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

BOARD OF DIRECTORS MEETING MINUTES

Date: Wednesday, March 30, 2022

Time: 9:00 AM EDT

Location: Indiana Soybean Alliance Building
1st Floor Conference Rooms A-C
8425 Keystone Crossing
Indianapolis, IN 46240

Type: Public Meeting

Notice Posted in Advance: Yes

Quorum: Satisfied

Meeting Attendees

Voting Members of the Board Present:

Mr. Mike Buis
Mr. Joe Caffee
Mr. Randy Kron
Mr. Gary Neese
Mr. Ron Reichart
Mr. Mike Silver
Mr. Kevin Underwood

Non-Voting Members of the Board Present:

Ms. Kelly Mitchell – represented by Mr. Duane Jasheway
Mr. Todd Rokita – represented by Mr. Philip Gordon
Mr. Harry Wilmoth

Members of the Board Absent:

Mr. Jim Douglas
Mr. Dave Howell
Mr. Peter Schram

Resource Staff:

Ms. Aubrey Bush, Operations Specialist, Indiana Grain Buyers & Warehouse Licensing Agency
Mr. Jesse Cordray, Policy & Regulatory Affairs Program Manager, Indiana State Department of Agriculture
Ms. Heather Crockett, Section Chief, Office of the Attorney General – via Teams
Ms. Renda Green, Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency
Ms. Leah Harmon, Director of Information Systems, Indiana State Department of Agriculture – via Teams
Ms. Shelby Huff, Policy & Regulatory Affairs Program Manager, Indiana State Department of Agriculture
Mr. Bruce Kettler, Director, Indiana State Department of Agriculture
Ms. Katie Nelson, Director of Legislative Affairs, Indiana State Department of Agriculture
Mr. Jordan Seger, Deputy Director, Indiana State Department of Agriculture
Mr. Kyle Shephard, Deputy Director of Compliance, Indiana Grain Buyers & Warehouse Licensing Agency
Ms. Amanda Williams, Deputy Director of Licensing, Indiana Grain Buyers & Warehouse Licensing Agency

Guests:

Ms. Amy Cornell, President, Agribusiness Council of Indiana
Mr. Charles L. Carpenter
Ms. Leslie Douglass
Ms. Claudia Montgomery

Call to Order: 9:03 AM EDT

Roll Call: Bush conducts roll call that identifies seven (7) voting members and three (3) non-voting members of the board to be physically present.

Quorum: Wilmoth states the required quorum of six (6) voting members is met.

Chairman's Welcome: Wilmoth welcomes all attendees to the public board meeting and introduces the following new board member:

Mr. Gary Neese – replacement appointee for Indiana Bankers Association. Neese will serve in Ms. Taylor Griswold-Weigle's place on the board of directors until her current term officially expires on June 30, 2025.

Review of Previous Board Meeting Minutes: Wilmoth states the minutes from the public board meeting held on Monday, November 22, 2021, 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.

Discussion on the matter is as follows:

1. Silver: Page 9, fourth statement by Silver, Silver's comment should be "fiduciary" instead of "judiciary."

Wilmoth: The word will be corrected.

Motion made by Silver to approve the previous meeting minutes as amended.

Seconded by Buis and passed without dissent.

Review of Previous Board Executive Session Memorandum: Wilmoth states the memorandum from the executive session held on Monday, November 22, 2021, had been previously distributed to all members of the Board and asked if any amendments to the memorandum need to be made.

Motion made by Reichart to approve the previous executive session memorandum as written.

Seconded by Kron and passed without dissent.

Indiana Grain Indemnity Fund: Wilmoth provides an update on the Indiana Grain Indemnity Fund ("Fund"). As of February 28, 2022, the Fund's current balance is \$31,747,352.21 comprised of cash and investments. Wilmoth explains \$6.5 million of investments are instantly available for the board, \$10 million will mature over the course of the next nine (9) months, \$12 million is set to mature in 2023, and \$3 million will mature in 2024. He also explains the Indiana Grain Buyers and Warehouse Licensing Agency ("Agency") continues to work through twelve (12) petitions for review that were submitted in the Salamonie Mills, Inc., grain failure.

Expiring Board Members Terms and Appointments: Wilmoth informs the Board about the following expiring terms and reappointments:

- Howell's term will expire on June 30, 2022. Wilmoth has received written notification from the Indiana Corn Marketing Council reappointing Howell to a second four-year term that will expire on June 30, 2026.
- Reichart's term will expire on June 30, 2022. Wilmoth has received written notification from the Agribusiness Council of Indiana reappointing Reichart to a fourth four-year term that will expire on June 30, 2026.

Agland Grain, Inc., Grain Failure:

- Wilmoth provides an update on the Agland Grain, Inc., grain failure. He informs the Board that all petitions for review of the Agency's September 8, 2020, Findings of Fact and Final Order have been resolved. He explains the Agency and the Indiana Grain Indemnity Corporation ("Corporation") are now able to determine the total compensation due to each proven claimant and issue final payments.

- Using the Public Meeting Presentation, Wilmoth explains this grain failure resulted in a total loss of \$815,460.48 to proven claimants. After taking into account the \$643,508.98 in partial payments issued by the Board to thirty-five (35) proven claimants, and in accordance with Ind. Code § 26-3-7, the Agency will issue a total of \$67,486.51 in final payments to proven claimants from collected proceeds, and the remaining \$254,325.11 in proceeds will be issued to the Corporation to repay the over advance in partial payments that was made.

Salamonie Mills, Inc., Grain Failure: Wilmoth provides an update on the Salamonie Mills, Inc., grain failure. To date, the Board has approved and issued \$4,515,708.53 in partial payments to 119 proven claimants. Of all partial payments issued, approximately 99.6% of the checks have been deposited by the eligible claimants. The Agency continues to work through twelve (12) petitions for review related to this matter. If these petitioners are unsuccessful, nine (9) of them are still eligible for certain compensation as stated in the Agency's October 26, 2020, Findings of Fact and Final Order. Under this scenario, the Agency estimates a request to the Fund for approximately \$2.1 million for the nine (9) eligible petitioners.

IGBWLA Performance Review: Seger provides an update on the IGBWLA Performance Review. He informs the Board the Indiana State Department of Agriculture (ISDA) followed the state procurement process and collaborated with Silver and Caffee in drafting the scope of work. After requesting quotes from five (5) vendors, ISDA received two (2) by the final deadline. Both quotes are under \$75,000. ISDA is unable to identify the proposed vendor at this time as the parties are still negotiating contract terms. Seger explains the proposed vendor did submit the lowest bid, operates a food and commodity division within its company, has an office in Indianapolis, and has a work style that is compatible with how the Agency operates. The contract currently being negotiated is for a one (1) year term to complete the work and has the ability to be extended.

IGBWLA Director's Report: Wilmoth reports the following:

- The Agency has commenced its annual grain moisture meter testing program. To date, it has received applications for 561 meters. This is twenty-two (22) less meters compared to the 2021 program.
- A contingent offer has been extended to an individual for the vacant compliance officer position in the Agency's west central territory. The Agency continues to promote the job posting and interview individuals for the vacant compliance officer position in its southwest territory.
- Using the Public Meeting Presentation, Wilmoth informs the Board about the presentations the Agency made to the Indiana Corn Growers Association, Indiana Corn Marketing Council, and the Indiana Soybean Alliance regarding certain laws that will go into effect in 2022 from House Enrolled Act 1483 passed during the 2021 legislative session.
- Using the Public Meeting Presentation, Wilmoth presents to the Board an updated breakdown of Indiana's grain industry. The Agency currently has 205 licensees (123 buyer-warehouse, 77 grain buyer, 3 warehouse only, and 2 grain bank) that operate 344 facilities across the state. Collectively, these licensees have a total licensed storage capacity of 638.8 million bushels of grain. Additionally, ten (10) counties have zero licensed grain facilities, thirteen (13) counties have one (1) licensee operating within the county, and sixty-nine (69) counties have two (2) or more licensees operating within the county.
- Since November of 2018, the Agency has processed three (3) grain failures, recalculated one (1) grain failure, conducted seventeen (17) license closeouts, assisted in three (3) mergers and acquisition deals that affected thirteen (13) licenses, issued eight (8) new licenses, recategorized

four (4) licensees, processed fourteen (14) license amendments, and was unable to approve five (5) initial license applications.

General Public Comment: Prior to the start of the meeting, Ms. Leslie Douglass submitted a written request, and was given, an opportunity to address the Board. Ms. Douglass addresses the Board about the Agland Grain, Inc., grain failure September 8, 2020, Findings of Fact and Final Order; and how the reimbursement process of collected proceeds and the indemnity program are issued to proven claimants.

Adjournment: 10:32 AM EDT

Motion made by Silver to adjourn the meeting.
Seconded by Buis and passed without dissent.

Executive Session: An executive session was held for a discussion of records classified as confidential by state or federal statute (Indiana Code 5-14-1.5-6.1(b)(7)) pursuant to Indiana Code 26-3-7-6.5(d); and for a discussion of strategy with respect to litigation that has been threatened in writing pursuant to Indiana Code 5-14-1.5-6.1(b)(2)(B) following the adjournment of the public meeting.

The following travel vouchers for mileage reimbursement were submitted after the meeting was adjourned:

Name	Amount
Mr. Mike Buis	\$ 61.30
Mr. Joe Caffee	\$164.57
Mr. Jim Douglas	\$ 57.85
Mr. Gary Neese	\$ 67.97
Mr. Ron Reichart	\$ 73.72
Mr. Mike Silver	\$ 54.63
Mr. Kevin Underwood	\$ 79.47
Grand Total	\$559.51

Adopted by the Board during the meeting on: 07 / 15 / 2022

Chairman's Signature: Harry Wilmoth