

Frequently Asked Questions about the CSLB ARBITRATION PROGRAM AFTER THE AWARD

THE AWARD WILL BE SENT VIA U.S.P.S. CERTIFIED MAIL.

Q. What if I disagree with the Arbitration Award?

A. *There is no appeal process for CSLB Arbitration Awards. The parties may request a Correction to an Award under limited grounds within ten (10) calendar days of the date of service of the Award (see statute below, with emphasis added by AMCC). A Request for a Correction form can be found at www.AMCCenter.com. Outside of the ten day correction period, neither AMCC nor the Arbitrator have jurisdiction to change/alter/correct the Award. The parties should seek legal advice for any remedy outside the ten day correction period.*

Business and Professions Code §7085.5

(s) The award shall become final 30 calendar days from the date the arbitration award is issued. The arbitrator, upon written application of a party to the arbitration, may correct the award upon the following grounds:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, things, or property referred to in the award.

(2) There is any other clerical error in the award, not affecting the merits of the controversy.

An application for correction of the award shall be made within 10 calendar days of the date of service of the award by serving a copy of the application on the arbitrator, and all other parties to the arbitration. Any party to the arbitration may make a written objection to the application for correction by serving a copy of the written objection on the arbitrator, the board, and all other parties to the arbitration, within 10 calendar days of the date of service of the application for correction.

The arbitrator shall either deny the application or correct the award within 30 calendar days of the date of service of the original award by mailing a copy of the denial or correction to all parties to the arbitration. Any appeal from the denial or correction shall be filed with a court of competent jurisdiction and a true copy thereof shall be filed with the arbitrator or appointed arbitration association within 30 calendar days of the issuance of the award, before the award becomes final. The award shall be in writing, and shall be signed by the arbitrator or a majority of them. If no appeal is filed within the 30-calendar day period, it shall become a final order of the registrar.

Please note that this statute requires the Request for a Correction be copied to the opposing party.

Q. What if I didn't appear at the hearing?

A. *AMCC provides for proper notice of all hearings per Business and Professions Code §7085.5 (p)(1) & (2). Arbitration hearings proceed in the absence of any party per Business and Professions Code §7085.5(j) and the Award rendered is enforceable as if both parties had attended the hearing.*

Q. I was Awarded money, when will I get paid?

A. *Compliance of the remedies listed in the Award is required within thirty days of the date of service of the Award. See Business & Professions Code §7085.6, available at www.AMCCenter.com. AMCC does not have any jurisdiction to enforce, negotiate or otherwise collect Award amounts, however you may contact the CSLB Arbitration Analyst at (916) 255-4156 for options. The Award may be enforced according to the Code of Civil Procedure §1287.4, available at www.AMCCenter.com.*

Q: It has been 30 days and the Contractor has not complied, what should I do?

A. *If the Complainant prevails, the CSLB will investigate the noncompliance of the award by the Contractor. Please contact the CSLB Arbitration Analyst at (916) 255-4156. The failure of a licensee to comply with an arbitration award rendered shall result in the automatic suspension of a license by operation of law. Pursuant to B&P 7085.6 (a)(2), the registrar (CSLB) must notify the licensee by certified mail of the failure to comply with the arbitrator's award, and that the license shall be automatically suspended 30 calendar days from the date of that notice. Please note neither AMCC nor the Arbitrator have jurisdiction over the enforcement of the Arbitration Award against a licensee.*

Q: What happens if parties agree to a verbal or written payment plan?

A. *If the parties elect to enter into a payment plan or settlement, the CSLB will accept the agreement and close the matter without further action against the contractor's license. If the payment agreement is not satisfied, no further recourse will be available through the CSLB and the awarded party will be required to pursue any remedies via a civil court action. Please note the CSLB does not recommend payment plans.*

