



Check woes

Dear Mr. Berko: I recently deposited a \$19,525 Wells Fargo check in Chase Bank, which used to be Washington Mutual and where I had my checking account for nine years. The teller told me that they were putting a 14-day hold on the Wells Fargo check. I never had this problem at Washington Mutual. Well, I needed \$11,000 from this check in seven days, but the teller said no funds for 14 days because it takes that long for Chase to process that check and collect the money. I talked with the branch manager, and I was given the same story: that it takes 14 days to process the check, but Chase could lend me the money until the Wells Fargo check clears. I told the manager that this was not acceptable. The manager got real huffy with me and told me that I could close my account and move it to another bank. I called my lawyer, who said that Chase sets the rules and I have no alternative. How can Chase get away with this? Is this fair? Am I the only one who has complained about this? Now I'm so mad that I'm going to sell my 150 shares of JP-Morgan Chase that I bought early last year at \$23 on your recommendation. I would like to have your response to this unfair practice. -- G.R.: Punta Gorda, Fla.

Dear G.R.: First of all, I did not recommend JPMorgan Chase at \$23, but I wish I had. And second of all, don't for a Sioux City second believe it takes JP

Morgan (JPM -- \$42) 14 days to clear a Wells Fargo check. Chase clears that check overnight. The teller may not know it, but the branch manager knows checks clear electronically, and in the time it takes an electron to circle an atom, that \$19,525 is credited to Chase's master account.

Consider the following: Have you ever written a Chase check to someone on Tuesday, which is deposited with Wells Fargo on Wednesday, and Thursday, Chase tells you that there's insufficient funds in your account? Then POW, they ding you with a \$40 BCSC, or a Bounced Check Sucker Charge. Frankly, that Chase manager is a bleeding liar and he's paid to tell you that lie. His branch places a hold on that Wells Fargo check, earning 14 days of interest on your \$19,525 deposit. Now multiply your incident by tens of thousands of daily delayed deposits and that accumulates to many tens of millions of dollars of interest income to Chase each year. But when Kraft or McDonalds deposits \$100 million in a JPMorgan Chase checking account, those funds clear a little slower than the speed of light.

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"Our Business is Mahoning County"

April 13, 2010



Echogen Power Systems identified a simpler and more cost effective way to convert thermal energy into electricity. Echogen's Thermafficient Waste Heat Engine uses supercritical carbon dioxide (ScCO2) as the working fluid to create a power generating cycle. This results in reduced component size and weight, lowering the overall system cost. (Photo courtesy of Echogen Power Systems).

Innovative system turns waste heat into clean electricity

**SHERRY KARABIN
Special to the Legal News**

Imagine a system that allows industrial and manufacturing companies to save on their electricity costs by recycling the waste heat in their smokestacks and other processes and turning it into clean, emission-free electricity. Echogen Power Systems is now testing and commercializing the technology that does just that.

"When we look at energy security, the United States could create a 20 percent growth in power capacity by simply capturing and re-purposing waste heat for power generation," said Michael Persichilli, vice president of business development and strategic relationships at Echogen. "This will make us less dependent on fossil fuels and have a positive impact on the environment."

The Akron-based company first opened its doors in April 2007 as Rexorce Thermionics Inc. Back then there were about four employees, including CEO and co-founder Philip Brennan, and inventor and co-founder Michael Gurin. The two met in 2004 when Brennan was seeking technologies for a previous start-up he was working on.

Gurin told Brennan about a license that he had obtained from the National Aeronautics and Space Administration (NASA) that involved an untested thermodynamic theory. "He wanted

to use it as a platform to create a business," Brennan said. "It sounded intriguing so we got financial backers and began figuring out a way to test the theory in practice. We hired researchers and engineers and got to work."

While the two explored setting

Within nine months of establishing themselves, Brennan said they not only proved the theory, but they identified a simpler and more cost effective way to convert thermal energy into electricity.

According to Persichilli, Echogen's Thermafficient Waste

over the pronunciation of Rexorce and we wanted to rebrand with a name that evoked the literal and emotional purpose of the company," Brennan said. "The Echo plays off the environmental stewardship in our technology while reinforcing that the power is energy repeated, like

"Akron is a special city. It has the best combination of economic development, access to the type of manufacturing we need, along with employees who have a great work ethic."

*— Philip Brennan
CEO and co-founder*

up shop in a variety of large cities, Akron was their clear-cut choice. "Akron is a special city. It has the best combination of economic development, access to the type of manufacturing we need, along with employees who have a great work ethic," Brennan said. "The mayor has created the right culture and environment to help new businesses, add that to state funding for research and organizations like JumpStart Inc. [nationally-recognized, non-profit venture development organization that focuses on helping early-stage businesses in northeast Ohio] and you can really kick start your business."

Heat Engine uses supercritical carbon dioxide (ScCO2) as the working fluid to create a power generating cycle. This results in reduced component size and weight, lowering the overall system cost. In addition, the supercritical carbon dioxide is non-flammable, non-toxic and energy dense and can be used to operate a system across a broad temperature range of heat sources with higher efficiencies at system sizes ranging from 250 kilowatts to 50 megawatts and above.

The company officially changed its name to Echogen in late January reflecting its new mission. "There was confusion

sound is repeated in an echo. The gen simply stands for the generation of power."

The name change took place about the same time that Echogen began installing the equipment to test the technology at one of American Electric Power's research facilities near Columbus. The testing is being done on a small-scale, commercial-size-generating 250-kilowatt unit that will provide enough power to supply 100 to 150 homes, using waste heat as fuel, without creating emissions.

"It's a pretty impressive piece of hardware," Brennan said. "It

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In this March 5, 2010 photo, a worker on a bicycle rides through the General Motors stamping plant in Parma, Ohio. The plant is so vast that some workers use bicycles to perform their jobs. Stamped parts awaiting shipment fill the racks in the background. (AP Photo/The Plain Dealer, Thomas Ondrey)

GM metal plant bucks industry trend

PARMA, Ohio (AP) — A General Motors metal plant in Ohio has been able to stay strong by focusing on making small car parts that customers never see and are cheaper to ship, officials say.

GM has spent \$60 million installing new equipment and upgrading machines at the Parma Metal Center, which employs about 1,300.

It's in stark contrast to a similar plant in nearby Twinsburg, which Chrysler is closing this summer. The Chrysler stamping plant makes big, expensive-to-ship body panels such as hoods for minivans.

The auto industry has been moving away from large centralized plants — like those in Twinsburg and Parma — that bend sheets of steel into car parts, preferring instead to put metal factories right next to as-

sembly plants.

The idea of making doors in one plant and trucking them hundreds of miles to be installed on a car at another plant isn't cost efficient, said Craig Fitzgerald, an analyst in Detroit with consulting company Plante & Moran.

GM's Parma facility is bucking the industry trend by transitioning to smaller, more generic parts that can be used in a variety of vehicles. The factory has also picked up work from GM plants that were closed as part of the company's bankruptcy reorganization, including one in Mansfield, Ohio.

United Auto Workers and company officials said good labor relations helped the Parma Metal Center transition smoothly to producing smaller, more generic parts. It was one of the company's first to accept con-

tract concessions that eliminated some highly paid skilled-trades positions, allowing the automaker occasionally to hire outside contractors.

Parma plant manager Al McLaughlin said the company's costs in Parma are competitive with those of automotive suppliers that pay lower wages to workers in Mexico or Asia.

Plant managers and union leaders also see each other as partners instead of opponents, said Ken Jelen, UAW Local 1005 shop chairman.

Cathy Clegg, GM's manager of manufacturing in Detroit, said she has sent plant and union leaders from other GM facilities to Parma to see how things are done there.

"Parma has taken a leadership role in sharing lessons learned with several other plants," she said. With the closings and changes to its business, GM wants Parma running at 90 percent capacity by year's end.

Taking on more work has meant installing new equipment, primarily several new robotic welding lines. The company has also dug two large pits and is filling them with concrete, an investment that will lead to the installation of two new stamping presses next year.

If auto sales improve, the plant could also see an increase in employment, especially on the partially staffed third shift.

Business in Brief

Newsmakers in Northeast Ohio

Timken named on Ethisphere Institute's list of the world's 100 Most Ethical Companies

CANTON -- The Timken Company has been recognized as one of the World's Most Ethical Companies for 2010 by the Ethisphere Institute, an international organization focused on the advancement of best practices in business ethics.

Out of a record number of nominations considered by Ethisphere, Timken secured the distinction through consistent demonstration of its foundational value of ethics and integrity, which, along with the core values of quality, innovation and independence, have remained grounded throughout the company's 110-year history.

"This honor goes to the associates of our company, who deliver on our promise of ethics and integrity by the way they serve our customers, shareholders and communities, and build trust in the Timken name," said Chairman of the Board Ward J. "Tim" Timken, Jr. "It takes an unwavering commitment to ethics to achieve sustainable business success. That chain of cause and effect has been at the core of The Timken Company throughout its history, and I'm convinced this basic understanding is fundamental to every great company."

This is the fourth year Ethisphere, an organization dedicated to the creation, advancement and sharing of best practices in business ethics, corporate responsibility and sustainability, has published these rankings, which appear in Ethisphere Magazine's Q1 issue. It is Timken's first time on the list.

Through in-depth research and a multi-step analysis, Ethisphere reviewed thousands of nominations from companies in over 100 countries and 36 industries to determine the winners.

"Timken's promotion of a sound ethical environment shines within its industry and shows a clear understanding that operating under the highest standards for business behavior goes beyond goodwill and is intimately linked to performance and profitability," said Alex Brigham, executive director of the Ethisphere Institute. "This year's World's Most Ethical Companies award was more competitive than ever, because companies realize that making ethics a priority is critical amidst a tough economic environment."

Brigham said, "Compliance or ethics failures add up to more than fees, fines and penalties. The leadership distraction and turnover, forced alteration of a working profit model and heightened scrutiny that resultshow: good ethics means better business."

The methodology for the World's Most Ethical Companies ranking includes reviewing codes of ethics, litigation and regulatory infraction histories; evaluating the investment in innovation and sustainable business practices; looking at activities designed to improve corporate citizenship; and studying nominations from senior executives, industry peers, suppliers and customers.

Blimp City expands to offer bike rentals

AKRON -- Blimp City Bike & Hike ("Blimp City") has expanded its retail space by 1,500 square feet in order to accommodate the introduction of bicycle rentals. Blimp City's 32-bike rental fleet consists of various high-quality offerings from Felt and Kona.

Each adult bike within the fleet comes furnished with fenders, a rear luggage rack and a bell. The rental offerings also include trailers, children's bikes, trail-a-bikes and complimentary helmets.

\$6.1M in Ohio bonds issued for Ford plant makeover

COLUMBUS, Ohio (AP) — Ohio's treasurer says the state has issued \$6.1 million in bonds to support purchase and renovation of a former Ford Motor Co. plant in southwest Ohio.

Ohio Treasurer Kevin Boyce said Friday that the Ohio Enterprise Bond Fund provided the funds to the Industrial Realty Group for purchase and renovation of the 1.9 million square-foot building in Clermont County.

The Ohio Enterprise Bond Fund provides a source of low-cost borrowing for qualified Ohio businesses.

Boyce says renovation of the large facility should help with long-term job growth.

Los Angeles-based IRG will market the facility for use by multiple tenants.

More than 1,700 employees worked at the Ford transmission plant in Batavia Township before it closed in May 2008.

Expect boost in corn production this year

RICK ADAMCZAK
Special to the Legal News

Coming off a record year, Ohio corn growers are anticipating a good crop for 2010, depending, of course, on Mother Nature.

“From the projections I’ve seen from some of the experts, it looks like there will be an increase of about 100,000 acres,” said Dwayne Siekman, executive director of the Ohio Corn Growers Association.

One factor that will contribute to the additional acreage is the smaller winter wheat yield in Ohio, which was about 200,000 acres smaller than 2008 because of a worldwide surplus in wheat and a wet fall.

Demand for corn, too, remains strong, as does demand for soybeans.

“Both crops are going to be up a little bit,” said Siekman.

He said Ohio farmers will likely plant about 3.5 million acres of corn this year.

Demand for corn for exports and for animal feed is expected to be “flat,” but the demand for corn for ethanol fuel continues to rise slightly, Siekman said.

A fifth ethanol plant in Ohio opened earlier this year near Bloomingburg. That plant was in operation before closing for financial reasons and now it has reopened.

Siekman said the federal government is demanding more alternative fuel sources, which is driving up the demand for products, such as corn, that are used to make ethanol.

“The demand is only going to increase,” said Siekman.

Expansion of the U.S. ethanol

industry is expected to continue, “although the pace is assumed to slow from the rapid gains of the past several years ... corn is expected to remain the primary feedstock for U.S. ethanol production during the projection period,” according to a new report from the USDA.

Ohio farmers, mostly because of technology, also are growing more corn per acre than they did years ago.

“Last year we produced more corn than we did during our previous record year on 500,000 less acres,” said Siekman. “We’re producing more on fewer acres.”

Better seeds that are less susceptible to insects or bad weather have contributed to the increase of corn produced per acre.

Other techniques such as fertilizer sampling, where perhaps a parcel of the field doesn’t need to be fertilized, has also helped with corn production.

Prices, meanwhile, are expected to remain at about \$3.50 per bushel.

“It may go lower if there’s an increase in the supply,” said Siekman.

A weaker American dollar, meanwhile, could increase the price.

Of course all of this is dependent on the weather. A wet spring would mean that farmers could switch to soybeans if moist weather persists.

Nationally the U.S. Department of Agriculture predicts that farmers will grow about 88 million acres of corn this year.

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or break an election. Now, while JPM’s credit card business is losing billions and consumer loan losses remain high, its Capital Market group is gaining strength; its trading activity (that controls the price of oil, gold, copper, etc.) is raking in billions; retail margins are expanding; profits from Washington Mutual will soon enrich JPM’s income statement; and its asset management segment bringing in the bucks. JPM has repaid its government loan. Its equity capital ratios are healthy; return on shareholder equity has improved quite nicely; and the shares trade just a bit above its \$40 book value.

JPM is on track to earn \$3.05 this year and may increase its 20-cent dividend to 65 cents. And the Street expects JPM’s earnings, dividends and book value to grow nicely in 2011. So the Street’s consensus is that your 150 shares could ratchet up to \$55 or \$60 in the coming 18 months. Keep the stock, but change banks if you would like to be treated like a valued customer rather than a piney woods redneck.

Please address your financial questions to Malcolm Berko, P.O. Box 8303, Largo, FL 33775 or e-mail him at mjberko@yahoo.com. To find out more about Malcolm Berko and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate website at www.creators.com.
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the Son of Beast wooden roller coaster is shown during a test run before it opened at Kings Island amusement park, a Cedair Fair LP property in Kings Island, Ohio. Cedar Fair LP, one of the nation’s largest operators of amusement parks, on Tuesday, April 6, 2010 said that its plan to go private in a \$635 million takeover by asset manager Apollo Global Management has been scrapped because of a poor response from shareholders. (AP Photo/Al Behrman, File)

Cedar Fair: Takeover not happening

SANDUSKY, Ohio (AP) — Cedar Fair LP, one of the nation’s largest operators of amusement parks, said last Tuesday that its plan to go private in a \$635 million takeover by asset manager Apollo Global Management has been scrapped because of a poor response from shareholders.

“It is apparent that the merger transaction does not have the required level of investor support,” Cedar Fair chairman, president and CEO Dick Kinzel said in a statement.

“We are honored and excited by the opportunity to continue to manage and operate Cedar Fair as a public company,” he said.

Cedar Fair had accepted Apollo’s \$11.50 per share offer in December. The deal followed a tough year of declining attendance and spending at Cedar Fair’s amusement parks, which include Cedar Point in northern Ohio, Dorney Park in Pennsylvania and Knott’s Berry Farm

and Great America in California.

Apollo also agreed to assume \$1.7 billion in Cedar Fair debt if holders of two-thirds of the company’s shares approved the transaction.

Cedar Fair will be evaluating next steps to address its capital situation and remains committed to acting in the best interests of its shareholders, Kinzel said.

With their deal now terminated, Cedar Fair said it would reimburse Apollo \$6.5 million for expenses related to the proposed transaction.

Cedar Fair shares rose 17 cents, or 1.4 percent, to close Tuesday at \$12.37. They have traded in a range of \$6.03 to \$13.56 in the last year.

Spokeswoman Stacy Frole said Cedar Fair “would not anticipate any impact on our summer season” as a result of the termination of the buyout deal.

In his statement, Kinzel noted that the company has already

introduced major new roller coasters at its Kings Dominion park in Virginia at Carowinds in North Carolina.

“We hope to continue this momentum across the rest of our properties and throughout the operating season,” he said.

Once a regional chain, Cedar Fair became an industry giant with its \$1.24 billion acquisition of Paramount Parks Inc. The June 2006 deal added five amusement parks to its lineup, including Kings Island near Cincinnati, but also saddled Cedar Fair with a heavy debt load.

Cedar Fair, based in Sandusky where Cedar Point is located, owns and operates 11 amusement parks, six outdoor water parks, one indoor water park and five hotels.

Among its holdings are Canada’s Wonderland near Toronto, Valleyfair in Minnesota, Worlds of Fun in Missouri and Michigan’s Adventure in western Michigan.

Innovative system turns waste heat into clean electricity

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is the first of its kind at its size. We are not aware of any other commercial system that has been able to produce that much electricity from a supercritical CO2 turbine.”

“We’re very excited about it,” said David Klapp, project engineer at Columbus, Ohio-based American Electric Power. “We are always looking to find better ways to generate electricity. This company has a novel and untried approach and it has a green aspect to it that will let us use the waste heat we emit into the environment to generate electricity,” Klapp said. He said the test phase is expected to run from April to August. “We want to see if it has the potential to function at the levels that we are looking for. If it works it could make us more competitive in the marketplace,” Klapp said.

“The most important aspect of the technology is that it is a

24/7 opportunity to produce electricity with zero emissions, at a very competitive cost structure and is instantly deployable,” Brennan said. “These represent three distinct advantages over solar- and wind-based technologies that receive most of the press. There is nothing glamorous about waste energy, and we are OK with that.”

Once the test at American Electric Power is complete, Echogen plans to move the test unit to another location in Ohio, where it will serve as a more permanent demonstration unit. This will allow the company to conduct long-term reliability tests while generating power from waste heat in a commercial facility.

“Our goal is to install these systems at steel mills, refineries, chemical plants and other energy intensive process and manufacturing plants, as well as in power generation facilities,

recovering the waste heat from their processes, allowing them to produce more power at reduced costs while reducing the overall carbon footprint of their facility,” Persichilli said.

“Depending on who you believe in my family, I’m a fourth or fifth generation entrepreneur,” Brennan said. “I’ve worked for big corporations for many years and was tired of trying to turn the aircraft carrier in another direction. It is more fun sailing our hydrofoil sailboat, allowing the team to move quicker and respond faster to the changing conditions.”

“While we are a for-profit corporation, we are also looking to help improve the community and the country by making us less reliant on foreign resources and more committed to stewardship, by making better use of the energy resources we have.”