities in the making of sculpture than anyone since Henry Moore. Cragg experimented and exhausted various materials to their limits, utilized found objects, and juxtaposed unlikely combinations of materials—bronze, steel, plastic, rubber, glass, wood, plaster, etc. His works range from the exquisite to the grotesque. Cragg's Order (1989) combines two motifs—the three-lobed body of a trilobite (a marine fossil) and a vessel from a laboratory. By enlarging the primordial trilobites from their usual four-cm length to a larger-than-human scale, we experience them as if through a microscope—gigantic and threatening. With lab vessels hybridized with the trilobites, the sculptures evoke feelings of unease, suggesting disease, engineering, and evolution gone wrong.

Willem de Kooning American, born Dutch, 1904 – 1997

A central figure in the American movement Abstract Expressionism, Willem de Kooning came to the US in 1926 and soon became friends with Armenian-born artist Arshile Gorky and other Ab-Ex artists. However, de Kooning emerged in the art scene much later, in the 1940s, and is best known for his abstract expressionist figure paintings on the theme of "woman" in the 1950s and 1960s. On a trip to Rome in 1969, de Kooning modeled his first sculptures and over the next five years he made about 25 bronze figures using the same gestural techniques and expressionist style of his paintings from the late 1960s.

Mark di Suvero American, born China, 1933

A key figure in American post-war sculpture, Mark di Suvero creates distinctive, monumentally-scaled abstract sculptures composed primarily of industrial I-beams and heavy gauge metal, sometimes painted a solid red or orange. Many sculptures contain elements that may swing or rotate. Born in Shanghai, di Suvero moved to San Francisco with his father in 1941, attended UC Berkeley to study fine arts from 1953-1957, but ultimately earned his degree in philosophy. He later moved to New York and suffered a serious accident on a freight elevator while working construction, after which he focused all his energy on becoming a sculptor. Interestingly, construction materials became his media of choice. His work can be found in major public collections including Los Angeles County Museum of Art, San Francisco Museum of Modern Art, the National Gallery of Art in Washington, DC, the Walker Art Center, and the Museum of Modern Art in New York.

Barry Flanagan British, born 1941

Flanagan is best known for his dynamic, often monumental, bronze hares, which he began casting in 1979. He studied at the Birmingham College of Art and Crafts and the St. Martin's School in London (under Anthony Caro). He represented Britain at the 1982 Venice Biennale. His work is held in public collections around the world and has been exhibited in many outdoor spaces, including Park Avenue in New York (1995-96) and Grant Park in Chicago (1996). Flanagan has recently had a major exhibition at the Tate Liverpool (2000) and a major retrospective exhibition at the Irish Museum of Modern Art (2006).

Ellsworth Kelly American, born 1923

Kelly initially emerged as a leader of the Hard Edge group of Color Field painting in the 1960s with his large, bright, ovoid shapes that contrasted with sharp, rectangular color-plane background on his canvases. Kelly moved to shaped canvases, which naturally led to freestanding sculptures. His sculptures present the same geometric shapes as his paintings, although created on an environmental scale and constructed of industrial materials like Cor-ten steel. Kelly studied at Pratt Institute (1941-1943), then served for the military, after which he attended the School of the Museum of Fine Arts in Boston (1946-47). On the G.I. Bill, he traveled to Europe to attend the Ecole des Beaux-Arts in Paris, where his contact with many avant-garde artists influenced his work—Jean Arp, Constantin Brancusi, Alexander Calder, and Francis Picabia, among others. He returned to New York in 1954, had his first solo show at Betty Parsons Gallery in 1956, a group show at the Museum of Modern Art in 1958, and first retrospective at the Museum of Modern Art in 1973. Many more major exhibitions have followed for this prominent American artist.

Martin Puryear American, born 1941

Puryear's sculptures combine the simplicity and gravity of minimalism presented on a human scale with an animalistic quality derived from his organic forms and unique craftsmanship. As a youth, Puryear studied crafts and learned to build things like guitars, furniture, and canoes. After earning a BA at Catholic University in Washington, DC, he went to the Peace Corps in Sierra Leone, and later attended the Swedish Royal Academy of Art. He earned an MFA in sculpture from Yale in 1971. His African experience in the Peace Corps informs his interest in handmade objects and an aura of "magic" that seems to emanate from his elegant abstract objects. Decoy is composed of a simple, round disc base, which from one end emerges a curved wormlike form. From a distance, the sculpture assumes the shape of a hunting decoy or duck, as indicated by its title. Puryear represented the US at the Sao Paulo Bienal in 1989, won a prestigious MacArthur Prize, a Louis Comfort Tiffany Grant, and the Skowhegan Medal for Sculpture, among other awards.

Richard Serra American, born 1939

Serra is an American minimalist sculptor perhaps best known for his controversial public art work Tilted Arc (1981), commissioned by the GSA (General Services Administration) for Federal Plaza in New York. Public outcry against the 120-foot EDMUNDSON ART FOUNDATION, INC.

steel slab that bisected the plaza resulted in its 1989 removal, even with opposition from the professional art community. In spite of this controversy, the New York artist has maintained a very successful career as an artist with major exhibitions and commissions worldwide for his monumental abstract sculpture, made primarily from Cor-ten steel. A San Francisco native, Serra studied English literature at University of California at Berkeley and University of California at Santa Barbara, and then fine art at Yale University. When Serra lived on the west coast, he worked in steel mills, which has obviously had a strong influence on his sculptural work.

Joel Shapiro American, born 1941

A preeminent American sculptor, Shapiro began his career as a painter, but turned to creating minimalist sculpture in response to artists like Tony Smith and Carl Andre. He initially made his name in the 1970s with small-scale chairs, ladders, houses, and bridges installed in galleries. By the 1980s, the sculpture became large-scale, figurative abstractions, which by the 1990s became even larger scale outdoor works. Shapiro earned a BA and MA at New York University. His work can be found in major public collections, including Museum of Contemporary Art Los Angeles, San Francisco Museum of Modern Art, the National Gallery of Art in Washington, DC, the Museum of Modern Art, the Whitney Museum of American Art, and the Tate Gallery London, among many others. A major Shapiro sculpture stands in front of City Hall on the Principal River Walk in downtown Des Moines.

Judith Shea American, born 1948

Shea's early training as a fashion designer informs her work. Her early sculptures from the 1970s were simple fabric forms hung on the wall. Later, she cast clothing forms to represent the human figure. Her best known works are armless hollow dresses—symbolizing women—and empty voluminous overcoats—representing men. These variations on traditional figurative sculpture include Post Balzac (1990), which also belongs to the collection of the Hirshhorn Museum and Sculpture Garden in Washington, DC. Shea earned her BA at Yale University and her MFA at Boston University. She teaches sculpture at the University of Pennsylvania.

Tony Smith American, 1912 – 1980

This prominent Minimalist sculptor originally trained to be an architect and in 1939 began working for Frank Lloyd Wright. Smith also studied painting at the Art Students League in New York, but did not begin sculpting until 1956 at the age of 44. He realized his first exhibition at the age of 54. Architecture informs his sculpture. While recuperating from a serious car accident in 1961, Smith began making small cardboard models for 3-dimensional sculpture, focusing on geometric forms. These eventually were created on a monumental scale. Smith's work is arguably more Expressionist than Minimalist since he focused on a sense of movement as well as a spiritual component in his art. Smith's huge, heavy structures—usually painted black—often feature an arched form (either triangular or square) frequently turn back upon themselves, which results in a dynamic tension in the work.

William Tucker British, born Egypt, 1935

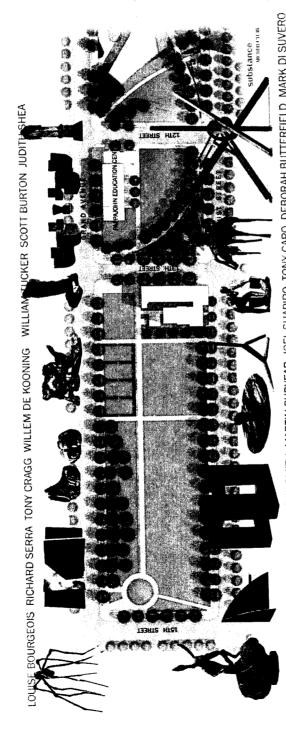
An internationally renowned contemporary sculptor, William Tucker established a significant career in Great Britain before moving to the United States in 1978. He studied under Anthony Caro at St. Martin's School of Art in London and represented Britain at the 1972 Venice Biennale. His work has changed significantly over the years. The early works of the 1960s and 1970s were steel or wood abstract geometric configurations. By the 1980s, the sculptor worked in bronze and made reference to human and animal forms. Overall, Tucker's sculpture became more tactile and organic, more expressionistic. Tucker had an exhibition at the Tate Gallery in London in 1987 and a retrospective at Storm King Art Center in New York in 1988.

About the Des Moines Art Center

Recognized by international art critics as a world-class museum in the heart of the Midwest, the Des Moines Art Center has amassed an important collection with a major emphasis on contemporary art. The collection's overriding principle is a representation of artists from the nineteenth century to the present, each through a seminal work. This accounts for an impressive collection that ranges from Edward Hopper's Automat to Jasper Johns' Tennyson, Henri Matisse's Woman in White, Georgia O'Keeffe's From the Lake No. 1, and Francis Bacon's Study after Velásquez's Portrait of Pope Innocent X.

The Art Center's physical complex marries with the collection for a totally integrated experience. The collection is housed in three major buildings; each designed by a world-renowned architect – Eliel Saarinen, I. M. Pei, and Richard Meier. With the exception of special events, admission to the museum is free. Hours are Tuesday - Friday 11 am – 4 pm; Saturday 10 am – 4 pm; every Thursday 11 am – 9 pm; Sunday Noon - 4 pm; closed Monday.

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The John and Mary Pappajohn Sculpture Park of the Des Moines Art Center BARRY FLANAGAN ELLSWORTH KELLY TONY SMITH MARTIN PURYEAR JOEL SHAPIRO TONY CARO DEBORAH BUTTERFIELD MARK DI SUVERO