

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

GREENTECH RESEARCH LLC and

09602477

HILARY J. KRAMER,

Plaintiffs

Index No. \_\_\_\_\_

-against-

Date Purchased: \_\_\_\_\_

BARRETT WISSMAN, CLARK HUNT and

SUMMONS

HFV VENTURES, L.P.,

**FILED**  
Defendants  
AUG 11 2009  
COUNTY CLERK'S OFFICE  
NEW YORK

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiffs' attorney an answer to the complaint in this action within twenty(20) days after the service of this summons, exclusive of the day of service, or within thirty(30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is residence of plaintiff Greentech Research LLC, whose principal place of business is 250 West 57<sup>th</sup> Street, New York, New York.

Dated: August 11, 2009

HOWARD B. SIROTA

By: *Howard B. Sirota*

Howard B. Sirota

Attorney for Plaintiffs

125 Beach 128<sup>th</sup> Street

Belle Harbor, NY 11694

(212) 425-9055

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

GREENTECH RESEARCH LLC and

HILARY J. KRAMER,

Plaintiffs

INDEX NO. \_\_\_\_\_

Date Purchased: \_\_\_\_\_

09602477

COMPLAINT

-against-

BARRETT WISSMAN, CLARK HUNT, and

HUNT FINANCIAL VENTURES, L.P.,

**FILED**  
AUG 1 1 2009  
COUNTY CLERK'S OFFICE  
NEW YORK

Plaintiffs GREENTECH RESEARCH LLC and HILARY J. KRAMER, through their counsel, HOWARD B.

SIROTA, allege the following as and for their Complaint against the Defendants:

Preliminary Statement

1. This action arises from the scheme of defendants Barrett Wissman("Wissman"), Clark Hunt and Hunt Financial Ventures, L.P.("HFV"), which was co-owned and controlled by Defendants Wissman and Clark Hunt, to defraud plaintiffs into entering into agreements and continuing the business relationship with defendant HFV regarding an alternative energy hedge fund managed by Greentech Research LLC and its affiliated entities("Greentech") substantially owned and controlled by plaintiff Hilary J. Kramer("Kramer").

2. Defendants concealed from Greentech and Kramer that defendants were engaged in a pervasive criminal conspiracy to bribe public officials in order to obtain from these corrupt public officials funding for hedge funds from public employee pension funds controlled by these bribed public officials. Defendant Wissman has pleaded guilty to felony charges based upon his

bribery of public employee pension plan officials in the State of New York, numerous other co-conspirators of the defendants have also pleaded guilty to similar charges, while a number of the conspirators await trial. Public reports indicate the investigation is ongoing and appears to involve corrupt public employee pension plans across the United States.

3. Kramer, an experienced and well-respected and honest financial analyst and author, would not have entered into a business relationship to receive funding through the defendants from qualified institutional investors, including public employee pension funds, with knowledge that the defendants were obtaining such funding through a pattern of criminal conduct. The defendants' scheme proximately caused damages to plaintiffs, including but not limited to inability to retain and secure funding from institutional investors( including public employee pension funds, union pension plans and endowments) loss of income and invested capital by Kramer, injury to reputation and interference with prospective economic advantage. In short, defendants' fraud destroyed the only woman-owned alternative energy hedge fund in America.

#### PARTIES and JURISDICTION

4. Plaintiff Greentech is a Delaware limited liability company with its principal place of business in the County of New York.
5. Plaintiff Kramer is a resident of the State of New York and the controlling person of Greentech.
6. Defendant Wissman is a resident of the State of Texas who was, at all relevant times, an officer and co-owner of defendant HFV.
7. Defendant Clark Hunt is a resident of the State of Texas who was, at all relevant times, an

officer and co-owner of defendant HFV.

8. Defendant HFV is a Texas limited partnership with its principal place of business in Dallas, Texas.

9. Many of the acts complained of herein occurred in New York County, and defendants' conduct outside the State of New York foreseeably caused injury to plaintiffs in New York County.

#### THE FACTS GIVING RISE TO THIS ACTION

10. Plaintiff Kramer is an experienced and well-known financial analyst , commentator and money manager who organized Greentech as a hedge fund group for the purpose of investing in alternative energy stocks engaged in, among other efforts, wind and solar power development.

11. Kramer held discussions in 2006 with Wissman and Clark Hunt regarding a potential relationship in which HFV would "seed" Greentech with its own capital, which was substantial because HFV was beneficially co-owned and controlled by Clark Hunt, one of the richest men in the United States and the owner of the NFL team Kansas City Chiefs, and would then obtain additional, larger investments from institutional investors, including public employee pension plans. In October 2006, HFV seeded the Greentech 21<sup>st</sup> Century Master Fund(managed by Greentech Research LLC) with \$10 million and, in April 2007, added an additional \$10 million of seed capital to the Greentech 21<sup>st</sup> Century Master Fund. In June 2007 HFV provided plaintiff herein Greentech with \$300,000 of working capital.

12. Wissman and Clark Hunt represented to Kramer that Wissman and Clark Hunt had excellent relations with many institutional investors, including public employee and union pension funds interested in funding a woman-owned socially responsible alternative energy fund, and expected to raise substantial capital for Greentech from their contacts, for a fee

upon all funds raised by Greentech even if the funds were from investors obtained without any assistance from HFV.

13. Wissman and Clark Hunt represented to Kramer that HFV was a prestigious and substantial entity with many legitimate clients and relationships, that Greentech and Kramer would benefit from their association with HFV, and that HFV would raise substantial capital for Greentech. Ultimately, HFV did raise minimal capital (\$750,000) for Greentech but, behind the backs of Greentech and Kramer, raised very substantial capital (\$500 million) for Greentech's competitor Riverstone Holdings, controlled by Carlyle Group, contrary to Wissman's and Clark Hunt's prior false assurances to Greentech and Kramer. Unknown to Kramer at the time, but since revealed by the criminal and civil proceedings by the federal and New York authorities, Carlyle and Riverstone surreptitiously funneled \$5 million to Wissman and HFV for arranging Riverstone's financing through HFV, and also funneled another \$5 million to Hank Morris, Hevesi's "bag man."

14. Wissman and Clark Hunt did not reveal to Kramer that Wissman, Clark Hunt and HFV were engaged in a conspiracy to obtain such investments from public employee pension funds through bribery of the public officials who controlled these public employee pension plans.

15. Kramer has a life-long reputation for integrity and had absolutely no interest in being funded by "dirty money" obtained through criminal bribery of public officials. Had Kramer known the truth, she would have never had any dealings with Wissman or Clark Hunt or HFV.

16. Kramer did not know, and could not reasonably have known, that Wissman, Clark Hunt and HFV were engaged in a criminal conspiracy to bribe public officials. Wissman, Clark Hunt, HFV, the intermediaries and the corrupt public officials necessarily attempted to conceal their unlawful activities for as long as possible, including concealing the truth from Kramer.

17. On or about March 2, 2007, as a result of defendants' fraudulent inducement and ongoing fraudulent concealment of their criminal enterprise, Greentech entered into an Agreement

with HFV providing in relevant part that, in exchange for fees, HFV would “seed” Greentech with HFV’s own capital and would obtain additional investors in Greentech. Greentech and Kramer would not have signed the Agreement if they had known the truth about the defendants’ unlawful business practices.

18. Thereafter, Wissman and HFV held numerous discussions and meetings with Kramer regarding obtaining additional investors, particularly public employee pension plans. There were also numerous telephone conferences and in-person meetings held, including joint communications with public officials and their staffs regarding potential investments in Greentech by these various public employee pension funds. These potential investors received disclosures that Greentech was seeded by HFV and that HFV would receive compensation if these investments in Greentech were made, which occurred in fact.

19. This close relationship between HFV and Greentech necessarily and foreseeably tied Greentech and Kramer’s future success and reputations to those of Wissman, Clark Hunt and HFV. Wissman, Clark Hunt and HFV had actual knowledge that they were willfully engaged in criminal conduct, and knew that they had purposely concealed the ongoing conspiracy from Kramer, who would never have been remotely associated with them if she had known the truth.

20. Within months after the March 2, 2007 fraudulently induced Agreement was signed, reports surfaced of investigations of corrupt public officials who controlled public employee pension plans, including reports of investigations in the State of New York. The defendants herein denied to plaintiffs that there was any truth to the allegations of massive bribery of public officials even after the defendants themselves were specifically identified in published reports as among those who were the subjects or targets of the federal and New York investigations. Indeed, defendant Clark Hunt defended his integrity directly to Kramer, emphasizing his deeply held religious beliefs and “family values.”

21. In reliance upon the defendants' further false assurances, plaintiffs attempted to move forward but it became increasingly difficult to persuade institutional investors to invest in Greentech as the published reports of the widening investigations became a drumbeat of negative publicity. Consultants and counsel to such institutional investors became increasingly concerned about becoming associated with Greentech. Public employee pension plan officials became increasingly concerned that an investment linked to the defendants would create the impression that they too were receiving bribes.

22. Throughout 2007 and 2008 the defendants continued to falsely deny to Kramer that they were guilty of the conduct under investigation and never told Kramer the truth just as they never, at any time in 2007-2008, made any public disclosure to anyone of their unlawful conduct.

23. Greentech's performance was above average compared to its peers, but that could not overcome the reluctance of institutional investors to invest in a fund when the very investment itself raised issues as to the decision-maker's own integrity and involvement in the wrongdoing under investigation. Greentech and Kramer, through no fault of their own, became tainted and unable to raise capital to continue and grow Greentech, and have been forced to liquidate Greentech, with consequent losses to Greentech and Kramer and future lost income.

24. Wissman, Clark Hunt and HFV knew of and recklessly disregarded the impact upon Greentech and Kramer of their purposely inducing Greentech and Kramer into becoming so closely associated with them, when they knew, in truth and in fact, they were not the honest and prestigious operation they pretended to be and were instead deliberately luring and manipulating Greentech and Kramer into becoming "patsies" whose prior good names and reputations would be damaged by their close association with criminals engaged in a pattern of bribing corrupt public officials across the country.

25. By reason of the foregoing, plaintiffs were proximately damaged in an amount to be

determined at trial.

#### THE DEFENDANTS' CONSPIRACY COLLAPSES

26. On March 19, 2009, the New York State Attorney General and the U.S. Securities & Exchange Commission publicly filed civil and criminal proceedings alleging securities fraud, bribery and money laundering charges against a number of individuals and entities engaged in a conspiracy to bribe public officials to obtain investments in hedge funds by public employee pension funds, including former New York Comptroller Alan Hevesi, Hank Morris(Hevesi's chief strategist and fundraiser), David Loglisci, who was then the top investment officer of the New York pension fund under Hevesi, and defendants herein Wissman and HFV affiliated entities. Wissman, identified as "Individual A" in the SEC civil action, was alleged to have paid \$600,000 in kickbacks to Morris and Loglisci to land \$100 million worth of investments from the New York State pension fund controlled by Hevesi. The SEC alleged that, from 2003 to 2007, about \$5 billion, more than half of New York's \$9.5 billion in alternative investments were tainted by kickbacks.

27. In April 2009, defendant Wissman pleaded guilty to a felony charge of securities fraud, agreed to pay \$12 million in penalties, and is said to be cooperating in the ongoing investigation encompassing corrupt public officials across America who control public employee pension funds. Wissman has been barred for life from any association with the securities industry.

28. In April 2009, without admitting or denying the truth of the allegations, HFV Management and HFV Asset management, affiliates of defendants Wissman, Clark Hunt and HFV herein, agreed to pay a \$150,000 penalty.

29. In June 2009 Carlyle Group and Riverstone Holdings respectively settled with New York Attorney General Andrew Cuomo for \$30 and \$20 million. Riverstone's founder David Leuschen was not covered by the settlement and remained a target of the investigation.

30. Defendant HFV herein has removed the "HFV" name from its office door and its beneficial co-owner and controlling person, Clark Hunt, continues his various business activities under different names.

#### THE AFTERMATH FOR PLAINTIFFS

31. On May 26, 2009 The New York State Common Retirement Fund, under the control of Hevesi's successor, announced that it was ceasing to do business with a number of entities involved in the bribery and corruption scandal described above, including, in relevant part, HFV Management, an affiliate of defendants Wissman, Clark Hunt and HFV herein.

32. Other public employee pension funds have also terminated any relationship with HFV because of HFV's and Wissman's and Clark Hunt's participation in bribery, money laundering and securities fraud.

33. Greentech attempted a costly effort to obtain investors directly but the taint of the public corruption scandal resulted in numerous potential investors advising Greentech and Kramer that, under the circumstances, they could not have their names, and their clients, even remotely associated with criminals in a notorious public corruption scandal.

34. The New York and other funds have "blacklisted" plaintiffs herein and other fund managers who were associated with defendants Wissman, Clark Hunt and HFV although there has never been any allegation by any governmental agency that plaintiffs even knew of the wrongdoing by Wissman, Clark Hunt and HFV.

35. Greentech is liquidating its hedge funds and been deprived of substantial management fees and lost opportunity, the Greentech name is tainted, Kramer has lost substantial income she would have otherwise earned had she not been duped by the defendants herein and lost her hard-earned capital put into Greentech, and her good name and reputation have been tainted, resulting in losses and lost future income for plaintiffs herein.

36. Defendants' fraudulent inducement to plaintiffs and ongoing fraudulent concealment from plaintiffs has proximately caused damage to plaintiffs in an amount to be determined at trial.

FIRST CAUSE OF ACTION

Fraud

(Against All Defendants)

37. Plaintiffs repeat and reallege the prior paragraphs of the Complaint as if fully set forth herein.

38. Defendants' intentional or reckless failure to disclose to plaintiffs that defendants were engaged in wrongdoing in order to raise funds for hedge funds constituted a material omission of fact.

39. Defendants' intentional or reckless representations that HFV was a legitimate and prestigious entity with legitimate access to capital from public employee pension funds constituted material false statements.

40. Defendants' intentional or reckless ongoing concealment of their wrongdoing constituted a fraud upon plaintiffs.

41. Plaintiffs did not know, and could not have reasonably known, of defendants' scheme and reasonably relied upon defendant's material misrepresentations and were unaware of the true facts omitted and concealed from plaintiffs by defendants herein.

42. By reason of the foregoing, plaintiffs were proximately damaged in an amount to be determined at trial.

SECOND CAUSE OF ACTION

(Negligent Misrepresentation)

(Against All Defendants)

43. Plaintiffs repeat and reallege the prior paragraphs of the Complaint as if fully set forth herein.

44. Defendants were negligent in making the misrepresentations made and in failing to disclose the omitted material facts to plaintiffs.

45. By reason of the foregoing, plaintiffs were proximately damaged in an amount to be determined at trial.

WHEREFORE, Plaintiffs respectfully request judgment against Defendants granting relief as follows:

- (i) Compensatory damages in an amount to be determined at trial;
- (ii) Punitive damages in an amount to be determined at trial;
- (iii) Costs and disbursements, including reasonable attorneys' fees;
- (iv) Such other and further relief as the Court deems just and proper.

Dated: August 11, 2009

HOWARD B. SIROTA

By: 

Howard B. Sirota

Attorney for Plaintiffs

125 Beach 128<sup>th</sup> Street

Belle Harbor, NY 11694

(212) 425-9055

howard.sirota@gmail.com