

**CALIFORNIA AVOCADO COMMISSION  
GRIEVANCE COMMITTEE MINUTES  
February 27, 2026**

**CALL TO ORDER**

Al Stehly, CAC Grievance Committee chair, called the Grievance Committee meeting to order at 8:04 a.m. The complete transcript of the February 27, 2026 Grievance Committee meeting is attached to the permanent copy of these Minutes and identified as EXHIBIT A.

**ADJOURN MEETING**

Mr. Stehly adjourned the meeting at 11:47 a.m.

Respectfully submitted,

\_\_\_\_\_  
April Aymami, CAC Director of Industry Affairs and Operations

**EXHIBITS ATTACHED TO THE PERMANENT COPY OF THESE MINUTES**

- Exhibit A      February 27, 2026 Grievance Committee Meeting Transcript
- Exhibit B      February 27, 2026 Grievance Committee Meeting Packet
- Exhibit C      February 27, 2026 Grievance Committee Meeting AB 2720 Roll Call Vote Tally Summary



**EXHIBIT C**

**CALIFORNIA AVOCADO COMMISSION  
AB 2720 Roll Call Vote Tally Summary  
*To be attached to the Meeting Minutes***

<b>Meeting Name:</b> <i>Grievance Committee Meeting</i>	<b>Meeting Location:</b> <i>Hybrid Meeting In-person (Irvine) Online (Zoom)</i>	<b>Meeting Date:</b> <i>February 27, 2026</i>
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Attendees Who Voted	<i>MOTION 26-2-27-1</i>
John Haskett	Yea
Andy Sheaffer	Yea
Al Stehly	Did Not Vote
Outcome	Unanimous

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California Avocado Commission  
Grievance Committee Meeting  
In Re: Norman Kachuck, M.D.

Moderated by Al Stehly  
Friday, February 27, 2026  
8:04 a.m.

UC ANR South Coast Field Station Conference Room  
7601 Irvine Blvd.  
Irvine, CA 92618  
(949) 341-1955

Reported by: Erik Thompson  
JOB NO: 7929443

## A P P E A R A N C E S

1 List of Attendees:

2 Al Stehly, Grievance Committee Chair

3 John Haskett, Grievance Committee Member

4 Andy Sheaffer, Grievance Committee Member

5 Norm Kachuck, M.D., Grievant

6 George Soares, Esq., Kahn, Soares & Conway

7 Ken Melban, President, California Avocado

8 Commission

9 April Aymami, Director of Industry Affairs and

10 Operations, California Avocado Commission

11 Stacia Kierulff, Business Relations Manager,

12 California Avocado Commission

13 Christina Wede, Business Support Manager, California

14 Avocado Commission

15 Rachael Laenen, Chair, California Avocado Commission

16 Ohannes Onnig Karaoghlanian, Board Member, California

17 Avocado Commission

18 John Berns, Board Member, California Avocado

19 Commission

20 Zac Benedict, Marketing, California Avocado Commission

21 Joseph Mark Buhl, Member of the Public

22 Kurt, Member of the Public

23 Matt Nelson, Member of the Public

24 Stephen Sheldon, Member of the Public

1 Chuck Bowman, Member of the Public  
2 Consuelo Fernandez Noguera, Member of the Public  
3 Jennifer Bantle, Member of the Public  
4 Duane Urquhart, Member of the Public

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## P R O C E E D I N G S

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2 THE OFFICER: We're on the record at  
3 8:04 a.m. I apologize.

4 MR. STEHLY: Are you ready?

5 THE OFFICER: [No audible response.]

6 MR. STEHLY: Okay. Good.

7 All right. First, we'll start with the  
8 roll call.

9 John Haskett. John, are you on --

10 MS. AYMAMI: He was.

11 MR. STEHLY: He was.

12 Okay. We'll wait for John.

13 MS. AYMAMI: It shows his name.

14 MR. HASKETT: Good morning.

15 MR. STEHLY: There he is.

16 MS. AYMAMI: There is he.

17 MR. STEHLY: Okay. John, say "here."

18 MR. HASKETT: Here.

19 MR. STEHLY: Okay. Good.

20 MR. HASKETT: Thanks, Al.

21 MR. STEHLY: Andy?

22 MR. SHEAFFER: Here.

23 MR. STEHLY: All right. And I'm here.

24 All right.

25 Introductions. April, you've

1 introduced Erik. I see Ken Melban on. Is there any  
2 other -- oh, and George Soares, our counsel.

3 April, is there any other  
4 introductions? Who else is in the room with you?

5 MS. AYMAMI: Dr. Kachuck is here in the  
6 room.

7 MR. STEHLY: Yes.

8 MS. AYMAMI: And Stacia Kierulff, CAC's  
9 business relations manager.

10 MR. STEHLY: Great. Thank you. And I  
11 did see Rachael, our president, just logged on.

12 Welcome, Rachael.

13 MS. LAENEN: Good morning

14 MR. STEHLY: And Board Member Ohannes.  
15 And Board Member John Berns.

16 Are there any other board members on  
17 the call?

18 Okay. Good. Thank you.

19 We'll start with opportunity for public  
20 comment. Is there anybody in the public that wants to  
21 comment before we get started?

22 All right. Hearing none, we'll go to  
23 the minutes. We've received the minutes.

24 Committee members, I would entertain a  
25 motion to approve the minutes of January 22nd. **Motion 26-2-27-1**

1 MR. HASKETT: So moved.

2 MR. SHEAFFER: I'll --

3 MR. STEHLY: So moved and seconded.

4 All in favor?

5 MR. SHEAFFER: Aye.

6 MR. STEHLY: Aye.

7 So ordered. Thank you.

8 THE OFFICER: I'm sorry.

9 MR. STEHLY: Okay.

10 THE OFFICER: Who -- who seconded?

11 MR. SHEAFFER: Sheaffer. Andy

12 Sheaffer.

13 MR. STEHLY: Thank you.

14 Sorry, Erik. We'll keep -- any time.

15 Just -- all right. Good.

16 All right. We'll begin the hearing.

17 So we had a meeting on the 22nd, where Norm was able  
18 to present his grievances and the committee was able  
19 to ask questions.

20 Part of the grievance procedure is to  
21 offer Norm a chance to have this informal hearing. So  
22 here we are for the informal hearing.

23 After this, the committee will meet at  
24 a announced date -- the three of us -- and it will be  
25 a public meeting, but there will be no opportunity for

1 other people to comment other than at the public  
2 comment part of that meeting -- to deliberate and  
3 prepare our recommendation to the board.

4 And I expect that we would have that  
5 ready to present to the board in June. All right.

6 Norm, do you want to start? Do you  
7 have witnesses? Who's your list of witnesses?

8 Also, I would appreciate it if we stay  
9 to the three issues at hand -- the three grievances --  
10 and try not to stray from that.

11 And if somebody testifying before you  
12 has already said what you wanted to say, it would be  
13 great if you would just, for the record, say that you  
14 agree with the person that already testified so we  
15 don't get too repetitive today.

16 So having said that, Norm, you may  
17 begin.

18 DR. KACHUCK: Thank you for inviting me  
19 to my meeting, everyone. And yes. And I agree with  
20 what you just said, Al.

21 So with that, the minutes, as they were  
22 published, were very important for me to see so that I  
23 could hear what you heard and I could address those as  
24 well.

25 I don't have any specific witnesses.

1 I'd like to just make sure that it's appropriate, if  
2 possible, if some of the attendees have a comment that  
3 they'd like to make. I'd like to be able to recognize  
4 them and be allowed to hear what they have to say in  
5 addition to having you hear them as well, since that  
6 will be very important.

7 This process, of course, is a couple of  
8 years old.

9 And, John and Andy, we've not had a  
10 chance to go through the details that you might have  
11 gleaned from the resources that I provided you.

12 And since, hopefully, the last meeting  
13 on January 22nd, you've had a chance to look at some  
14 of the material. And perhaps we can speak to some of  
15 your specific questions that might've been raised by  
16 that.

17 Obviously, this first grievance -- to  
18 do with the ability of folks to serve on the board --  
19 is something that the management committee is also  
20 dealing with -- and governance committee. And we're  
21 going to potentially be overlapping with issues that  
22 are raised there.

23 The importance, of course, of putting  
24 the grievance in was that these had been in the air  
25 for a while and there had not really been an ability

1 of the board to address them.

2 I think it's clarifying to go back to  
3 the April 16, 2024, letter that we prepared with the  
4 help of Nazak Nikakhtar and had sent to the board at  
5 that time to talk about conflicts of interest.

6 And this goes to what came up in our  
7 January 22nd conversation about recusals versus  
8 abstentions versus how one decides to declare  
9 conflicts of interest.

10 And just parenthetically, one of the  
11 things that we didn't establish for this committee is  
12 whether Andy or John have any conflicts of interest  
13 that they felt they needed to manage in order to  
14 reasonably serve in this capacity.

15 John, Andy, do you have any conflicts  
16 of interest that you managed in order to deal with  
17 this?

18 MR. STEHLY: I'll rule on this, Norm.  
19 We've already answered this question. The committee  
20 members do not have to provide you with conflict of  
21 interest statements. And you have mine.

22 They are fully aware of the conflict of  
23 interest procedures. And they can self -- and they  
24 have said they don't have a conflict of interest. And  
25 so the hearing is not about the committee members.

1 It's what you want to --

2 DR. KACHUCK: Well, actually, Al and  
3 John and Andy, this goes to the point of verification  
4 and self-policing of one's capacity for serving in a  
5 public domain as a representative and someone who is  
6 an arbiter of what governance is going to be  
7 considered appropriate to deal with the issues in  
8 governing.

9 So actually, I'm glad that you feel  
10 that you have no conflicts, but -- and it's very good  
11 to hear, but I'm a bit surprised that there isn't a  
12 formal way -- since this committee is so important to  
13 this process of adjudication that there isn't a  
14 similar ability to demur and to declare formally a  
15 lack of conflicts of interest, since your opinions,  
16 Andy and John, are very important to this process.

17 MR. STEHLY: Okay. So --

18 DR. KACHUCK: So with that said, I  
19 think I'd like to just move along.

20 MR. STEHLY: Okay.

21 DR. KACHUCK: The proximate trigger for  
22 this first grievance was the vote --

23 MR. STEHLY: Excuse me for --

24 DR. KACHUCK: Sure.

25 MR. STEHLY: Excuse me for a second. I

1 want to go back.

2 So just to be clear: committee members  
3 of the board of the California Avocado Commission do  
4 not have to declare conflict of interest.

5 They can have all the conflict in the  
6 world. They are not making decisions. They're merely  
7 making recommendations to the board of directors.

8 DR. KACHUCK: Yeah. And in our  
9 interaction, we learn more about each other and what  
10 is driving our enthusiasm for working together.

11 And it's the sort of thing that I find  
12 important to have articulated. It's very much like --  
13 since I'm a physician, I'm talking to patients and I  
14 find out what they think about dealing with doctors.  
15 It's a very natural part of discourse that's  
16 interactive.

17 So with that said, the reasons for that  
18 vote being something that three of the board members  
19 could not participate in was just the tip of the  
20 iceberg.

21 And I want to make sure that it's  
22 clear, from my standpoint, why the conflicts of  
23 interest issue is so important. And I think because I  
24 see --

25 MR. STEHLY: Norm, do you have any

1 evidence that you're going to present on why those  
2 board members abstained?

3 DR. KACHUCK: It's really not pertinent  
4 to the primary aim here, Al.

5 The point was for whatever state of  
6 mind, whatever condition they decided was appropriate  
7 in their approach to this to force them to not  
8 participate in a vote was the -- that is something  
9 that we would have to have their angels and them tell  
10 us specific.

11 I don't really have an issue with why  
12 they decided not to. And it was a trigger for me to  
13 see that we've got a significant problem in  
14 establishing the balance between the domestic growers  
15 priorities in using the Avocado Commission for their  
16 representation and the import pipeline, where we  
17 have -- of what I pointed out -- and I think it must  
18 be clear -- a really significant amount of  
19 competitive, anti-competitive, and inappropriate  
20 interference with our ability to sell our fruit and be  
21 sustainable, ethically upright, and financially  
22 successful.

23 So that's all that's the issue there,  
24 Al. I appreciate it if we don't defer to that side  
25 issue, which I believe is a red herring. The point

1 is --

2 MR. STEHLY: Well, okay --

3 DR. KACHUCK: -- people decide --

4 MR. STEHLY: Excuse --

5 DR. KACHUCK: -- that they don't want  
6 to vote. And when they didn't vote, it reminded me of  
7 why this Wiley letter was so important.

8 And I'd like to point out in it -- and  
9 I will read some of it too -- why we think that this  
10 is an important issue that was not raised over the  
11 last couple of decades of the Avocado Commission in  
12 allowing the people who identify as producers to serve  
13 on the board even with potential conflicts of interest  
14 and why the problem now has come to the level of a  
15 grievance.

16 In that letter of April 2024 -- I'm  
17 hoping that you've read it -- the board's fiduciary  
18 duties, as stated in the code of conduct and ethics,  
19 is that "Ethical conduct and loyalty are inherent  
20 obligations and board members are expected to act in  
21 the best interests of the CAC and comply with its  
22 policies and procedures."

23 And among the director's duties is the  
24 duty of loyalty, which requires that a director avoid  
25 any conflicts of interest.

1           The commission's conflict of interest  
2 policy defines a decision as having a conflict of  
3 interest "If it is reasonably foreseeable that the  
4 decision will have a material effect, financial or  
5 otherwise, on the person or their family that is  
6 distinguishable from its effect on all persons subject  
7 to the committee's jurisdiction."

8           Thus, just as the commission, acting  
9 through the board, must act exclusively to further the  
10 interest of the avocado industry in California, each  
11 individual board member must avoid any conflict of  
12 interest and act exclusively in the best interests of  
13 the California avocado growers the commission was  
14 intended to represent.

15           And the mission statement in the next  
16 page, for the commission, is "To maximize grower  
17 return by enhancing premium brand position for  
18 California avocados and improving grower  
19 sustainability."

20           The commission's business plan notes  
21 that: "California Avocado Commission has faced a  
22 staggering array of challenges, an ever-expanding  
23 volume of foreign fruit. It constantly exerts  
24 downward pressure on farm gate policies."

25           These words strike the right tone and

1 accurately describe what the commission should be  
2 doing, but they are meaningless unless and until the  
3 commission actually takes meaningful steps to  
4 implement those plans.

5 And based on our and my review of the  
6 actions and inactions of the board and the difficult  
7 competitive position that we are in now, it appears as  
8 if the commission is failing to achieve its legally  
9 mandated purpose and also that some of the board  
10 members are failing to comply with their fiduciary and  
11 ethical obligations.

12 We've been losing ground to foreign  
13 competitors. Despite the economic realities, the  
14 commission has suppressed and has continued to  
15 suppress actions that would benefit California growers  
16 and instead, focusing on efforts to increase the  
17 volume of avocado sales generally and regardless of  
18 country of origin.

19 And that is the opposite of what the  
20 commission's legal mandate -- to fight exclusively for  
21 the interest of California growers.

22 And there are a few notable examples.  
23 There's never been an examination of the trade  
24 imbalances, number one; and the disparities of cost of  
25 doing business between foreign and California avocado

1 growers.

2           When is the last time we established  
3 how much it costs for California producers to grow  
4 their fruit? We have not had any information since at  
5 least 2020. And that was imperfect and well before a  
6 lot of the significant new prices that are being  
7 charged as for water, labor, regulatory oversight,  
8 material came to be. And we haven't had any update.

9           The commission had an opportunity --  
10 when the U.S. trade representative in 2020 was  
11 investigating -- to include avocados in its analysis  
12 of potential threats. And you voted, as a commission  
13 board, to not participate in that.

14           You then had the opportunity to give  
15 support to two state bills -- AB-710 and AB-865 --  
16 that would've included avocados among the fruits that  
17 must meet state labor and environmental standards.

18           It would've provided California avocado  
19 growers with a marketing advantage over its foreign  
20 competitors by highlighting the benefits to consumers  
21 of choosing California avocados over those produced  
22 outside the country and not subject to these  
23 standards.

24           The commission's representative  
25 evidently asked for avocados to be removed from this

1 fruit identified at AB-710 and when approached  
2 concerning 865, the board voted to maintain a neutral  
3 stance.

4 At the same time, the commission's  
5 product promotion strategy can be shown to have had  
6 significant success in assisting the marketing of  
7 foreign avocados, but despite authorizing over a  
8 \$100 million on marketing over the past ten years,  
9 there has been no material benefit to California  
10 growers.

11 This promotion of foreign avocados  
12 occurred in spite of clear evidence that foreign  
13 avocado industry has contributed to the destruction of  
14 the environment through massive deterioration and  
15 erosion and not to mention human rights violations,  
16 deforestation, and devastating impact on climate  
17 change, biodiversity, and species extinction.

18 And then finally, the rejection of the  
19 referendum for the HAB Avocado Board's continuing  
20 process, which Duane Urquhart had pursued in a  
21 grievance.

22 And which -- actually, the note said  
23 Duane was very happy with how quickly it went, but it  
24 must be said -- and Duane has iterated this in the  
25 email that he sent in support -- that that failed

1 completely to address the issue of what was it  
2 about -- the referendum of the Hass Avocado Board that  
3 was antithetical to the Avocado Commission's capacity  
4 for weighing in on whether that referendum was  
5 appropriate for California producers to have some role  
6 in.

7           With that, it's very important to  
8 realize that when our conflict of interest process was  
9 established back when the commission was created that  
10 we were supposed to be represented by a super-majority  
11 of producers on the board.

12           And all board members were supposed to  
13 be aligned in a common mission of promoting the  
14 California avocado industry and not the avocado  
15 industry of any other country.

16           And while it doesn't prohibit producer  
17 board members from having separate interests and a  
18 handler, nor does it prohibit a handler board member  
19 from being involved in the importation and sale of  
20 avocados, those prohibitions were not necessary back  
21 in '78, when the CAC was created.

22           Thus, even though handlers were in the  
23 business of receiving and selling avocados, since the  
24 prohibition, it was essentially already in effect  
25 'cause we weren't getting any. That's no longer the

1 case, as is quite obvious.

2 And with the consolidation and the  
3 corporatization of the monopoly that -- we're now  
4 going to see if the complete alliance between Mission  
5 and Calavo is created that there is a 90 percent or  
6 more in a single set of hands that are going to  
7 control that amount of our national avocado sales.  
8 And that is obviously a trend that we did not see  
9 coming back in 1978.

10 And there have been, up until this last  
11 election, a majority of producer members who are  
12 employees or owners of farm management concerns which  
13 are not growers or have an interest in a handler  
14 entity which is in the business of importing or has  
15 substantial investments in companies engaged in  
16 importing and selling avocados.

17 Any member of the board who has that  
18 sort of financial interest is in direct competition  
19 with California growers and has an unwaivable conflict  
20 of interest, given the commission's mission and legal  
21 mandate.

22 That should be clear. And what I  
23 believe we have pointed out is without needing any  
24 legislative change in what is said in the conflict of  
25 interest statement, people who had had those potential

1 problems in maintaining their ability to advocate just  
2 for producers should have been able to acknowledge  
3 that and to recuse themselves from their eligibility  
4 for running for the board.

5 In contravention to what is said in the  
6 minutes, I did not have any sense that there was a  
7 maximum investment threshold that was required to be  
8 established.

9 What I am going to point out right now  
10 is that everybody needs to be aware that the crisis  
11 for American avocado growers financially is continuing  
12 to rob us of enormous amounts of land, acreage,  
13 producers, and our capacity to maintain a community  
14 here that grows and sells successfully when we have a  
15 foreign pipeline that brings in fruit that we are  
16 unable to differentiate from ours to maintain our  
17 "premium status," if it is Hass avocados that are not  
18 Hass avocados but are varieties that are not  
19 considered pure Hass, even by UC Riverside's  
20 estimation.

21 We have not been able to establish a  
22 way for us to sell at the prices that we require.  
23 What are those prices that we require? The commission  
24 has never established that.

25 What do they need to advocate for?

1 They need to advocate for a capacity of the avocado  
2 growers to make a living.

3 Can we make a living? No. We cannot  
4 make a living, especially seasonally, when certain  
5 parts of California's producers are in direct  
6 competition with the two large crops coming out of  
7 Mexico and now increasingly, from Peru, Chile, and  
8 Colombia.

9 And we've not been able to see the  
10 board create a pathway to look at those things very  
11 closely and do the necessary diligence to protect  
12 their people -- the people who are paying their  
13 salaries; the people whose assessments go to ten to  
14 fifteen million dollars a year in "marketing," which  
15 has been really totally useless in terms of getting  
16 our prices on market.

17 The only reason, Andy and John and Al,  
18 that we've had decent prices in the last five years is  
19 when there has been something so inappropriate, so  
20 totally beyond the pale that the state department --  
21 not even the USDA -- has had to curtail all  
22 inspections and all imports until USDA inspectors were  
23 safe and that they could actually leave the main  
24 highways in Michoacan and Jalisco.

25 We just had one day's worth of a

1 significant increase in price when one of the two  
2 major cartels' leaders was killed by a Mexican force  
3 and thus ensued a major interaction between the two  
4 competitive cartels, as they shot and killed and blew  
5 up each other and their cities.

6 And then the Mexican National Guard  
7 lost at least 25 people. And then they decided all to  
8 calm down 'cause they realized they were going to lose  
9 capacity for import, perhaps.

10 And everybody got scared and backed  
11 down and our prices went back to the dollar-a-pound  
12 range from the dollar-fifty they went up.

13 We need help in doing the kind of work  
14 at that level of effecting what the USDA thinks is  
15 appropriate that the state department pushed them to  
16 do in 2024.

17 And then the USDA didn't want to, but  
18 got forced by the state department anyway to help  
19 protect us -- have to be done again.

20 And those kinds of actions are exactly  
21 what Ken started with at the USMCA, but we've not been  
22 able to get a buy-in from the board saying: "Yes.  
23 Tariffs are one way to do it. Quotas are one way to  
24 do it.

25 "But we really need a real game plan to

1 establish how we are going to achieve sustainability  
2 financially for your community" --

3 MR. STEHLY: So, Norm, while you take a  
4 breath there, you've covered --

5 DR. KACHUCK: Yes. Thank you.

6 MR. STEHLY: You've covered a lot of --

7 DR. KACHUCK: -- thank you.

8 MR. STEHLY: Okay. You owe the  
9 commission \$2 for the water.

10 DR. KACHUCK: So far.

11 Put it on the tab, David.

12 MR. STEHLY: So I'd like you to kind of  
13 try to focus on the three grievances. Maybe -- okay.

14 So you've touched a little bit on the  
15 conflict of interest, but, you know, the trade  
16 imbalance and the Mexican cartels is not part of the  
17 grievances. If we could just try to focus, please.

18 DR. KACHUCK: Well, actually it is, Al.  
19 And as I say all of the intros that I've given: these  
20 are all interacting. They're all folding into one  
21 another.

22 Why do we have a problem with the  
23 handler and shippers here, being on the board and  
24 voting as a block to prevent a lot of the actions that  
25 would protect us by my lacks.

1           It's because they are dependent on the  
2 import pipeline. Why are they dependent on the import  
3 pipeline? Because they have found that it's cheaper,  
4 higher volume, and they are able to sell more and make  
5 more money.

6           Why is that a problem for board members  
7 who are also producers? Because that money is  
8 important for the purposes of their success overall in  
9 maintaining a large consumer enthusiasm for buying our  
10 fruit.

11           But also because there are things that  
12 are happening in that import pipeline that these  
13 companies are involved in that put them in direct line  
14 of fire under threat of coercion, collusion,  
15 corruption that the cartels and the other industry  
16 criminal matrix constituents in Mexico are putting  
17 into their business as packer/shippers to control  
18 their ability to maintain that import pipeline.

19           So the conflict of interest is of a  
20 piece, Al, with the problems that the packer/shippers  
21 who are American but have significant interests in  
22 foreign countries -- financial people and wherewithal;  
23 stock prices; their ability to maintain financial  
24 success.

25           And that is why the conflicts of

1 interest are interacting with that. And why, in  
2 September 7th, when I presented all of these material  
3 pieces, I showed it as a puzzle with interlocking  
4 components.

5 MR. STEHLY: Okay. I --

6 DR. KACHUCK: Is that clear, John and  
7 Andy?

8 MR. SHEAFFER: Yeah. So can I ask a  
9 question here?

10 DR. KACHUCK: Please.

11 MR. STEHLY: Yeah. Yeah.

12 MR. SHEAFFER: Yeah. So I understand  
13 what the point you're making, Dr. Kachuck. And, you  
14 know, looking at the bylaws and the policies that are  
15 set forth that we're kind of operating within, it's  
16 very subjective as to -- I mean you could interpret it  
17 both ways. Right?

18 It could be interpreted that there is a  
19 conflict. There could be interpreted that they need  
20 to recuse themselves from these votes.

21 But I guess the bigger question is is  
22 what specifically -- and this is what -- I think what  
23 we're tasked with here is what violations are you  
24 saying have occurred that we can then go back to the  
25 board and recommend -- apart from changing the rule,

1 you know, at the board level -- so that there is a  
2 clear definition of who should be serving and who  
3 should not be allowed to serve and, you know, what  
4 that language would look like.

5 Like, what we what would you propose  
6 the language should be to prevent what you're saying  
7 is occurring? I think that's really -- because I  
8 think -- from a grower perspective, I can see validity  
9 in your argument.

10 But I think our struggle here is that  
11 we need to have -- I think we're tasked with finding  
12 direct violations of rules that CAC is operating  
13 under.

14 MR. HASKETT: Yeah. It's not -- Andy,  
15 just to follow -- is we're not tasked with making new  
16 rules. We're reviewing whether or not the commission  
17 has violated the rules that are out there and the  
18 policies that are out there.

19 And the scope of your comments,  
20 Dr. Kachuck, is beyond the scope of what we're tasked  
21 with here.

22 DR. KACHUCK: When I submitted a  
23 grievance, the grievance was not to significantly  
24 create a committee to do so.

25 It was for the board to interpret its

1 own statutes in a way that created alliance with its  
2 community's needs.

3 And simply said: when you have a  
4 behavior, when you have a point of view, when you have  
5 a set of personal priorities that you bring into an  
6 elected office then you have to establish, for  
7 yourself and for the community, that you are free of  
8 bias.

9 And we we're seeing this in the Supreme  
10 Court in the court cases about national governance.  
11 When is it and when is a person showing too much bias  
12 to be considered unbiased in their ability to govern?

13 And you're absolutely right, John and  
14 Andy: trying to make a black-and-white  
15 differentiation between acceptable and unacceptable is  
16 like being asked, "Are you a little pregnant or a lot  
17 pregnant?"

18 A lot of it is in the eye of the  
19 beholder. And what we've allowed over the last couple  
20 of decades is the beholder has stopped looking and the  
21 people have stopped considering the impact of their  
22 potential biases on their capacity to govern.

23 What I'm asking is sort of a Jeremiah  
24 and sort of -- are you thinking of what you are  
25 supposed to be doing in serving the Avocado Commission

1 as a board member? And what does it take to  
2 demonstrate that you are capable of doing this?

3 In the grievance, I made specific  
4 example of what I think we could do in order to  
5 establish a reset for what we need to define for  
6 purposes of people considering their eligibility when  
7 they're putting their name in.

8 And that is "Effective immediately" --  
9 and I'm reading now from the stuff that you've got --  
10 any --

11 MR. HASKETT: Dr. Kachuck, we've read  
12 all this. We've been through all this.

13 DR. KACHUCK: Well, then I'm  
14 questioning whether you're understanding what I'm  
15 trying to say, John.

16 Because it is within your purview to  
17 create an ethical stance on what comprises bias and  
18 non-bias for a community and how one develops that  
19 over time in order to establish that the people who  
20 are representing us truly have our best interests in  
21 mind --

22 MR. STEHLY: Isn't that what the  
23 grievance committee is taking up? I don't agree,  
24 Norm. And I agree with Andy and John: our task here  
25 is to evaluate your grievances through the lens of

1 whether the CAC board violated CAC policy or rules and  
2 laws --

3 DR. KACHUCK: Yeah. And I'm saying  
4 that they violated the mandate from the CDFA and the  
5 state in the rule that created the Avocado Commission  
6 concerning conflicts of interest.

7 And I've given specific examples of  
8 when I think the vote -- and we have documentation of  
9 those votes -- were created -- the board's decisions  
10 on them were created in the midst of significant  
11 conflicts of interest for those who voted in a certain  
12 way --

13 MR. STEHLY: Wait. We're trying to --

14 DR. KACHUCK: -- against the best  
15 interests of the producers. And I think that has to  
16 be clear to you guys, especially if you're going out  
17 of business because we have problems with the people  
18 who are American citizens but who are in a financial  
19 position to benefit from the packer/handler import  
20 pipeline as opposed to people who are not there to  
21 benefit. That is as clear as I can make.

22 MR. STEHLY: So I guess -- was it John  
23 or Andy, you had a question? I'm sorry.

24 MR. SHEAFFER: Well, I would just -- so  
25 I mean without showing clear violation, I think -- you

1 know, I mean I understand the tone and the reasons  
2 behind these grievances.

3 And I think we all, you know, are  
4 feeling that and see it and you've seen it in  
5 San Diego County, with the increased costs, and it's  
6 starting to spread north -- and with labor and  
7 everything. And then the market this year is so bad  
8 and then -- ended poorly last year.

9 I think we all are empathetic with the  
10 situation. And I think we all want to be able to  
11 affect change in the system.

12 So I mean I with -- but if we aren't  
13 showing a clear -- if we can't see a clear violation  
14 of the rules, I think the best thing we can do is come  
15 back to the board with recommendations on how the  
16 board can change the rules so that they are more in  
17 alignment with what, you know, the overall membership  
18 thinks is fair and equitable and that they're being  
19 represented by impartial board members.

20 But I don't think we have the ability  
21 to say there's a clear violation here because I  
22 haven't seen --

23 DR. KACHUCK: Well, give me an example  
24 of what a violation would be in a conflict of  
25 interest. Can you?

1 MR. SHEAFFER: Okay. So I'm not -- you  
2 know, I ran this through Grok -- or the last couple  
3 weeks 'cause I've been, you know, going through this.  
4 I've been using AI and trying to query it with  
5 different versions and different prompts.

6 And there is the -- I mean you can see  
7 it. You know, just assuming that AI is relatively  
8 impartial. Right?

9 So you can make the argument that there  
10 is conflict if a handler is on the board and there's  
11 something before the board that involves a more --  
12 maybe a stricter stance from CAC to limit importation  
13 or to lobby for more enforcement of rules and  
14 regulations, I could see that there'd be a conflict  
15 there, you know?

16 And that that member either shouldn't  
17 be serving or they should recuse themselves from the  
18 vote, but I -- you know, so I can see your point,  
19 Norm. I can see that there are some valid issues here  
20 that should be addressed.

21 But our task as far as, I have been  
22 told, is to be able to determine if there's a clear  
23 cut-and-dry violation of bylaws and policies.

24 And that's why I said I think in our  
25 last meeting: the most effective way to implement

1 change is to get on the board or serve on these  
2 committees so that you can spur the conversation and  
3 affect change that way.

4 You know, we don't have the ability to  
5 make rule changes at this committee level. We're just  
6 a -- we only make recommendations.

7 We're going to hear this evidence.  
8 We're going to deliberate I guess just here today.  
9 And then, you know, think about it; ruminate about it;  
10 and then we will make a recommendation back to the  
11 board. I think that's how it's been explained to us.

12 MR. HASKETT: And, Andy, I think right  
13 now the governance committee is in the process of  
14 reviewing some of the rules and the policies of the  
15 board. That's not our charge.

16 MR. SHEAFFER: -- I'm not privy to  
17 that. So, you know, I'm --

18 MR. HASKETT: Yeah. But that's not our  
19 charge either. We're just --

20 MR. SHEAFFER: No. It's not --

21 MR. HASKETT: -- supposed to be -- I'm  
22 agreeing with you that we're just looking for a clear  
23 violation of the existing rules.

24 MR. STEHLY: Yeah. So I just want to  
25 remind John and Andy that we're not testifying here.

1 This hearing is for Norm to testify.

2 If you have any questions of Norm, you  
3 know, that's good.

4 But, Norm, this is not an opportunity  
5 for you to ask questions of the committee. This is  
6 one way. We ask the questions. So --

7 DR. KACHUCK: Well, actually, Al, this  
8 is supposed to be --

9 MR. STEHLY: I'm sorry. Please do not  
10 talk --

11 DR. KACHUCK: -- I think that it's  
12 appropriate for us to have an educational process.  
13 When we have issues like this, I think it's important  
14 to get definitions down straight.

15 I don't want you guys to abdicate your  
16 responsibility as committee members by failing to  
17 exploit this opportunity for change.

18 You don't have to be a board member in  
19 order to be a voter. You don't have to be a big  
20 mucky-muck in order to have an opinion. You don't  
21 have to be one of the few who actually are on the  
22 board to have strong opinions and be able to express  
23 them.

24 And I think that it's important for  
25 this committee to restore member confidence and ensure

1 that our commission's decisions reflect the interest  
2 of assessment-paying producers.

3 And I think that if it's not being  
4 done -- and I have given those examples so far and  
5 others I can -- that I'm sure will come up -- that  
6 it's not worked up till now.

7 And I'm asking you to help restore  
8 confidence. If you want a down vote on the  
9 referendum, you will continue to have failures to --  
10 allied with the grower community to protect them  
11 financially and from extinction.

12 That is as much a charge that you have  
13 as an assessment-paying member as you have as a part  
14 of the grievance committee. And I want you to take  
15 that to heart.

16 Al, that is the bottom line. And I  
17 don't have -- I'm not trying to challenge or confront  
18 people. I want to educate myself. And I'm educating  
19 myself by clarifying what it is I'm hearing from you.  
20 So thank you very much.

21 MR. SHEAFFER: Yeah. Al, I'd just like  
22 to say I mean I think it's important that we're able  
23 sit here and have a discussion.

24 I think that's the only way we're going  
25 to resolve this. If we just sit here and listen to

1 Dr. Kachuck lecture us about his position and we don't  
2 have an exchange then all we're doing is going through  
3 the motions.

4 MR. STEHLY: I'll --

5 MR. SHEAFFER: And I think it's  
6 important that we do have a discussion. And, you  
7 know, I don't think there's anything wrong with  
8 acknowledging some validity on his arguments.

9 DR. KACHUCK: And that's why I came all  
10 the way down from the San Fernando Valley through  
11 terrible traffic to be here with you and in person  
12 with you and see your face and you see my face and we  
13 shake hands.

14 And instead, all I've got is the  
15 electronic versions of beautiful faces. But that was  
16 my investment. So thank you very much.

17 So that's it with that one. We can  
18 now -- if you --

19 MR. STEHLY: I have a couple questions  
20 about this one before we go on.

21 DR. KACHUCK: Yes, please.

22 MR. STEHLY: So you acknowledged this  
23 morning that we are following the conflict of interest  
24 rules as they exist, but that you think the conflict  
25 of interest rules should be changed to preclude

1 anybody with a financial interest in foreign fruit.  
2 Is that correct?

3 DR. KACHUCK: No, Al. It is completely  
4 incorrect. And it's the same thing that you have said  
5 every time. And when I have modified what you have  
6 said, you have not listened.

7 Here is what I am proposing and this is  
8 what is in the words: it is that any person who has a  
9 direct or indirect financial, management, employment,  
10 ownership, contractual, or familial relationship with  
11 any handler, importer, or entity substantially engaged  
12 in the avocado import pipeline shall disclose such  
13 relationship in writing to the commission.

14 The executive committee shall determine  
15 whether the relationship creates a material conflict  
16 of interest.

17 Where a material conflict is found, the  
18 individual shall be considered ineligible to serve,  
19 vote, or remain a candidate pending full review.

20 That is what has been proposed to the  
21 board. That is in clarification of the rule. It does  
22 not have to be changed, which is --

23 MR. STEHLY: Wait --

24 DR. KACHUCK: -- that you cannot have a  
25 conflict of interest that substantially creates a bias

1 that will impact on your capacity for representation.

2           There is no necessary zero tolerance.  
3 There is an ethical requirement that people take a  
4 look at themselves -- their lives; their  
5 responsibilities to their family, to the other  
6 entities that they are part of -- and they need to  
7 help and share how they are managing that and why it's  
8 appropriate or inappropriate for them to be eligible  
9 to be a producer representative on the board.

10           That is what I'm asking, Al. You don't  
11 have to change the rule. You have to change the way  
12 you are conducting your life and accordingly.

13           MR. STEHLY: Okay. So all right.  
14 Thank you for that clarification, but okay. So I'm  
15 still a little confused. So let's use myself as an  
16 example.

17           I'm on the CAC board. I sell fruit to  
18 three different packers that all do importing. So  
19 that would -- by your definition, I am financially  
20 profiting and colluding with a packer that's  
21 importing.

22           So I would have to reuse myself from  
23 the board. Is that the way you are -- that's way I  
24 interpret what you said.

25           DR. KACHUCK: And again, I am not

1 committing us to an absolute prohibition. That may be  
2 necessary in order to clear the decks because, as a  
3 community, we have been hurt; we have been abused; we  
4 have been very, very much challenged, as a community,  
5 by the capacity of the import pipeline to interfere  
6 with our fair trade.

7 If you have that problem, Al, you  
8 declare it; you declare the degree to which it is  
9 impacting; and it goes to a consensus of the community  
10 and the board in order to establish the you do or do  
11 not have grounds for recusal.

12 And that's the sort of thing that one  
13 needs to hear and share so that all of us who are  
14 being potentially injured by that association can hear  
15 your justification and hear why you think that you can  
16 be unbiased.

17 When one is challenged morally to put  
18 yourself in a position of leadership, you attest to  
19 your capacity to be objective, fair, and yielding to  
20 especially necessary compromise in the pursuit of the  
21 aims of the position that you are taking.

22 That's the maturity that I demand from  
23 my leaders. And that is what we were supposed to get  
24 from the conflict of interest process when it was  
25 first established in '78, but we've lost sight of the

1 transparency and the capacity for sharing the degree  
2 to which a conflict is something to manage.

3 I have not heard anything from the  
4 people who were for years the chair of the board how  
5 they managed and why they were able to say that they  
6 could be objective about their capacity to represent  
7 growers when they had significant associations with  
8 non-growers.

9 That's it, Al. And if you want a zero  
10 sum then you get nobody can be hit with any  
11 involvement -- even a dollar of stock. If they want  
12 to be a handler, they can be that. If they're want to  
13 be a producer -- but that's not going to be  
14 reasonable. That's not reasonable law.

15 And we can hear from our legal counsel  
16 that a lot of law comes from standard practice,  
17 expectations for excellence, expectations for fealty,  
18 to moral codes of behavior.

19 And that doesn't have to be always  
20 legislated. Not murdering is important. Slapping a  
21 face or kissing someone inappropriately could be  
22 illegal. But these are gradations. And there's got  
23 to be gradations too.

24 So no. I am not being absolute. And I  
25 am not asking for a "yes" or "no." But in order to

1 get the regaining of the confidence of our community,  
2 it may be in the commission's best interest to put a  
3 zero sum initially and then let people go through the  
4 process of being reevaluated for their capacity to  
5 deal with the conflicts of interest that they have.

6 MR. STEHLY: So you're saying that we  
7 should eliminate all members of the board because they  
8 sell fruit and start over.

9 DR. KACHUCK: Exactly no, Al. You are  
10 continuing to not hear what I'm saying. I'm sorry  
11 that --

12 MR. STEHLY: Well, explain to me how  
13 you sell fruit in this day and age without being  
14 involved with a handler that also does importing.

15 DR. KACHUCK: If you are a producer and  
16 you have a handler, packer, and shipper and you sell  
17 to them then you are not involved in the import.

18 If you have a substantial economic  
19 interest in the ownership of a packer/handler/shipper  
20 then you do have a possible conflict of interest. Is  
21 that clear?

22 MR. STEHLY: Yeah. That's clear.

23 DR. KACHUCK: I'm a --

24 MR. STEHLY: But that's not what you  
25 said in writing.

1                   So, John --

2                   DR. KACHUCK: That is exactly what I  
3 said in writing, Al. And I want to be clear that that  
4 should be, on the face of it, unequivocal.

5                   I have said that people should be  
6 considered having a conflict of interest if they have  
7 these associations.

8                   I am not saying that it is a pox on all  
9 of their houses. I'm saying it has to be managed  
10 ethically with probity. That's it. So you're putting  
11 it into absolutes and I am not. And I have said that  
12 in writing. So no.

13                  MR. STEHLY: Okay.

14                  John or Andy, you have any questions  
15 before we move on grievance one and Norm's testimony?

16                  MR. HASKETT: No. I do not.

17                  MR. SHEAFFER: No.

18                  MR. URQUHART: Do we have any other  
19 comment?

20                  MR. STEHLY: No.

21                  MR. URQUHART: Okay. Right now?

22                  MR. STEHLY: Did you want to comment on  
23 grievance number 1?

24                  MR. URQUHART: Could I, please?

25                  MR. STEHLY: Oh, it's up to Norm. It's

1 his hearing.

2 MR. URQUHART: Norm.?

3 DR. KACHUCK: I'd love to hear.

4 MR. URQUHART: Okay.

5 First of all, Al --

6 DR. KACHUCK: -- I don't have to talk  
7 for a minute.

8 MR. URQUHART: First of all, Al, Andy,  
9 and John, thanks for your time and interest. And I  
10 think I understand your questions and hopefully can  
11 help respond a little bit better because there's a lot  
12 of information to try and sort through.

13 I'm just going to read a portion of the  
14 existing CAC policy. So this is what the policy is.  
15 It's already been adopted formally. It was originally  
16 adopted in 1998 and then reconfirmed in 2016.

17 It has a CAC definition of the conflict  
18 of interest. "A commission member has a conflict of  
19 interest in a decision of the commission if it is  
20 reasonably foreseeable that that decision has a  
21 material financial or other effect that is  
22 distinguishable from the effect on all persons subject  
23 to the commission's jurisdiction."

24 What that means basically is, as a  
25 board member, your obligation is to represent the best

1 interest of the California growers. Okay?

2 If, however, your interest as a grower,  
3 for example, is distinguishable from your position as  
4 potential either owner or investor in a packing house,  
5 you have a conflict.

6 Andy, I think you presented at the last  
7 hearing an excellent question regarding somebody  
8 owning a stock in Walmart, for example. Okay?

9 Basically, if you own a stock -- let's  
10 say Walmart -- and it's in your 401(k) or some other  
11 managed fund that somebody else has control of, you  
12 don't have a conflict, in my opinion.

13 If you have a singular major investment  
14 in Walmart that -- and if you were an experienced  
15 board member, what you would do on any public board or  
16 similar is you would normally consult with -- if  
17 there's an issue on the agenda, you would consult with  
18 the general counsel.

19 And you would ask the general  
20 counsel -- ideally before the meeting -- "Look, I've  
21 got this major investment in Walmart and there's an  
22 issue in which I may have a conflict of interest. How  
23 do you advise me? Do I have a conflict or not?"  
24 Okay?

25 And typically, at the board meeting

1 then you would say, "I've talked to the general  
2 counsel and they've advised that I have a conflict."  
3 Okay? "So I'm recusing."

4 Alternatively, if you have a  
5 suspicion -- or there's no general counsel -- that you  
6 may have a conflict, your obligation is to rule --  
7 basically recuse on the side of conservatism.

8 In other words, you would then disclose  
9 to your fellow board members: "Look, I've got this  
10 investment in Walmart. There may be a possible  
11 conflict." They could give you some input or not or  
12 you could make that decision yourself to recuse.

13 What we've seen over the last five  
14 years is that we have importers that are in producer  
15 seats. They're not just purely growers. They're  
16 growers and importers.

17 And they have been making decisions and  
18 avoiding recognition of the conflict of interest that  
19 they have. And this has been going on at CAC now for  
20 years. All right? And they're big decisions.

21 If you are of the opinion that imports  
22 have no impact, negative or otherwise, for you as, you  
23 know, avocado growers then there's probably not a  
24 conflict.

25 But we just sent Melban back to

1 Washington to try and get tariff relief because we're  
2 getting flooded with imports.

3 And, Andy, you know, to your comment  
4 about Walmart: this would be equivalent of the  
5 Walmart heirs sitting on the Walmart board, making  
6 decisions for their other shareholders.

7 That is a defined conflict of interest.  
8 And that's what's been going on with this CAC board  
9 for the last four or five years. Thank you.

10 MR. STEHLY: All right. Thank you,  
11 Duane.

12 Andy or John, any questions?

13 MR. SHEAFFER: I guess the only  
14 question I would have -- and I think it was -- John  
15 Cornell brought it up in an email to us earlier this  
16 week about -- you know, say Calavo, for instance,  
17 started out as a co-op. And when they went public,  
18 they gave all of their growers shares in Calavo.

19 And then those shares have now passed  
20 down to, you know, subsequent generations. And I  
21 think -- I mean the way I understand it -- 'cause I  
22 don't have any interest in any of these handlers, but  
23 those have to be disclosed now on their conflict of  
24 interest form.

25 And it sounds like what we're being

1 asked is that those members should either not be  
2 allowed to run and then hold seats on the CAC board or  
3 they should recuse themselves from any vote,  
4 essentially.

5 'Cause I mean most of the business that  
6 CAC exists for is to promote the, you know, sale of  
7 California avocado.

8 So is that essentially what the -- I  
9 mean if we boiled it right down, is that -- and I know  
10 that's a specific example, but that's the best I can  
11 come up with.

12 Is that the one of the primary tests  
13 here, as you see it, Norm or Duane?

14 MR. URQUHART: Yeah, Andy. Hi. Again,  
15 another great question. You know, it's a bit in the  
16 eye of the beholder, but let's say one of those  
17 Calavo, you know, shareholders and the like -- okay?

18 Now, maybe I'm the extreme example, but  
19 I've served on a number of boards and commissions.  
20 And first, I wouldn't run for a board where I  
21 knowingly had a conflict.

22 I just wouldn't do that because my  
23 obligation is not to me. It's to the people I  
24 represent. I have to make decisions on what is the  
25 best interest, you know, for those people and the

1 growers. Okay?

2           Having said that, if I was in the  
3 position where I had inherited some Calavo stock -- I  
4 was on the board -- my ethical obligation, as a board  
5 member, is to err on the side of caution and disclose  
6 that ownership. Okay?

7           You know, and twofold: either to the  
8 general counsel, to the board or whatever or make my  
9 own decision, which is: "You know what? I have a  
10 potentiality of a conflict. Okay? So therefore, I'm  
11 going to recuse."

12           You have nine other board members or  
13 eight or seven that are able to make a decision.  
14 Okay? Why would you want to have your decision  
15 criticized by the basis of having some conflict?

16           We've got seventeen-some-hundred. We  
17 can't find ten growers to serve on the board that  
18 don't own ownership or have significant conflicts with  
19 importers?

20           I mean I think that's -- we ought to be  
21 able to find a few honest citizens. And that's the  
22 standard that's at the board and so forth.

23           And, Al, to your point: if you're  
24 selling fruit to an importer, no. Of course you don't  
25 have a conflict of interest and the like.

1           If you have ownership in that importer  
2 then you may have a conflict of interest. And then,  
3 you know, depending on the decision -- if it's maybe a  
4 trade-related decision, you may legitimately have a  
5 conflict of interest and may need to recuse. If it's  
6 other decisions, you wouldn't have to recuse.

7           MR. STEHLY: Okay.

8           MR. SHEAFFER: Thank you, Duane.

9           MR. STEHLY: So I want to go back to  
10 what you're asking here, Norm. And I'm reading from  
11 your memo on grievance number 1 that you sent us.

12                   And it says you're asking for a  
13 temporary suspension of eligibility and candidacy for  
14 any current director or candidate who discloses or is  
15 shown to have a financial, familial, or contractor  
16 relationship with any handler, importer, or entity  
17 materially involved in the avocado import pipeline.

18                   And that's almost every director. I  
19 don't understand. You know, you're saying that's not  
20 what you're asking for. I'm reading it right here.

21           DR. KACHUCK: The next step after --  
22 the temporary suspension was to be done in the face of  
23 the election board members and people to make sure  
24 that -- who are already on the board were being  
25 "re-vetted" or --

1 MR. STEHLY: Yeah. But you asked  
2 for --

3 DR. KACHUCK: -- considering they're  
4 biased --

5 MR. STEHLY: Yeah. You asked for a --  
6 stop, Norm. Stop. Stop. You asked --

7 DR. KACHUCK: Yes, sir.

8 MR. STEHLY: -- for the executive  
9 committee to rule on this, but under your definition,  
10 we would have no executive committee. Explain that to  
11 me.

12 DR. KACHUCK: Well, under the requested  
13 board actions, that was the number one. The number  
14 two is interim election eligibility guidance that  
15 defines disqualifying conflicts; requires  
16 contemporaneous disclosure statements from all the  
17 sitting directors and all current candidates for that  
18 election; and requires automatic administrative  
19 recusal from vote and deliberation where the disclosed  
20 relationship is material to the subject matter.

21 So you got, Al, exactly -- you got it  
22 right on number one -- because we had to stop things  
23 and then we start so that everybody --

24 MR. STEHLY: But who makes the  
25 decisions after we do number one? Because everybody's

1 gone.

2 DR. KACHUCK: You see number two --

3 MR. STEHLY: Everybody's gone.

4 DR. KACHUCK: -- number two, Al.

5 Number two, Al.

6 MR. STEHLY: Yeah. But there's nobody  
7 to make that decision. Who makes that decision?

8 DR. KACHUCK: The executive committee  
9 has to, in 14 days, create eligibility -- interim  
10 guidance that does these next steps so that people can  
11 be evaluated clearly in a way that they may not have  
12 been evaluated for eligibility so that everybody  
13 starts with the same playing field. That's all.

14 So we're saying "time out," Al. We're  
15 not saying "game over." We're saying "time out."

16 MR. STEHLY: You're saying: "Time out.  
17 All board members off the board," but --

18 MR. URQUHART: No.

19 MR. STEHLY: But then you're saying the  
20 executive committee can let them back on the board,  
21 but the executive committee is off the board. I don't  
22 understand so that maybe I'm being -- you know, I'm  
23 reading this literal. I don't understand.

24 DR. KACHUCK: Okay.

25 MR. URQUHART: Al, sorry. I understand

1 your confusion, Al.

2 And, Norm, let me see if I can help out  
3 a little bit. Okay?

4 So if the current board, which I think  
5 is, you know, better composed in terms of having fewer  
6 conflicted members -- if the current board consisted  
7 of all conflicted members or importers, packers,  
8 assuming you consider them conflicted, then, Al,  
9 you're correct. You wouldn't have a committee to be  
10 able to make a decision. Okay?

11 What Norm was I think attempting to  
12 suggest is that in April, when the election was  
13 determined to be rescheduled for the board, that there  
14 was an opportunity to go through the process with the  
15 executive committee.

16 And hopefully, that would mean, you  
17 know, two or three people that are currently on the  
18 board without any conflicts making a decision on the  
19 vetting process or whether any of the bylaws need to  
20 be updated and the all.

21 I mean it wasn't as though the board  
22 was going to be dissolved; it was just that the  
23 election for the board, which had been postponed,  
24 should be, you know, delayed until there was an  
25 opportunity for the board to review the question that

1 you just posed.

2 MR. STEHLY: All right. Well, thank  
3 you for that -- except that this memo came out in  
4 November, prior to April.

5 MR. URQUHART: Mm-hmm.

6 MR. STEHLY: So all right. I don't'  
7 want to keep beating a dead horse here. Yeah. I  
8 don't have any more questions.

9 DR. KACHUCK: I think your horse is  
10 very alive, Al. Congratulations. You have survived.

11 I think Al froze.

12 MR. STEHLY: No. I'm waiting for you  
13 to go.

14 DR. KACHUCK: No. I say what I say.  
15 What would you like to do now --

16 MR. STEHLY: Andy or John, are, are,  
17 are you ready to go on to number 2?

18 MR. HASKETT: Yeah.

19 MR. SHEAFFER: Yes.

20 MR. STEHLY: I mean number 3. Excuse  
21 me. Number 2's been removed.

22 MR. SHEAFFER: Yeah.

23 MR. STEHLY: Okay. Go ahead, Norm.  
24 Number 3.

25 DR. KACHUCK: What we are talking

1 about, of course, is the way that we establish ways  
2 that we define producer and person who causes to  
3 produce.

4           And the important thing here is that  
5 the grievance is -- to your point about is there a  
6 violation or a problem -- is that we have not had a  
7 capacity to make sure that the voters who are voting  
8 from an objective, independent perspective are  
9 eligible to vote and are not being asked to multiply  
10 vote; have multiple ballots because they own or are  
11 associated with entities.

12           And the problem we have historically is  
13 that this is a sort of a compendium where it's an  
14 association of one person, one vote, as per the  
15 democratic process, regardless of how powerful or rich  
16 or how many things someone owns, and one vote.

17           We are a one-person-one-vote country.  
18 And that was the democratic process. However, it gets  
19 a little bit muddied when it is a marketing  
20 organization that votes. And you have people that are  
21 going to be owning a multiplicity of "entities" that  
22 could potentially be considered "individuals" and be  
23 allowed to have a ballot.

24           And that has been a problem that we  
25 have faced since, really, the beginning, but we've

1 really not looked at directly as a way that we are not  
2 getting a legitimate voter count. And --

3 MR. STEHLY: Hey, Norm, could I  
4 interrupt for a sec? Just for clarification: when  
5 you mean "growers," could you say "growers" and not  
6 "we"?

7 And when you mean yourself, you can use  
8 "we." And when you mean "the CAC board," you could  
9 say "the CAC board" 'cause I'm getting confused of  
10 who you're -- and I'm sorry. I'm easy to confuse,  
11 but --

12 DR. KACHUCK: Nom no, Al. I think  
13 that's a good point in this because I identify with  
14 everybody.

15 MR. STEHLY: Okay. All right.

16 DR. KACHUCK: So sorry. Right. We  
17 have not had an audit. Now, the CDFA looks at what  
18 comes to it, but they don't have a way of establishing  
19 the verity of what they get.

20 They just know that a ballot was sent  
21 and a ballot was either returned or not returned and  
22 the person has said that they are not eligible to vote  
23 or it associates that ballot with an entity that a  
24 handler identified.

25 And the problem we've got is personal

1 experience -- and this is me and others that I have  
2 talked to -- have multiple entities with which we are  
3 associated which have been interpreted over the years  
4 as individual entities that qualify to receive a  
5 ballot.

6 And the question that has been raised  
7 is: who is a voter? And it's not an easy question to  
8 answer, but it has not even been attempted to be  
9 clarified and gotten even worse when we -- or more  
10 complicated when we allowed the associated "causing to  
11 be produced" identifier as a person who's voting.

12 What we didn't do is go back to the  
13 packer/handler and say: "Who are these entities? And  
14 is it a single owner for multiple entities?

15 "Or if they're have a partnership or if  
16 they have a parcel number or some other way of being  
17 identified, are they allowing themselves to be  
18 multiply validated and really then creating an  
19 inappropriate redundancy?"

20 And that is really the bottom line  
21 question for me in the way that we have established  
22 our voter eligibility process.

23 And what I asked in this grievance is  
24 that we have to look at this anew and decide whether  
25 if a person is an individual with an ownership; if

1 they own a corporation; if they're part of a  
2 partnership, a trust, an LLC, any other legal entity  
3 then they could be receiving ballots for every one of  
4 those.

5 And it also should include if they have  
6 parcel numbers that are associated with named groves  
7 that the handler identifies with the fruit being taken  
8 out of the groves and into their packing house.

9 So the question was: how do we move  
10 ahead on clarifying for the Avocado Commission and the  
11 CDFA's and our membership's purpose what can be an  
12 eligible voter identification and what cannot.

13 One of the ways that can always be a  
14 established is you put April on this task and let her  
15 work for months and months and months, trying to get  
16 the handlers to identify who they've got and whether  
17 there's redundancy.

18 And she does her best, but it's not  
19 been enough to prevent a lot of overlap -- or at  
20 least, multiplicity.

21 So I've asked for a process that would  
22 be formalized that the commission could create that  
23 looks at the ways that we identify single legal owners  
24 that hold multiple named groves; multiple parcel  
25 numbers; multiple legal entities and in those

1 situations whether duplicate ballots have been issued  
2 to those owners without correction.

3 And it can be redacted for privacy  
4 purposes. So we can indicate the methods and  
5 instances -- identify instances -- identified without  
6 getting names 'cause we can use an independent third  
7 party. I mean election process have -- and throughout  
8 the country third-party independent companies that do  
9 this sort of thing.

10 And the question was; can the  
11 commission find a way to use some of our money to  
12 establish the bona fides of how we have identified our  
13 voters.

14 MR. STEHLY: Okay. So I have a  
15 question and then I'm going to turn it over to Andy  
16 and John for questions as well.

17 So can you identify where in our rules  
18 and regulations and bylaws it says that one person  
19 cannot own multiple entities and have multiple votes?

20 MR. HASKETT: That would've been my  
21 question as well. I'm not aware of that.

22 DR. KACHUCK: In our current  
23 definitions, a producer or a person who causes to  
24 produce has to be limiting to assessment-paying owners  
25 of record.

1           That is what we have said. We don't  
2 accept proxy voting. And we don't accept simply a  
3 nonindividual entity.

4           MR. HASKETT: But if you have --

5           MR. STEHLY: Wait --

6           MR. HASKETT: -- if you have a legal  
7 entity and by virtue of their harvest, they're paying  
8 dues. Tell me how that falls into conflict with that.

9           DR. KACHUCK: Well, the question would  
10 be: is it fair if a person has multiple entities and  
11 they create multiple entities for the purpose of  
12 voting, whether they are creating a malpractice  
13 opportunity. As one would expect --

14           MR. HASKETT: So we keep coming back to  
15 this, Dr. Kachuck. Our charge here is not to decide  
16 what is fair or not. We're charged with finding out  
17 if the commission has violated their rules.

18           And I appreciate the input, but I would  
19 ask you to view it from our lens in that this is our  
20 charge. This is what we've been asked to do.

21           And we're volunteers. We didn't -- you  
22 know, we're doing the best we can, but we're also --  
23 we've got white lines that we need to stay between.

24           MR. SHEAFFER: Yeah.

25           DR. KACHUCK: Absolutely, John. And

1 what I think I'm asking is for help in asking the  
2 board that question: is it our intention to have  
3 people who have representation for multiple entities  
4 able to -- are they able to vote for all of those  
5 entities or do they just vote for themselves as a  
6 person?

7 And I'm asking the grievance committee  
8 to go back to the board with that question because I  
9 don't think it's been reasonably clarified.

10 And I think, from my standpoint,  
11 there's a potential "modifiling" -- a bad way of  
12 creating a voter block that allows a person to have  
13 multiple votes because they have a lot of money; that  
14 they have a lot of entities; that they are controlling  
15 those entities, but it's still them.

16 And that is a simple of question -- and  
17 I think if there's a violation, we really have to have  
18 discovery because we've never had an established set  
19 of reporting, John, that says, "This is a person who  
20 got a ballot, but that person also is the president of  
21 this and is voting putatively for that; that they have  
22 several groves, all of which they own; that they are  
23 allowed to vote for multiply." Is that what we  
24 believe is fair practice?

25 MR. STEHLY: No --

1 DR. KACHUCK: I'm asking you to ask the  
2 board whether they believe that something has gone  
3 wrong in the process.

4 MR. STEHLY: Okay. But John's right;  
5 so --

6 DR. KACHUCK: And I'm right.

7 MR. STEHLY: Wait. All right.  
8 Whatever -- that our decision here, you know, when we  
9 meet again, is whether, you know, the commission has  
10 violated policies, rules, or bylaws.

11 So again, I ask you if you could point  
12 out where I -- and, you know, there's board members on  
13 this call. So they've heard your requests to review  
14 this.

15 And I think what you are asking is more  
16 appropriate at a board meeting or at the governance  
17 committee.

18 But for our committee, can you point  
19 out where it says that a person -- Norm Kachuck cannot  
20 have multiple entities and multiple votes?

21 DR. KACHUCK: It's a governance  
22 problem. You're absolutely right, Al. One person can  
23 control multiple votes by structuring ownership  
24 through multiple entities.

25 MR. STEHLY: Okay.

1 DR. KACHUCK: And I think if one  
2 defines a grievance as a concern then I have  
3 registered my concern.

4 The beneficial owner of entities is  
5 really a problem in the equity of our voting process.  
6 So to the extent that the violation is we are  
7 disempowering the people who cannot afford or do not  
8 have the capacity to have multiple entities.

9 And you're reducing the value of their  
10 vote. And that is not a democratic voting process.  
11 And that is, I think, of such enormous concern to a  
12 membership-related community like ours that it  
13 warrants a significant amount of time spent in facing  
14 it and attempting to rectify -- or at least, answer  
15 the questions.

16 MR. STEHLY: Oh --

17 DR. KACHUCK: There are a lot of ways  
18 that one can do it. And I've given that "as the CAC  
19 voted" conundrum to you. I sent that as a  
20 clarification last night, though it may not have  
21 gotten to you in time for this.

22 But there are several fixes that I have  
23 recommended, along with Rick Carey, who helped me.  
24 And fix one would be a natural person equals one vote.  
25 That's the hardest.

1 MR. STEHLY: Excuse me. We'll pass  
2 that on to the governance committee with your  
3 permission.

4 But we want to stick to violations in  
5 this testimony. So could I bring you back to the  
6 audit part of this grievance -- that CAC has not  
7 conducted an audit?

8 Can you explain where that is mandated?  
9 You know, many people may think that an audit is a  
10 good idea, but is it mandated? If you could explain  
11 that.

12 DR. KACHUCK: The causing to produce or  
13 produce is a validation that the Avocado Commission  
14 and the CDFA take on on trust from the handler/packer  
15 who submits the name.

16 And what we're not clear on is what the  
17 verification path is to establish that voter identity.  
18 And the CDFA has not done that because it doesn't see  
19 it as its responsibility.

20 What I asked is that we verify that  
21 people who are designated as producers or cause to  
22 produce are legal owners or otherwise allegedly  
23 legally eligible voters, including documentary  
24 standards that we would accept, including recorded  
25 deed; current tax bills; assessments; payments;

1 certified corporate LLC resolution; or notarized power  
2 of attorney.

3 And I think that that's the sort of  
4 clarification that we would expect the Avocado  
5 Commission to need. And that was my request on that.

6 MR. STEHLY: Okay. So you're  
7 requesting that we add that, but can you point to what  
8 is in the current rules, regulations, and laws that  
9 that is being violated on the audit process?

10 DR. KACHUCK: Well, it says "Person  
11 that produces." And that person is a person -- a  
12 single person. You are not multiple persons.

13 So actually, in our wording, we have  
14 already said something that we don't follow, which is  
15 a person produces. And if a person produces -- only  
16 one person -- then they get that vote. So there it  
17 is, Al.

18 MR. STEHLY: Okay. Thank you.

19 John or Andy, any questions?

20 MR. HASKETT: Do not.

21 MR. STEHLY: Okay.

22 All right. Thank you, Norm. Anything  
23 else on grievance 3? If --

24 DR. KACHUCK: No. It was part of our  
25 Public Records Act request also. And that grievance

1 concerning the Public Records Act disclosures is not a  
2 part of the present grievances. So that's going to  
3 have to wait.

4 MR. STEHLY: Okay.

5 DR. KACHUCK: Thank you very much.

6 MR. STEHLY: Why don't we take a  
7 ten-minute break. Resume at 9:42. Appreciate  
8 everybody's patience and we'll resume at 9:42, if  
9 that's okay with you, Norm.

10 DR. KACHUCK: Yes. It is. Thank you.

11 THE OFFICER: Okay. We're going off  
12 the record at 9:32 a.m.

13 (Off the record.)

14 THE OFFICER: All right. We're going  
15 back on the record at 9:43 a.m.

16 MR. STEHLY: Thank you, Erik.

17 Okay, Norm. We've concluded on  
18 grievance number 3. We're on grievance number 4:  
19 failure to address criminal, ethical, and trade risks  
20 in the import pipeline.

21 You want to summarize your grievance  
22 and present any evidence to support that?

23 DR. KACHUCK: All right. This is to do  
24 with the import pipeline and how it's been identified  
25 as an industry that has multiple organizations in it

1 that include bona fide innocent farmers and others in  
2 the task of getting the fruit grown, picked,  
3 trans-shipped to packing houses, and then exported out  
4 of the country to us.

5 And the problem we've got is over the  
6 years, we have a lot of documented evidence and  
7 reporting that that industry pipeline is full of  
8 trouble.

9 And it's one of the things that has  
10 been, of course, reasonably of concern for potential  
11 violations of trade agreements like NAFTA and then  
12 USMCA. But also --

13 MR. STEHLY: When you say "we have  
14 evidence," are you referring to yourself or CAC?

15 DR. KACHUCK: I'm saying America.

16 MR. STEHLY: All Americans. Okay.

17 DR. KACHUCK: Because it's published.

18 And so yes. I would imagine that since you're all  
19 citizens and you read and you're interested that it's  
20 your information too.

21 And, Al, I've got this lengthy and  
22 regularly-updated referenced list of resources from  
23 press and other publications to substantiate this. So  
24 I'm sorry. Yes. The royal "we," once again, is a  
25 problem. I'll try to be more specific.

1           I have found and have shared a lot of  
2 publicly-available information that talks about  
3 violations of sustainability and environmental  
4 protection pledges -- legal ownership and potential  
5 illegal business practices; documented association or  
6 direct facilitation of organized crime; cartel  
7 violence; counting of corruption; drug trafficking;  
8 and money laundering in the avocado producing regions  
9 of Mexico; deliberate high volume export of fruit that  
10 could be dumping or a violation of other unfair trade  
11 practices that depress the capacity of our domestic  
12 product to be sold competitively; and related human  
13 rights and ethical business violations.

14           So the problem that I pursued as a  
15 grievance is that we've really not been able, up until  
16 Ken's deposition at the USMCA, to have investigation  
17 that the Avocado Commission could use to condemn these  
18 practices; pursue, request, or permit independent  
19 investigation that would corroborate and document how  
20 these conditions affect our industry.

21           And with that association and we  
22 have -- being our lobbying representative to the  
23 federal and state departments and elected officials  
24 referred to appropriate law enforcement, trade, and  
25 regulatory agencies for potential investigation and

1     ratification.

2                     And of course, part of this is then  
3     also an Hass Avocado Board referendum so that we could  
4     establish: "Do we, as a community, believe that they  
5     are doing the work that we hope their priorities would  
6     bring them to in establishing the relationships that  
7     we have that are to what I believe is a permissive  
8     trade environment, bringing conflict fruit into the  
9     U.S. market?"

10                    And that all of this has really put us  
11     in imminent and sustained financial peril. It is  
12     using our marketing funds that go to the HAB and then  
13     come back to us punitively for our ability to  
14     differentiate our fruit and our practice of growing  
15     and developing it and even distributing it.

16                    You know, and we're in competition with  
17     group -- a whole import pipeline that does not follow  
18     the same statutes and limitations on their ability to  
19     control through nefarious means.

20                    And it hasn't been a part of the  
21     marketing profile that -- it should reasonably be  
22     considered part of the Avocado Commission's program to  
23     make sure that the consumer knows what they're buying  
24     and bringing into their houses and feeding their  
25     families.

1           So with that said, what I've said in  
2 the grievance is that we have, as an Avocado  
3 Commission, a duty to represent and protect California  
4 producers an act in our economic and biologic security  
5 interests.

6           And that we do have obligations, if we  
7 discover them, to report credible, criminal, or  
8 unethical, or illegal activities.

9           And that, in addition to working with  
10 USDA and APHIS on phytosanitary inspections, we really  
11 need to look at the inability of the import pipeline  
12 to document compliance with the regulatory  
13 requirements that govern our country's -- and  
14 specifically, California's quality laws.

15           We have worked with the USDA to get  
16 phytosanitary inspections, but, as been pointed out,  
17 when we did that back in the '70s and got it all  
18 started and moved, the regions of the United States  
19 that could receive and sell Mexican avocados further  
20 west as we thought phytosanitary issues were being  
21 dealt with -- it was a time when there was practically  
22 no imports.

23           Now we've got an enormous, overwhelming  
24 amount of import to be monitored. And frankly, the  
25 USDA is completely undermanned and unable to have

1 prevented a variety of pests from coming in and new  
2 pests from coming because they just don't have the  
3 wherewithal to put people on and monitors in -- boots  
4 on the ground, let alone at the border.

5 So we have moved towards deforestation  
6 prevention and use of the deforested land that was  
7 burned or taken over or solely exploited for avocado  
8 growing, in violation of a lot of environmental  
9 precepts and the trade pacts.

10 And that we need to, as an Avocado  
11 Commission representing our domestic growers, realize  
12 that this is a significant way that we have of  
13 exercising our right to monitor and have influence  
14 over our market.

15 So the implications are: we need a  
16 supply chain due diligence; we need third-party  
17 auditing of sourcing zones; and full -- full -- chain  
18 traceability certifications; we need to have our  
19 frameworks, as a United States marketing sector,  
20 aligned with guiding principles on business and human  
21 rights that the United Nations has had; to verify that  
22 our avocado competitors are free from criminal  
23 interference, not to mention our own; and we need to  
24 make sure that the security protocols exclude local  
25 actors compromised by organized crime, corruption,

1 extortion, water and resource theft, assassinations,  
2 and oppression of foreign growers, not to mention the  
3 discovery grounds to get the justification for  
4 targeting or restrictions or sanctions on imported  
5 products lacking transparent, safe, sustainably,  
6 ethically-sourced, cartel-free certification.

7 MR. STEHLY: Thank you, Norm. So I  
8 want to preface my questions by saying -- and I think  
9 Andy said the same thing -- is -- I'm empathetic to  
10 your points and may or may not agree with them as a  
11 grower.

12 But I've got the committee hat on here.  
13 So I need to look at this through the lens of whether  
14 or not policies have been violated.

15 And I also want to preface by saying  
16 you make a lot of good points, but my job as a  
17 committee member is -- and I need you to help me with  
18 this -- is to figure out whether the commission has  
19 violated its charter, its laws, or its policies by not  
20 reporting or investigating Mexican avocados or  
21 imported avocados.

22 DR. KACHUCK: Yeah, Al. This is an  
23 uphill battle for me, too. Really, a learning process  
24 because my issue, of course, is our survival.

25 And to the extent that the Avocado

1 Commission is my representation to the nation for my  
2 community that I feel is under threat, I bring those  
3 issues to the Avocado Commission in hopes for some  
4 participation in acts of protest and policy-making at  
5 the level of our government and oversight groups to  
6 ensure that we are not being unfairly competed with.

7 We've got this mission statement and it  
8 says "Improving grower sustainability." And that  
9 means executing policies to benefit our members.

10 But we have many instances where it has  
11 moved to suppress actions which would've benefited  
12 growers, which we've already talked about, while  
13 advocating for and operationalizing proposals to  
14 increase the volume of avocado sales regardless of  
15 country of origin.

16 And we've spent a lot of money -- a lot  
17 of money -- on the marketing without success. And so  
18 I would give those the credence that they require and  
19 recognition that they require and say the commission  
20 has been neglectful in maintaining its mission mandate  
21 to protect us.

22 And I don't know whether that qualifies  
23 as a violation. It certainly is a violation for me  
24 because I have no other official organization  
25 representing me, as an avocado grower.

1           And this is an existential threat to  
2 the entire California avocado-growing industry. There  
3 is no other place to go. The CAC is a one-stop shop  
4 for these sorts of things.

5           And I'm appealing for help because I  
6 would like to continue to pay an assessment for a  
7 while, but, frankly, over the last five years -- and  
8 I'm large. I'm loaned up to the hilt. I have trouble  
9 meeting payroll. And my expenses have risen  
10 enormously.

11           And I need advocacy. I need powerful  
12 organizations like the Avocado Commission to ally with  
13 people who can make a difference in power. And that's  
14 the reason for this process.

15           MR. STEHLY: Okay. Thank you.

16           John, Andy, questions about failure to  
17 address criminal, ethical, and trade risks in the  
18 import --

19           MR. SHEAFFER: Yeah. I'm just  
20 wondering if it's in our purview here to -- you know,  
21 when we report to the board, if we can make  
22 recommendations. I mean are we just tasked with  
23 finding if there's been a violation?

24           Or can we make recommendations for the  
25 board to consider in future action, you know? And,

1 you know, for example, some of these -- I think we all  
2 have a certain level of agreement with a lot of these  
3 issues, especially this grievance number 4.

4 I'm just wondering what our purview is  
5 here. What are we allowed to do?

6 MR. HASKETT: So, Andy, I'm taking it  
7 from the position that our charge is pretty clear, but  
8 if we want to make recommendations, I suppose we just  
9 make them. And if they're received, they're received  
10 and acknowledged.

11 And if they're not -- you know, if  
12 we're operating beyond our charge, you know, I can't  
13 tell you what the board's going to do. I'm not a  
14 board member.

15 MR. STEHLY: I agree, Andy. I think  
16 you brought it up at one of our previous meetings.  
17 None of the three of us want to -- well, we've spent  
18 an inordinate amount of time on this, reviewing all  
19 these documents in these hearings.

20 We don't want to just -- I think  
21 recommendations to improve the Avocado Commission are  
22 always appropriate. Always. Every day.

23 MR. SHEAFFER: Yeah.

24 MR. STEHLY: And so if we come out of  
25 this process with some recommendations apart from our

1 decisions, I think that's totally appropriate, as  
2 members of the growers and as members of this  
3 committee.

4 MR. SHEAFFER: Okay.

5 MR. HASKETT: I'd rather ask  
6 forgiveness than permission any day; so --

7 MR. STEHLY: Yeah.

8 MR. SHEAFFER: Okay. Well, I think  
9 that -- I mean I think when it comes down to it, I  
10 think, you know, if we haven't found any clear  
11 violations, I think that's one thing.

12 But I think if any of us see any  
13 validity to any of those grievances and we can include  
14 that in our report, I think that would -- I think it's  
15 important for the current board to see and for future  
16 boards to have, as some background.

17 And, you know, because I think it's --  
18 well, most of these issues are relevant to, you know,  
19 the continuation of our industry. And I think it's  
20 important that, you know, we acknowledge them.

21 MR. STEHLY: I agree.

22 Do either of you have any questions for  
23 Norm regarding this?

24 MR. HASKETT: I do not.

25 MR. STEHLY: I --

1 MR. SHEAFFER: No. No questions.

2 MR. STEHLY: Norm, do you have anything  
3 else to present?

4 DR. KACHUCK: It's hard to believe that  
5 as much as I write about stuff, I may not have  
6 anything more to say about it, but --

7 MR. STEHLY: That's okay.

8 DR. KACHUCK: I think we might've  
9 reached even my limit.

10 MR. STEHLY: Okay. So, you know, if  
11 this was just three guys, Norm, you know, that had to  
12 get -- Andy, myself, and John to get together -- we  
13 would probably take a five-minute break and then start  
14 talking about what we're going to recommend to the  
15 board.

16 But we have to follow the rules and  
17 we're going to do it at a later time. And we'll let  
18 Ken and April help schedule us for that. You're  
19 welcome to attend, but I don't think we'll be taking  
20 any more comment.

21 You've asked us to include all the  
22 correspondence you sent last night and in the last  
23 couple days. I think that's totally appropriate. And  
24 of course we'll do that. Of course.

25 My question for Andy and John is: I

1 don't want to us to get our calendars out here.  
2 That's more complicated. We'll let Ken and April do  
3 that.

4 But what's your guys' preference for  
5 the deliberation? Do you want to do it in person or  
6 would you want to continue it hybrid? My preference  
7 would be in person if yes --

8 MR. SHEAFFER: Mine would be as well.

9 MR. HASKETT: And I can make that  
10 happen. It's significant. It's important.

11 MR. STEHLY: And --

12 MR. HASKETT: Dr. Kachuck has put an  
13 enormous amount of energy.

14 MR. STEHLY: Yeah.

15 MR. HASKETT: We, correspondingly, have  
16 as well.

17 MR. STEHLY: Yeah.

18 MR. HASKETT: And yeah. I think it  
19 deserves an uninterrupted face-to-face amongst the  
20 committee members.

21 Dr. Kachuck, I'm sorry I didn't get to,  
22 you know, meet your need or desire for a face-to-face,  
23 but I think that, as a committee, we can probably get  
24 together.

25 DR. KACHUCK: It's a good thing I like

1 driving my car.

2 MR. STEHLY: Okay.

3 DR. KACHUCK: Yeah.

4 MR. STEHLY: Yeah. I apologize as  
5 well, Norm. I thought that the Zoom would be more  
6 convenient for all of us. And maybe I put convenience  
7 ahead of process, but I think we got through it.

8 Everybody is present. And I think  
9 we've heard and we've received your documents. You've  
10 done a yeoman's amount of work on this. You should  
11 run for the board, you know, and continue your  
12 advocacy and your passion.

13 And you're welcome to join us in person  
14 when we do meet, Norm. I can't imagine that we would  
15 preclude you from commenting once we've had some  
16 deliberation. Of course, there'll be room for public  
17 comment when we do our three-person deliberation.

18 And this process has been frustrating  
19 for me, personally, because I'm the kind of guy that  
20 want to pick up the phone and call Norm or call Andy  
21 or call John and talk about this, but once we got into  
22 the process, we can't talk to each other without, you  
23 know, noticing a public meeting and all the hoops we  
24 have to jump through to do a meeting.

25 So once this is over, I'm sure, you

1 know, we can have --

2 And when we get together to deliberate,  
3 April, luncheon will be on me. So we'll have  
4 everybody order box lunches.

5 And hopefully, we can -- I always like  
6 to see deliberative bodies -- boards. And I hope this  
7 committee can do this.

8 And, Norm, I hope that you can join us  
9 in that. Well, maybe you won't, by definition, but  
10 that we come out with a decision that we can all  
11 support to take to the board.

12 And then when it gets to the board that  
13 we all support the board's decision. And although  
14 minority positions are important, I think in this  
15 deliberative process that once the board has made a  
16 decision that it's important for us to support the  
17 board.

18 And that's just my political statement.  
19 It's not a fact or part of this grievance.

20 And so before we adjourn, Andy or John,  
21 any comments?

22 MR. SHEAFFER: No.

23 MR. HASKETT: I just want to thank  
24 Dr. Kachuck for his advocacy.

25 You know, it's difficult, from our seat

1 and through our lens to, you know, limit what we're  
2 doing and how we're doing it.

3 But, you know, the energy and time that  
4 you've put into it is recognized. And hopefully, we  
5 can glean some recommendation and get a resolution of  
6 this that you're satisfied with and you can move on  
7 towards what I hope are more productive things.

8 DR. KACHUCK: Really appreciate all of  
9 that -- all of what you guys have just said.

10 This is very important. This is, for  
11 me, making community, which is a critical part of  
12 surviving as a person and as a group.

13 And you're making it possible for us,  
14 hopefully, to keep moving forward as a viable,  
15 functioning community and having some even modest  
16 success at feeding our families and supplying all of  
17 America, especially California, with the best darn  
18 avocados they can get. God bless.

19 MR. STEHLY: Thank you. Thank you,  
20 Norm. And I don't think anybody involved in this  
21 process would disagree with you. That's all of --

22 DR. KACHUCK: -- surely --

23 MR. STEHLY: That's our goal.

24 So anything else for the good of the  
25 cause? All right. I will call this meeting

1 adjourned.

2                   And Ken, April, it is apparent that the  
3 committee wants to meet in person. So if you guys  
4 would facilitate that and send the appropriate  
5 invitation to Norm as well.

6                   And when we schedule it, Norm, is that  
7 something that you want to attend?

8                   DR. KACHUCK: Yes, please.

9                   MR. STEHLY: Okay.

10                  So when you're querying the three of us  
11 and George on availability, let's invite Norm to -- or  
12 check with Norm to make sure he doesn't have a  
13 conflict as well when we try to calendar this.

14                  THE OFFICER: Okay. We're going off  
15 the record at 10:10 a.m.

16                  (Whereupon, the meeting concluded at  
17 10:10 a.m.)

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## CERTIFICATE

1  
2 I, ERIK THOMPSON, the officer before whom  
3 the foregoing proceedings were taken, do hereby  
4 certify that any witness(es) in the foregoing  
5 proceedings, prior to testifying, were duly sworn;  
6 that the proceedings were recorded by me and  
7 thereafter reduced to typewriting by a qualified  
8 transcriptionist; that said digital audio recording of  
9 said proceedings are a true and accurate record to the  
10 best of my knowledge, skills, and ability; that I am  
11 neither counsel for, related to, nor employed by any  
12 of the parties to the action in which this was taken;  
13 and, further, that I am not a relative or employee of  
14 any counsel or attorney employed by the parties  
15 hereto, nor financially or otherwise interested in the  
16 outcome of this action.

17  
18 Date: March 13, 2026

19  
20 

21  
22 ERIK THOMPSON

23 Notary Public in and for the  
24 State of California

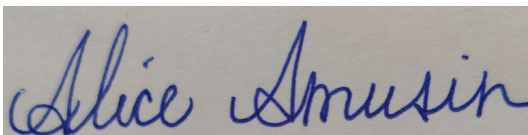
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CERTIFICATE OF TRANSCRIBER

I, ALICE AMUSIN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Date: March 13, 2026



ALICE AMUSIN

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