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## **UNAPPROVED BOARD OF DIRECTORS MEETING MINUTES**

**DISCLAIMER:** *The following minutes of the Indiana Grain Indemnity Corporation Board of Directors meeting held on Tuesday, October 6<sup>th</sup>, 2020, are a preliminary draft of the general substance that was proposed, discussed, and/or decided during the meeting. These minutes are not yet approved and are subject to revision.*

**Date:** Tuesday, October 6<sup>th</sup>, 2020

**Time:** 1:00 PM EDT

**Location:** Indiana Soybean Alliance Building  
1<sup>st</sup> 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:**

Mr. Mike Buis  
Mr. Joe Caffee  
Mr. Jim Douglas  
Mr. Dave Howell – via TEAMS  
Mr. Ron Reichart  
Mr. Peter Schram  
Mr. Mike Silver – via TEAMS  
Mr. Kevin Underwood – via TEAMS  
Mr. Mark Wolf – via TEAMS

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

Mr. Philip Gordon – via TEAMS  
Mr. Duane Jasheway – via TEAMS  
Mr. Harry Wilmoth

#### **Excused Members of the Board:**

Mr. Curtis Hill  
Mr. Randy Kron  
Mrs. Kelly Mitchell

#### **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 – via TEAMS  
Mrs. Regan Holtsclaw, Director of Communications, Indiana State Department of Agriculture  
Mrs. Shelby Huff, Policy & Regulatory Affairs Program Manager, Indiana State Dept of Agriculture – via TEAMS  
Mr. Bruce Kettler, Director, Indiana State Department of Agriculture  
Miss Haley Mood, Deputy Director of Communication, Indiana State Department of Agriculture – via TEAMS  
Mrs. Katie Nelson, Director of Legislative Affairs, Indiana State Department of Agriculture – via TEAMS  
Mr. Jordan Seger, Deputy Director, Indiana State Department of Agriculture  
Mrs. Dakota Shepard, Grain Compliance Office, Indiana Grain Buyers & Warehouse Licensing Agency – via TEAMS  
Mr. Kyle Shepherd, Grain Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency – via TEAMS  
Mrs. Cathy Weeks, Executive Assistant, Indiana State Department of Agriculture – via TEAMS  
Mrs. Amanda Williams, Deputy Director, Indiana Grain Buyers & Warehouse Licensing Agency

#### **Guests:**

Mr. Joe Basile, Director of Legal Services, Office of Lieutenant Governor – via TEAMS  
Mr. John Baugh, Director of Ag Services Regulations, Purdue University, College of Agriculture – via TEAMS  
Mr. Jeff Cummins, Associate Director of Policy Engagement, Indiana Farm Bureau – via TEAMS  
Mr. Dax Denton, Senior Vice President – Government Relations, Indiana Bankers Association – via TEAMS

Mrs. Leslie Douglass

Ms. Katrina Hall, Senior Director of Policy Strategy and Advocacy, Indiana Farm Bureau – via TEAMS

Mr. Cress Hizer, Principal, INAg, LLC – via TEAMS

Mrs. Courtney Kingery, Chief Executive Officer, Indiana Soybean Alliance

Mr. Joe Miller, General Counsel, Rose Acre Farms – via TEAMS

Mr. Andy Tauer, Director of Public Policy, Indiana Farm Bureau – via TEAMS

Mr. Mark Thornburg, General Counsel and Director of Legal Affairs, Indiana Farm Bureau – via TEAMS

Ms. Taylor Williams, WANE 15 News – via TEAMS

Four (4) other individuals attended the meeting as an *Anonymous Guest* via the TEAMS Application

**Call to Order:** 1:05 PM EDT

**Roll Call:** Bush conducts roll call that identifies five (5) voting members and one (1) non-voting member of the board to be physically present, and four (4) voting member and two (2) non-voting members of the board participating via teleconference.

**Quorum:** In accordance to the Indiana Grain Indemnity Corporation (“Corporation”) Board of Directors (“Board”): Board Member Participation by Electronic Means policy adopted on April 23, 2018, at least one-third of all Board members are physically present at the designated meeting site, with four (4) additional voting members of the Board participating via Microsoft TEAMS Application. Wilmoth states the required quorum of six (6) voting members is met.

**Chairman’s Welcome:** Wilmoth welcomes all attendees to the board meeting and explains the COVID-19 social distancing guidelines all attendees must adhere to during the entire meeting.

**Review of Previous Board Meeting Minutes:** Wilmoth states the minutes from the board meeting held on Wednesday, July 22, 2020, had been previously distributed to all members of the Board and asked if any amendments to the minutes need to be made.

Motion made by Douglas to approve the previous meeting’s minutes as written.

Seconded by Buis 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 September 30, 2020, financial documents are not yet finalized and will be posted online as soon as they are made available. As of August 31<sup>st</sup>, 2020, the Fund’s current balance is \$36,775,621.40 comprised of cash and investments. Wilmoth and Jasheway will work together over the next few months to ensure the Fund is able to fulfill upcoming expenses and potential reimbursement payments; and invest the remaining balance to continue generating interest revenue.

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

- Wilmoth provides an update on the Salamonie Mills, Inc., grain failure. He shares with the Board the [Salamonie Mills, Inc., Grain Failure Update Letter](#) that was mailed to everyone who submitted a claim.
- Prior to the start of the meeting, Mrs. Leslie Douglass verbally requested, and was given, an opportunity to address the Board. Mrs. Douglass addresses the Board about the Salamonie Mills, Inc., grain failure. She references a public document that was filed in Huntington County Circuit Court on August 18, 2020, questioning the removal of grain that occurred at Salamonie Mills’ grain facilities. Crockett explains the grain removed is not within the possession of the Indiana Grain Buyers and Warehouse Licensing Agency (“Agency”).

**Agland Grain, Inc., Grain Failure:**

- Wilmoth provides an update on the Agland Grain, Inc., grain failure. He shares with the Board the Agland Grain, Inc., Grain Failure Update Letter that was mailed to everyone who submitted a claim. He also informs the Board two petitions for review were submitted to the Agency by September 28, 2020, disagreeing with the Findings of Fact and Final Order (“Order”) document that was issued on September 8, 2020.
- 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.
- Discussion on the matter as follows:
  1. Buis: What percentage is this of the payment?  
Wilmoth: Just over half.
  2. Reichart: How many have disputed the Order?  
Wilmoth: Two (2) petitions have been filed with the Agency. Neither will receive a partial payment because an agreement has not been reached at this time.
  3. Caffee: Are the dollar amounts of the petitions material the totals presented?  
Wilmoth: The partial payments being recommended for the Board to make assume all petitions are unsuccessful.

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 October 6, 2020, for their respective dollar amount recommended.

Seconded by Schram. Seven (7) in favor. Two (2) abstain. Motion passes.

Action Item: Within the next ninety (90) calendar days, mail Subrogation and Assignment of Claim for Grain document and create partial payments for each of the thirty-five (35) proven claimants identified in the Partial Payment Recommendation List who did not file a petition for review disagreeing with the Order issued on September 8, 2020, assuming all filed petitions for review are unsuccessful.

**Indemnity Program Educational Information Development Project:**

- Wilmoth informs the Board the most recent educational project about the Corporation and the Fund was launched during the first quarter of 2018. This project resulted in creating booklets and posters that were distributed to licensed grain facilities around Indiana. The project will be turning three (3) years old next year. Wilmoth ask if the Board would be interested in researching possible new projects that can be created about the indemnity program and what resources could be utilized to distribute that information. Today’s discussion only asked for the Board’s permission to strictly research potential educational projects that could be undertaken. No actual project is to be executed.
- Members of the Board inquired about: signs posted at grain terminals; utilizing media sources such as AgPress, Farm Week, Farm World, etc.; asking licensees to place footnotes on grain settlements; creating a marketing strategy to communicate to licensees, producers, and banks about the indemnity program; and the responsibility the Corporation would have in a new project.

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

- The Agency completed 596 moisture meter tests this year. This year’s tests included all licensees and some grain producers located around the state.

- Grain Compliance Officer, Dakota Shepard, has been repositioned to work closer with central office operations. This move is anticipated to improve processing and increase Agency output. Dakota can still be seen around the state helping with audits.

Douglas: There may be a movement from Indiana Farm Bureau to change the fifteen (15) month claim period that is currently in law this coming legislative session. I'm of the opinion the Board would like for the claim period to remain unchanged.

Wilmoth: I know there has been talk and I'm unable to confirm one way or the other. If possible, I will ask someone to join us during our next meeting.

**Adjournment:** 2:21 PM EDT

Motion made by made by Caffee to adjourn the meeting.

Seconded by Douglas and passed without dissent.

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

<b>Name</b>	<b>Amount</b>
Mr. Mike Buis	\$ 40.81
Mr. Joe Caffee	\$109.44
Mr. Jim Douglas	\$ 38.08
Mr. Ron Reichart	\$ 50.39
Mr. Peter Schram	\$ 27.89
<b>Grand Total</b>	<b>\$266.61</b>

Minutes submitted by: Aubrey Bush

Adopted by the Board during the meeting on: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Chairman's Signature: \_\_\_\_\_