PRESIDING OFFICER'S STATEMENTS – "SHOW CAUSE" HEARING

PRESIDENT'S OPENING STATEMENT: This "show cause" hearing is called to order. In the matter of an arbitration hearing, a prevailing party has the right to request a "show cause" hearing before the Association's Board of Directors. In this "show cause" hearing we will only consider evidence and testimony regarding why the non-prevailing party has failed to timely pay the arbitration award. This is not an opportunity for the parties to reargue the merits of their dispute and issues and questions that were not raised in the request for "show cause" hearing will not be considered during this hearing.

Note: No suspension will be imposed by the Association until: (1) after the award is confirmed or modified by a court if it is not paid by the date ordered by the court (or within fifteen (15) days after the court order if it does not provide a due date); or (2) if no court action is filed, one hundred and one (101) days after the Arbitration Award was finalized.

INTRODUCTIONS: At this time, I would like to introduce the members of this "show cause" hearing panel: My name is _____, and I am the Presiding officer. Starting on my far left is _____, a member of the panel (*presiding officer proceeds to introduce all panel members from left to right*). I now ask that each person introduce yourself starting from my left and indicate your role in today's hearing. (**IF APPLICABLE**: Seated to my (left, right) is _____, the Association's legal counsel. I want to make it clear that the Association's legal counsel is not here to make direct inquiries of the parties and their witnesses and will not participate in any decision of the "show cause" hearing panel. However, Association legal counsel is present to advise the "show cause" hearing panel on questions that may be raised concerning the procedures used for this hearing or the laws of the State of California. In no event will the Association's legal counsel be considered counsel to the parties.)

CONFIDENTIAL NATURE OF HEARING: Before we continue with this "show cause" hearing, all persons present are advised that the proceedings and decisions of this panel are considered CONFIDENTIAL. All participants in this hearing are admonished that failure to keep these proceedings and the resulting decisions confidential is a violation of your agreement to abide by the Association's rules and procedures and the Code of Ethics. Our decision will be available only to the hearing Panel, the parties and Association legal counsel and staff as required.

AFFIRMATIONS: At this time, I request that all persons present in the room that expect to testify at this hearing stand and make the appropriate affirmation. Raise your right hand and following the question I will pose, answer in the affirmative if you do so affirm ..."Do you affirm that the statements you are about to make at this hearing are the truth, the whole truth, and nothing but the truth given freely and without reservation?"

NON-PREVAILING PARTY PRESENTATION: The non-prevailing party who failed to pay the arbitration award will have the opportunity to explain why the award was not timely paid. The non-prevailing party may present evidence regarding the non-prevailing party's financial ability to pay the award. The types of evidence that may be presented and considered by the panel are described in the "Ability to Pay Checklist."

PARTY REQUESTING "SHOW CAUSE" HEARING PRESENTATION: The prevailing party requesting the "show cause" hearing has the opportunity to present arguments regarding the non-prevailing party's financial ability to pay the arbitration award. The types of evidence that may be presented and considered by the panel are described in the "Ability to Pay Checklist."

ADJOURNMENT: Panel members and hearing participants, if there is any further information you think this "show cause" hearing panel should consider, this is your last opportunity to bring it to our attention. If you have nothing more to add, this hearing is adjourned.

EXECUTIVE SESSION: (General Guidelines) *After adjournment, the panel goes into executive session to deliberate the issues raised in the "show cause" hearing. Association counsel may remain to advise on procedural issues. The panel may only (1) take no action; (2) suspend the non-prevailing party's Association and/or MLS membership until the arbitration award is paid; or (3) impose a payment plan on the non-prevailing party. The panel cannot change the amount of the award or issue a new award.*