

Mediation/Arbitration Procedures



Definition of Terms

A company that is currently a member in good standing of W.A.F.R.P. or was a member at the time the contract with the Owner was signed shall be referred to as Member.

The party entering into the contract in dispute with Member shall be referred to as Owner.

Correspondence

All correspondence with the Arbitration Board should be addressed to:

W.A.F.R.P., c/o Julie Arnstein - 4590 S. Raven Rd. - New Berlin, WI 53151.

Complaint Process

Each complaint will be reviewed by the W.A.F.R.P. Arbitration Board to determine whether a valid complaint exists that would require the Member to submit to mediation and/or arbitration. A valid complaint exists if the following conditions are met:

- 1) The Member is currently a member of W.A.F.R.P. or was a member at the time a contract was signed with Owner, and
- 2) No other mediation or arbitration procedures have been initiated by either party in this case, and
- 3) The complaint was filed in writing with W.A.F.R.P.

If a valid complaint does not exist, the Arbitration Board may accept jurisdiction in this case if Member and Owner voluntarily agree to submit this case to the Board.

If Member sits on the Arbitration Board, Member will be excused from participating in this case as a Board member. A quorum of the Arbitration Board shall be one member more than half the total number of Board members.

Due Diligence

Once the Arbitration Board accepts a valid complaint for review, the Complainant will be sent a packet containing a copy of the Mediation/Arbitration Procedures, Mediation/ Binding Arbitration Agreement, Complaint List, and a letter requesting pertinent documents. The Complainant must:

- 1) Return signed and dated copy of the Mediation/Arbitration Procedures
- 2) Return signed and dated copy of the Mediation/ Binding Arbitration Agreement
- 3) Return signed and dated copy of the Complaint List

- 4) Include payment of the Mediation Fee
- 5) Return copies of all pertinent documents

The letter requesting pertinent documents will specify a due date for Complainant to respond. All materials must be postmarked by the due date to be accepted as part of the case.

The Respondent will receive the same packet as the Complainant. Respondent must respond by the due date, in the manner set forth for Complainant, to be accepted as part of the case.

Mediation Process

The Arbitration Board will review all materials submitted from Member and Owner to determine whether the Board will accept jurisdiction. Upon deciding to accept jurisdiction by a majority vote of the Board, a Mediator will be appointed. The Mediator will address only the issues set forth in the Complaint List. Mediator will:

- 1) Review all materials submitted by Owner and Member
- 2) Make arrangements to inspect the work in dispute
- 3) Meet with both parties and attempt to resolve the dispute
 - a) Mediator may accept information not included in the Accepted Documents if both parties agree in writing
- 4) Prepare a report summarizing the facts in the case and the results of the inspection
 - a) if parties agree to a resolution of the dispute, the report will include the resolution and will be signed by Member and Owner
 - b) if parties do not agree to a resolution of the dispute, the report will list the remaining points of dispute and will be submitted to the Arbitration Board

If the case is resolved, a Mediation Settlement Agreement will be signed and dated by Owner and Member. If the case is not resolved, the Mediator will notify each party, in writing, that mediation has been unsuccessful, and that the Binding Arbitration process will begin.

Binding Arbitration Process

The Arbitration Board may accept the case for binding arbitration after receiving written notice from the Mediator that mediation has failed to resolve the dispute, considering the Mediator's Report, and sustaining a majority vote of the Board.

If the Owner has held back money from the Member, an Escrow Agreement will be sent to Owner. A signed Escrow Agreement must be returned to the Arbitration Board along with a check for the withheld funds and a check from each party for the non-refundable Arbitration Fee. The withheld funds will be held in trust pending the decision in this case.

The Board will set a date, time, and place for the arbitration hearing. Owner and Member are required to attend. Mediator will also be in attendance. The Arbitration Board chairperson or his designee will chair the hearing.

All Accepted Documents will be available at the hearing for Board members. The Mediator will review his Report with the Board. Owner and Member will be given an opportunity to state their case and Board members may question either party regarding the facts in this case.

The Decision of the Arbitration Board will be made in writing and signed by the chairperson and one other member of the Board. A majority vote of the Board will sustain the decision. The Arbitration Order will include a timeframe for satisfaction of the issues in dispute and final disbursement of the funds held by W.A.F.R.P. in escrow. Copies of the Decision will be sent to each party via registered mail.

The Decision of the Arbitration Board is final. There is no appeal process. Monetary awards may amount to all or part of the funds held in escrow and is a reflection of the Board's considered judgment of the facts and circumstances in this case. Any remaining balance in the escrow account will be returned to Owner. All awards are final and binding on both parties.

If the terms of the Decision are not complied with in a timely manner, the Arbitration Board reserves the right to assign dollar values to any work prescribed in the Decision and order payment for such items to be made within a reasonable amount of time.

Wisconsin law as modified by the Board's procedures governs this entire process.

The Arbitration Board reserves the right to refuse acceptance of any case for mediation or arbitration based on the circumstances involved in the case. The Board waives this right in the event a Court orders mediation or arbitration.

I have read and understand the Mediation/Arbitration Procedures and I agree to abide by the terms and conditions set forth within.

Owner _____ Date _____

Owner _____ Date _____

Member/Title _____ Date _____