



One North Capitol Avenue, Suite 600
Indianapolis, IN 46204
(317) 232-1360
<https://www.in.gov/isda/2352.htm>

BOARD OF DIRECTORS PUBLIC MEETING MINUTES

Date: Wednesday, April 5, 2023

Time: 9:00 AM EDT

Location: Indiana Farm Bureau Building
Seventh Floor Conference Room
225 South East Street
Indianapolis, IN 46202

Type: Public Meeting

Notice Posted in Advance: Yes

Quorum: Satisfied

Meeting Attendees

Voting Members of the Board Present:

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

Non-Voting Members of the Board Present:

Ms. Kelly Mitchell – represented by Mr. Duane Jasheway
Mr. Harry Wilmoth

Members of the Board Absent:

Mr. Joe Caffee
Mr. Jim Douglas
Mr. Gary Neese
Mr. Todd Rokita – represented by Mr. Philip Gordon

Resource Staff:

Ms. Aubrey Bush, Operations Specialist, Indiana Grain Buyers & Warehouse Licensing Agency
Mr. Jesse Cordray, Deputy Director of Legislative Affairs, Indiana State Department of Agriculture
Ms. Heather Crockett, Section Chief, Office of the Attorney General
Mr. Kyle Kramer, Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency
Mr. Don Lamb, Executive Director, Indiana State Department of Agriculture
Mr. Jordan Seger, Deputy Director, Indiana State Department of Agriculture
Mr. Kyle Shepherd, Deputy Director of Compliance, Indiana Grain Buyers & Warehouse Licensing Agency
Mr. David Vian, Compliance Officer, Indiana Grain Buyers & Warehouse Licensing Agency
Ms. Amanda Williams, Deputy Director of Licensing, Indiana Grain Buyers & Warehouse Licensing Agency

Guests:

Ms. Megan Anthony, Director of Legal Services, Office of the Lieutenant Governor
Ms. Linda Caley
Mr. Robert Caley
Mr. Bruce Kettler, Chief Executive Officer/President, Agribusiness Council of Indiana
Mr. Mark Thornburg, Executive Director Legal Affairs, Indiana Farm Bureau
Mr. Nathaniel Warenski, State Statistician, USDA, NASS, Great Lakes Region

Call to Order: 9:10 AM EDT

Roll Call: Bush conducts roll call identifying seven (7) voting members and three (3) non-voting members of the Indiana Grain Indemnity Corporation ("Corporation") Board of Directors ("Board") to be physically present.

Quorum: Pursuant to Ind. Code § 26-4-3-4(a), Wilmoth confirms the statutorily required quorum of six (6) voting members is met.

Chairman's Welcome: Wilmoth welcomes all attendees to the public meeting. Pursuant to Ind. Code § 5-14-1.5-4(a), he confirms a copy of today's public meeting agenda is posted at the entrance to the location of the meeting prior to the start of the meeting. Pursuant to Ind. Code § 5-14-1.5-5(a), he confirms the public notice for today's public meeting and executive session was given on March 31, 2023. He confirms no members of the Board are participating in today's meeting via teleconference. Wilmoth also informs all attendees today's public meeting is being recorded. He reminds all members of the Board of the conflict of interest; recusal (Ind. Code § 26-4-3-8.5) and violating confidentiality agreement (Ind. Code § 26-4-3-8.7) sections of the Grain Indemnity Program statute. Wilmoth introduces the newly appointed Executive Director of the Indiana State Department of Agriculture Mr. Don Lamb to the Board. Executive Director Lamb addresses the Board.

Review of Previous Board Meeting Minutes: Wilmoth states the minutes from the public meeting held on November 3, 2022, 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 Kron to approve the previous public meeting minutes as written.
Seconded by Schram and passed without dissent.

Review of Previous Board Executive Session Memorandum: Wilmoth states the memorandum from the executive session held on November 3, 2022, 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 Silver 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, 2023, the Fund's balance was \$32,217,260.27 comprised of cash and investments. He explains since July 1, 2022, the Fund has generated approximately \$300,356 in investment interest revenue and expensed \$111,402.86 as a partial payment to a proven claimant impacted by the Salamonie Mills, Inc., grain failure. Using the [Public Meeting PPT Presentation](#), he outlines the Fund's current investment maturities and potential investment strategy.
- Wilmoth shares an [article](#) with the Board regarding the Iowa Grain Indemnity Fund. Using the [Public Meeting PPT Presentation](#), he highlights specific information from the published article and Iowa's grain indemnity program website.

Expiring Board Members Terms and Appointments: Wilmoth reminds the Board that Caffee, Douglas, Schram, and Underwood's current terms as members of the board will expire on June 30, 2023. He explains their respective appointing associations have provided written confirmation appointing or reappointing each of them to serve on the Corporation's Board for a new term of four years. Their next term will begin on July 1, 2023, and expire on June 30, 2027.

Readoption of 825 Ind. Admin. Code 1-3-2: Wilmoth informs the Board that 825 Ind. Admin. Code 1-3-2 will expire this year and ask if they would like to: (1) readopt the rule as it is currently written; (2) let the rule expire; or (3) amend the rule.

Motion made by Silver to readopt 825 Ind. Admin. Code 1-3-2 as it is currently written.
Seconded by Underwood and passed without dissent.

Salamonie Mills, Inc., Grain Failure:

- Wilmoth provides an update on the Salamonie Mills, Inc., grain failure. To date, the Board has approved and issued \$4,627,111.39 in partial payments to 120 proven claimants. Approximately 99.6% of issued checks have been deposited by the eligible claimants. One (1) partial payment check was never deposited by the recipient and has been turned over to the Unclaimed Property Division of the Office of the Indiana Attorney General. The Indiana Grain Buyers and Warehouse Licensing Agency (“IGBWLA”) will send a letter to the proven claimant informing of this change.
- He informs the Board the assigned Administrative Law Judge (“ALJ”) with the Office of Administrative Law Proceedings has issued an order regarding petitioners alleged conflict of interest improperly influenced and invalidated the decision made by IGBWLA. The assigned ALJ determined: (1) there is no Agency action or IGIC action involving the alleged conflict of interest and thus has no jurisdiction over the issue; (2) “There is no evidence presented that the Director of the Agency, T. Harry Wilmoth, employees of the Agency, or anyone else who is involved in the Agency’s October 26, 2020, decision, engaged in any wrongdoing or that a conflict of interest had any effect on the decision;” and (3) “This court affirms the Agency’s Final Order that Salamonie Mills failed on March 20, 2020.”

IGBWLA Performance Review Update: Seger provides an update on the IGBWLA performance review. To date, Crowe has not reported any notable findings during their review.

ISDA/IGBWLA State Budget Request Update: Seger provides an update on the Indiana State Department of Agriculture (“ISDA”) and IGBWLA state budget request. He explains the recent draft of the state’s biennium budget bill currently allots \$600,000 to IGBWLA and potential investments the division could make to grow its team and further develop its human capital and technological capacities.

IGBWLA Director’s Report: Using the [Public Meeting PPT Presentation](#), Wilmoth informs the Board about recent IGBWLA operations.

General Public Comment: As of the start of today’s public meeting no members of the public submitted a request to address the Board.

Adjournment: 10:07 AM EDT

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

Executive Session: Following today’s public meeting, 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).

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

Name	Amount
Mr. Mike Buis	\$ 37.24
Mr. Dave Howell	\$ 52.92

Mr. Ron Reichart	\$ 66.35
Mr. Peter Schram	\$ 44.88
Mr. Mike Silver	\$ 59.88
Mr. Kevin Underwood	\$ 71.25
Grand Total	\$332.52

Adopted by the Board during its meeting on: 07 / 20 / 2023

Chairman's Signature: Harry Wilmoth