Florida Connecting to Collections: Webinar

Found in Collections/Abandoned Property

January 13, 2017
A full recording of the webinars will be available on the FL C2C YouTube Channel.
Emergency Plans
- 8 Modules
- Webinars
- Activities
- Discussion Questions
- Practical Activities
- Samples
- Online Resources

http://flamuseums.org/professional-development/florida-connecting-to-collections-program/emergency-plans/
FL C2C 2015 – Developing ER Plans

77 Participants
• 13 Mentors
• 64 Mentees
Each module = 2 workshops

Workshop 1 held at mentor organizations
- Content based with an emphasis on webinars and in-person discussion groups

Workshop 2 held at mentee organizations
- Participate in Collections Care Enhancement – Involving Boards (CCE-IB)
- Practical Activity based upon subjects covered in Workshop 1
Mentees write policies with advice from Mentors
4 modules, each with 2 workshops, select which module helps you develop or improve your plan
Mentees have “homework” before and between workshops to move their plan forward
Mentors touch base with mentees between workshops
All participate in on-line community
Module 1: Policies vs. Plans vs. Procedures/Scope of Collections/Acquisitions & Accessions – Deaccessions & Disposals
Workshop #1: December 9, 2016
Webinar/In-Person Discussions
Workshop #2: January 20, 2017
Collections Assessment/Practical Exercise

Module 2: Loans/Documentation/Risk Management and Insurance
Workshop #1: February 24, 2017
Webinar/In-Person Discussions
Workshop #2: April 7, 2017
Collections Assessment/Practical Exercise

Module 3: Access and Use/Collections Care/Intellectual Property
Workshop #1: May 19, 2017
Webinar/In-Person Discussions
Workshop #2: June 16, 2017
Collections Assessment/Practical Exercise

Module 4: Putting your Document Together & Special Topics
Workshop #1: August 4, 2017
Webinar/In-Person Discussions
Workshop #2: September 1, 2017
Online Writers Workshop
Sources

http://www.foundincollections.com/
Definitions

Abandoned Collections/Orphaned Collections
- Objects that have been abandoned by their owner or have lost curatorial support.

Found in Collection (FIC)
- Undocumented objects found in your collection.
How does this happen?

- Abandoned Collections/Orphaned Collections
  - Person in charge of their care retires or quits and is not replaced
  - Old loans that weren’t returned or processed properly

- FIC
  - Provenance of object becomes separate from the object itself
  - Identified usually through an inventory or survey process
Ultimate Goal

Gain legal title to the objects so that you can either acquire or dispose of the object using the results of your assessment.
For both types of objects:

- **Assess** ownership status of object
  - Look for any kind of relevant information you can find on the object. This can include:
    - Info about the original donor
    - Old numbering systems
    - Old paperwork that mentions the object including: accession files, exhibit catalogs, etc.
    - Institutional history – interviews with staff, volunteers, docents.
Also consider:

- Is object relevant to museum’s mission
- Physical condition
- Monetary, scientific, scholarly and historic value
- Related to Native American cultures
- Contain endangered or threatened species.
Decision Time: Acquire or Dispose?

- **Acquire of Object**
  - Process through your institution's acquisition process as outlined in your collection management policy

- **Dispose of Object**
  - Process through your institution's disposal process as outlined in your collection management policy
Easy right? Not necessarily....
Currently 39 states in the United States have laws dealing with how to handle abandoned property or found in collection objects.

A comprehensive list of these laws can be found here:

- AAM-http://www.aam-us.org/resources/resource-library/cs/found-in-collections
Deals with objects classified as abandoned property NOT found in collection objects.

Full link to the statute can be found here:

What does Florida Statute § 265.565 say?

“....The Legislature finds and declares that it is in the public interest to establish uniform procedures governing the disposition of unclaimed property on loan to museums in the state and, more particularly, to encourage museums and their lenders to exercise due diligence in monitoring loans, to allocate fairly responsibilities between lenders and borrowing museums, to establish procedures for lenders to preserve their interests in property loaned to museums for indefinite or long terms, and to resolve expeditiously the title to unclaimed loans left in the custody of museums.”
Our state understood that this is a problem for Florida institutions. Gave us a way to create procedures to deal with this issue to help both institutions and the original lenders.
"Unclaimed property" means property which is on loan to the museum and in regard to which the lender, or anyone acting legitimately on the lender’s behalf, has not contacted the museum for at least 25 years from the date of the beginning of the loan, if the loan was for an indefinite or undetermined period, or for at least 5 years after the date upon which the loan for a definite period expired.
Termination of Loans

A museum may terminate a loan for unclaimed property in its possession by making a good faith and reasonable search for the identity and last known address of the lender from the museum records and other records reasonably available to museum staff.

A museum shall provide notice of termination of a loan of unclaimed property by sending a letter by certified mail to the lender at the lender’s last known address giving notice of termination of the loan.

If the museum is unable to identify sufficient information to send notice, or if a signed return receipt of a notice sent by certified mail is not received by the museum within 30 days after the notice is mailed, the museum shall publish the notice of termination of loan containing all the information available to the museum provided in paragraph at least twice, 60 or more days apart, in a publication of general circulation in the county in which the museum is located and the county of the lender’s last known address, if known.
What does Florida Statute § 265.565 say?

Museum Gains Title to Property.-

A museum acquires title to unclaimed property under any of the following circumstances:

(a) For property for which a museum provides notice to a lender in and a signed receipt is received, if the lender of the property does not contact the museum within 90 days after the date notice was received.

(b) For property for which notice by publication, if the lender or anyone claiming a legal interest in the property does not contact the museum within 90 days after the date of the second publication.
Has anyone used Florida Statute § 265.565?

- As far as we can tell-not yet.
- So if you have objects that you think qualify under this law let us know and you can be the first!
What do you do with found in collection objects or abandoned objects you can’t gain title to?

For now you will need to remain as custodian of the object.

But this leads to the question...
How do we manage this type of object in our collection?

Most institutions will decide to number the object and treat as all other objects in their collection as stipulated in the collection management policy.

If the object is an unclaimed loan and you should number using your institution accepted practice.
If you decide to number consider assigning a unique numbering system to the object so you can easily recognize.

Benefits to a unique numbering system:
- Object can be easily tracked in system.
- If original accession number is discovered you can “retire” the FIC number and not disturb the rest of your numbering system.
Examples of FIC numbering:

- Triple zero lot number: 2003.000.001
- The first accession of the year: 2003.001.001-, 2004.001.001-
- A larger lot number than is possible to reach in a given year 2003.800.001-, 2004.800, 001-
- Z.2003.001.001
- FIC.2003.001.001
You must gain legal title of the object before the object is truly acquired or disposed of by your institution.

While the object is in possession of your institution it should be considered part of your collection and treated as such.
Last Thoughts

Until full legal title is established be wary of using the object for certain actions like:

- Creation of reproductions for sale
- Using images that might go against copyright
- And under no circumstances should the object be disposed of before legal title is gained.

- Fiscal and legal ramifications can occur if object is disposed of and the original owner returns to claim the object.
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Questions?