## REVIEW AND ENFORCEMENT OF AN ARBITRATION AWARD

### Association's Procedural Review

Any party to Association arbitration has the right to request a review of the arbitration award by the Association's Board of Directors or an appointed Director's Review Panel. Either party may file a request for review (Form A-15) within twenty (20) calendar days from the date the award is transmitted to the party. The request must be accompanied by the necessary deposit and filed with the Association. Once a request for review is filed, all other parties will be given notice of the request and provided an opportunity to respond to the request. The review hearing will be scheduled before the Board of Directors or an appointed Director's Review Panel. At the hearing, the Directors will be provided with copies of the request, any responses to the request by other parties, and the arbitration award. Each party may be present at the review hearing and put forth his or her reasons why a new hearing should or should not be ordered.

**NOTE: A review by the Association's Board of Directors or appointed Director Review Panel may only be based on alleged procedural deficiencies that occurred in the processing or hearing of the matter that resulted in a lack of due process to the party. The purpose of a review is not to rehear the merits of the case if a party disagrees with the award of the hearing Panel. The Directors only have the power to: (a) affirm the award, or (b) vacate the award and refer it back for a new hearing.**

If no request for review is filed or the arbitration award is confirmed by the Directors after a review hearing, the arbitration award is considered final with the Association. If a review hearing has been conducted, all parties will be notified upon final action of the Directors.

### "Show Cause" Hearing

In the event the non-prevailing party in an arbitration has not paid the arbitration award to the prevailing party within fifteen (15) days after the deadline set forth in the Award of Arbitrators, the prevailing party may request a "show cause" hearing before the Board of Directors. If a party requests a procedural review, the request for a "show cause" hearing may not be filed until at least fifteen (15) days after the payment of the award is due. The sole purpose of the "show cause" hearing is to determine why the non-prevailing party failed to timely pay the arbitration award. The purpose of a "show cause" hearing is *not* to rehear the merits of the case if the non-prevailing party disagrees with the award of the hearing Panel.

Following the "show cause" hearing, the Directors may: (1) take no action; (2) suspend the non-prevailing party's Association and/or MLS membership until he or she pays the arbitration award to the prevailing party; or (3) set forth a schedule for the payment of the arbitration award to the prevailing party. The Directors may also recommend discipline if the non-prevailing party fails to follow the payment schedule set forth by the Directors. Any suspension of membership recommended by the Directors following a "show cause" hearing will not be imposed until: (1) after the award is confirmed or modified by a court, but only if the award is not paid by the date ordered by the court (or within fifteen (15) days after the court order if the order does not provide a due date); or (2) if no court action is filed, one hundred and one (101) days after the Arbitration Award is finalized.

**Court Confirmation, Correction, and Vacation of Award**

Any party to an arbitration may petition the court to correct, confirm or vacate the award pursuant to the provisions of the California Code of Civil Procedure section 1280 et seq.

**CONFIRMATION OF AN AWARD:** A petition for confirmation shall be served and filed not later than four (4) years after the date of service of a signed copy of the award on the party. The court shall confirm the award as made unless it corrects the award, vacates the award or dismisses the petition as provided by law. If an award is confirmed, a judgment shall be entered with all the force and effect of law relating to civil judgments.

**CORRECTION OF AN AWARD:** A petition to correct an award shall be served and filed not later than 100 days after the date of the service of a signed copy of the award on the petitioner. A court shall correct an award and confirm it as corrected if the court determines that (a) there was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award; (b) the arbitrators exceeded their powers but the award may be corrected without affecting the merits of the decision; or (c) the award is imperfect in a matter of form, not affecting the merits of the controversy.

**VACATION OF AN AWARD:** A petition for vacation of an award must be served and filed not later than 100 days after the date of service of a signed copy of the award on the party. The court shall vacate the award if it is determined that (a) the award was procured by corruption, fraud or other undue means; (b) there was corruption in any of the arbitrators; (c) the rights of such party were substantially prejudiced by misconduct of a neutral arbitrator; (d) the arbitrators exceeded their powers and the award cannot be corrected without affecting the merits of the decision upon the controversy submitted; (e) the rights of such party were substantially prejudiced by the refusal of the arbitrators to postpone the hearing upon sufficient cause being shown therefor or by the refusal of the arbitrators to hear evidence material to the controversy or by other conduct of the arbitrators contrary to the provisions of the California Code of Civil Procedures section 1280 et seq.; or (f) an arbitrator failed to disqualify him/herself, upon receipt of a timely request, if a judge would have been required to disqualify him/herself if the matter had been heard in court.

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