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<https://www.in.gov/isda/2352.htm>

## BOARD OF DIRECTORS MEETING MINUTES

**Date:** Wednesday, December 2, 2020

**Time:** 10:30 AM EST

**Location:** Virtual via Microsoft Teams Application

**Type:** Public Meeting

**Notice Posted in Advance:** Yes

**Quorum:** Satisfied

### Meeting Attendees

#### Voting Members of the Board:

Mr. Mike Buis  
Mr. Jim Douglas  
Mr. Dave Howell  
Mr. Randy Kron  
Mr. Ron Reichart  
Mr. Peter Schram  
Mr. Mike Silver  
Mr. Kevin Underwood

#### Non-Voting Members of the Board:

Mr. Philip Gordon  
Mr. Duane Jasheway  
Mr. Harry Wilmoth

#### Excused Members of the Board:

Mr. Joe Caffee  
Mr. Curtis Hill  
Mrs. Kelly Mitchell  
Mr. Mark Wolf

#### Resource Staff:

Mrs. Aubrey Bush, Operations Specialist, Indiana Grain Buyers & Warehouse Licensing Agency  
Mrs. Heather Crockett, Section Chief, Office of the Attorney General  
Miss Leah Harmon, Director of Information Systems, Indiana State Department of Agriculture  
Mrs. Shelby Huff, Policy & Regulatory Affairs Program Manager, Indiana State Dept of Agriculture  
Mr. Bruce Kettler, Director, Indiana State Department of Agriculture  
Mrs. Martha Rubrake, Grain Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency  
Mrs. Dakota Shepard, Grain Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency  
Mr. Dan Wilkins, Grain Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency  
Mrs. Amanda Williams, Deputy Director, Indiana Grain Buyers & Warehouse Licensing Agency

#### Guests:

Mr. Joe Basile, Director of Legal Services, Office of Lieutenant Governor  
Mr. John Baugh, Director of Ag Services Regulations, Purdue University, College of Agriculture  
Ms. Jessica Bricker, Editor, The News-Banner, Bluffton, Indiana  
Mr. Lenny Carpenter  
Mrs. Amy Cornell, Vice President, Bose Public Affairs Group  
Mr. Jeff Cummins, Associate Director of Policy Engagement, Indiana Farm Bureau  
Mrs. Leslie Douglass  
Ms. Jane Hite  
Mr. Jerry Hite  
Ms. Polly Hite  
Mr. Cress Hizer, Principal, INAg, LLC  
Mr. Steve Howell, Senior Director of Industry Affairs, Indiana Soybean Alliance  
Mr. Matt Gilbert  
Ms. Danielle Justine Kratzer  
Mr. Joe Miller, General Counsel, Rose Acre Farms  
Mr. Andy Tauer, Director of Public Policy, Indiana Farm Bureau

Mr. Mark Thornburg, General Counsel and Director of Legal Affairs, Indiana Farm Bureau  
Ms. Taylor Williams, Digital Multimedia Journalist, WANE 15 News  
Four (4) other unidentifiable individuals also attended the meeting

**Call to Order:** 10:36 AM EST

**Roll Call:** Bush conducts roll call that identifies eight (8) voting members and three (3) non-voting members of the board participating via teleconference.

**Quorum:** In accordance to State of Indiana Executive Order 20-04 issued on March 16, 2020, and its extension by State of Indiana Executive Order 20-49 issued on December 1, 2020, all governing bodies of public agencies may suspend the requirement of explicitly adopting a policy for electronic participation and reduce the number of members required to be physically present to one member only. Furthermore, all governing bodies of public agencies may post notice and agendas for meetings solely by electronic means. Wilmoth states eight (8) voting members of the board are participating via teleconference and the required quorum of six (6) voting members is met.

**Chairman's Welcome:** Wilmoth welcomes all attendees to the board meeting.

**Review of Previous Board Meeting Minutes:** Wilmoth states the minutes from the board meeting held on Tuesday, October 6, 2020, had been previously distributed to all members of the Board of Directors ("Board") and asked if any amendments to the minutes need to be made.

Motion made by Silver to approve the previous meeting's minutes as written.  
Seconded by Schram and passed without dissent.

**Indiana Grain Indemnity Fund Update:** Wilmoth provides an update on the Indiana Grain Indemnity Fund ("Fund"). At the time of this board meeting the Fund's November 30, 2020, financial documents are not yet finalized and will be posted online as soon as they are made available. As of October 31, 2020, the Fund's current balance is \$36,389,437.21 comprised of cash and low risk investments. Wilmoth points out the following:

- \$416,312.61 has been expensed from the account for partial payments to certain Agland Grain, Inc., grain failure claimants approved by the Board during its October 6, 2020, meeting.
- November 2020 financial documents are expected to show \$10 million transferred from the Fund's cash account into investments.

**Legislative Session 2021 Outlook:** Cornell and Tauer provide the board with an outlook on legislative matters that Indiana's agriculture industry might expect going into the 2021 session.

**Agland Grain, Inc., Grain Failure:** Wilmoth provides an update on the Agland Grain, Inc., grain failure. He explains the Indiana Grain Buyers and Warehouse Licensing Agency ("Agency") mailed all thirty-five (35) proven claimants approved to receive a partial payment during the board's October 6, 2020, meeting a Subrogation and Assignment of Claim for Grain document. Twenty-six (26) of the approved proven claimants have submitted their completed document and have been issued their respective partial payment. The Agency is trying to contact the remaining nine (9) approved proven claimants a third time about returning their completed form. Wilmoth also explains the Agency is still working to collect on the full bond amount, and through the petitions for review that were submitted disagreeing with the September 8, 2020, Findings of Fact and Final Order.

**Salamonie Mills, Inc., Grain Failure:**

- Wilmoth provides an update on Salamonie Mills, Inc. grain failure. He explains the Agency issued its Findings of Fact and Final Order (“Order”) document to all identifiable claimants on October 26, 2020. All claimants had until November 13, 2020, to postmark a petition for review to the Agency if they disagreed with the issued Order. The Agency received seventeen (17) petitions by the statutory required deadline.
- Wilmoth explains although petitions were filed with the Agency, the Board may still move forward and make partial payments to proven claimants who did not submit a petition disagreeing with the Order. He presents a Partial Payment Recommendation List to the Board asking for approval to pay the respective dollar amount to each individual listed.
- Wilmoth asks if there are any questions from the board and for a motion to approve the recommended partial payments.

Motion made by Douglas for the Board to approve partial payments being made from the Fund, to the individuals identified in the Partial Payment Recommendation List dated December 2, 2020, for the respective dollar amount recommended.

Seconded by Reichart and passed without dissent.

Action Item: Within the next ninety (90) calendar days, mail Subrogation and Assignment of Claim for Grain documents and create partial payments for each of the one-hundred-fifteen (115) proven claimants identified in the Partial Payment Recommendation List dated December 2, 2020, who did not file a petition for review disagreeing with the Order issued on October 26, 2020, assuming all filed petitions for review are unsuccessful.

- Wilmoth explains once partial payments have been fully processed, the Agency will then focus on processing the submitted petitions for review.

**IGBWLA Director’s Report:** Wilmoth reports on the following:

- The Agency started its 2021 moisture meter testing program a little early. Reminder postcards were put in the mail on November 16, 2020. The Agency is asking all licensees and producers to have their applications and fees submitted no later than February 1, 2021.
- Mrs. Chelsea Kirkpatrick, Grain Compliance Officer, left the Agency in November of 2020 to expand her career into agricultural finance. We are thankful for her service to the Agency.
- The Agency received approval to reclassify the Grain Compliance Officer vacancy to create a second Deputy Director position. This new position will oversee the Agency’s statewide auditing program. The existing Deputy Director will transition to oversee the Agency’s licensing program.
- Katie Nelson, Director of Legislative Affairs for the Indiana State Department of Agriculture, will represent the Agency during the 2021 legislative session. Wilmoth offers to make meeting arrangements for members of the Board who would like to speak with Nelson about the upcoming legislative session.

**Adjournment:** 11:25 AM EST

Motion made by Silver to adjourn the meeting.

Seconded by Douglas and passed without dissent.

Adopted by the Board during the meeting on: 03 / 25 / 2021

Chairman’s Signature: Harry Wilmoth