

AIR COMMERCIAL REAL ESTATE ASSOCIATION ARBITRATION PROCEDURES

The following is a basic outline of the Arbitration Procedures. For further information, please see the AIR Commercial Real Estate Association Arbitration Manual.

To File Arbitration:

1. Submit Arbitration Agreement Application form (A-1) provided by the Association.
2. Enclose a filing fee of \$750.00
3. Include a statement describing the controversy and the amount in dispute.

The Controller, after determining whether the dispute is properly subject to arbitration by the Association, will notify the other party or parties, and request them to submit their response within fourteen (14) days of receipt of Complaint.

The Respondent(s) are not required to submit a response but, regardless of whether the Respondent(s) does so or not, he or she is bound to arbitrate according to the Association rules set forth in the Arbitration Manual under the Bylaws of the Association. The arbitration hearing may be scheduled and conducted in the absence of the Respondent(s).

Both the Complaint and Response will be forwarded to the Arbitration Chair within twenty-one (21) days. The Arbitration Chair will initiate a phone call to both parties to attempt to bring the parties together to mediate the dispute in order to reach a mutually agreeable resolution. Either party may elect to bypass the mediation conference, in which case the matter will be scheduled for an arbitration hearing.

Mediation:

Should the mediation be successful, the parties shall execute a Mediation Agreement and Stipulated Arbitration Award form (MED-2). This agreement specifically states that the agreement itself may be used in court for enforcement purposes. The Association will cancel any arbitration field and refund the arbitration filing fee.

If the parties do not settle their dispute at the mediation conference, they shall maintain their right to an arbitration hearing under the Bylaws and the Arbitration Manual.

Arbitration Hearing:

Three or more qualified members will be appointed as members of the arbitration tribunal. One will be designated as Presiding Officer. All parties have the right to challenge a tribunal member as provided in Section 7 of the Arbitration Manual.

The hearing will be scheduled giving all parties at least twenty-one (21) days written notice.

All parties may be represented by legal counsel. Notice must be given at least fourteen (14) days before the hearing.

The arbitration tribunal will hear and determine the controversy. The arbitration award will be made as soon as practicable after the Hearing, but not more than thirty (30) days after the close of the Hearing. **The award is valid and binding and is not, and shall not, be subject to review or appeal.** The decision will be sent via certified mail to all parties. Arbitration decisions will not be provided by telephone.

The judgment of any court of competent jurisdiction in the State of California may be rendered upon the award.