

## REVISED 2005 ARBITRATION GUIDELINES

### PURPOSE

To provide a vehicle for licensees from different companies to settle a difference of opinion of "FINDINGS" and avoid a possible Structural Pest Control Board complaint or litigation. All PCOC members agreed to accept the PCOC arbitration process when they became members.

### PROCESS

1. Consumer or consumers register complaint to agent or directly to PCOC concerning difference of opinions in reports. Prices and recommendations will not be considered, only findings may be considered. Any report that is more than two years old will not be considered.
2. District Chairperson/Arbitration chairperson or appointed PCO may contact the companies involved to discuss the reports with both parties on the telephone. If needed, parties may meet at the property and discuss reports. If this should fail, continue to step three.
3. Chairperson to secure arbitration agreement signed by parties of interest. Arbitration process to be commenced within 10 working days of the date the arbitration agreement is received by Chairperson.
4. Chairperson to obtain reports and necessary documents from involved companies and consumer, pertinent to the arbitration. At that time the chairperson will explain to the consumer or consumers, that a complete inspection will not be performed, only specific areas in question may be inspected. (Refer to arbitration agreement.)
5. Chairperson will provide a copy of the findings in question. Licensee's names will be confidential and not revealed.
6. An arbitration committee will be selected by chairperson. Committee members must hold operator or field representative license in the branch being arbitrated. Committee members must not be in the employ of the companies involved. To assure unbiased opinions, the chairperson must not disclose the names of the companies and licensees involved.
7. District arbitration chairperson will meet the committee at the property site and will mask inspection tags prior to the inspection. The chairperson will unmask the inspection tags after the arbitration inspection.
8. Upon completion of the inspection, and an agreement of findings is reached, each member of the committee must write their own report and file as required. Committee member's inspection tags indicating "arbitration" will be posted at the property site.

9. The arbitration report recommendations shall state; “ Recommendation: bring the finding/findings into compliance with the Structural Pest Control Act”.

10. If discrepancies are found with a company’s report, that company must file a report, it may be noted as “Amended Due to Arbitration.” Should any work be performed, a Notice of Work Completed and Not Completed must be filed with the Structural Pest Control Board.

NOTE: All work performed must comply with the Structural Pest Control Act.

#### APPEAL

11. The company found with discrepancies has the right to appeal within 10 working days from the date of notification. However, the company must revisit the property with the arbitration report prior to filing an appeal.

12. An appeal may consist of a hearing before the District Chairperson, designated district members and arbitration committee.

13. Should the PCOC member refuse to fulfill their obligations or there is suspicion of fraud, the matter will be referred to the PCOC Ethics Committee.

#### RESPONSIBILITIES

14. The arbitration committee is responsible for its actions. Each committee member is bound by the same responsibility for accuracy in the performance of this inspection as they would for any inspection. However, arbitration reports are limited reports and limited to specific areas. No prices are to be quoted, thus no inspection fees are charged, and no certification issued.

15. The arbitration chairperson and committee involved in any arbitration, will not offer to bid, inspect, or perform any repairs on any property that they have been involved in arbitrating for a period of six months from the date of the arbitration.

ARBITRATION AGREEMENT:

I/We, \_\_\_\_\_ (Title) \_\_\_\_\_  
(Owner/Agent/Party of Interest)

am requesting an arbitration of the attached report(s), be done by Pest Control Operators of California, (hereafter referred to as PCOC), of \_\_\_\_\_ District,

in regards to: Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

My concern is with item(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I/We will not hold the PCOC or arbitration committee members involved in the arbitration process liable or responsible for bringing the property into compliance with the Structural Pest Control Act. Further, I/We will not divulge the names of these companies to the Arbitration Committee inspectors. Pertinent information will be supplied to the PCOC concerning specific areas in question. Complete inspection of the property will not be performed. No estimates or certifications will be issued.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_