

RULE SERIES 7000

ARBITRATION PROCEDURES

7000. ARBITRATION PROCEDURES

7010. Applicability.

The Arbitration Procedures set forth in this Rule 7000 Series shall apply to adjudications arising out of Rule 3000 Series.

7020. Delegation of Duties.

Subject to Rule 3249, Anti-Doping Rule Violations arising out of the Rule 3000 Series and violations of Rule 3229 (together, **EAD Violations**) shall be administered by an independent arbitral body (the **Arbitral Body**) in accordance with the Rule 3000 Series and the Arbitration Procedures. The Arbitral Body is selected by mutual agreement of the Authority and the Agency. The Arbitral Body will assign a sole arbitrator to hear a case concerning an EAD Violation. However, the Arbitral Body may assign three arbitrators to hear a case involving an EAD Violation upon request by the Agency based on the nature or complexity of the case (in such case, all references below to a single arbitrator shall be read as referring to the panel of three arbitrators appointed to adjudicate the case).

Subject to Rules 3349 and 3350, Controlled Medication Rule Violations arising out of the Rule 3000 Series, violations of Rule 3329, and violations of Rule 3510 (**ECM and/or Other Violations**) shall be adjudicated by the National Stewards Panel in accordance with the Rule 3000 Series and the Arbitration Procedures. The National Stewards Panel will assign a single steward to hear a case involving an ECM or Other Violation. The National Stewards Panel may assign three stewards to hear a case involving an ECM or Other Violation upon request by the Agency in exceptional circumstances (in such case, all references below to a single steward shall be read as referring to the panel of three stewards appointed to adjudicate the case).

All cases arising out the Rule 3000 Series are intended to be arbitrations, subject to review as specified in the Rule 3000 Series and the Act. Therefore, both arbitrators and stewards are to be considered arbitrators or umpires within the meaning of the Federal Arbitration Act, which applies to arbitrations under the Rule 3000 Series to the exclusion of any applicable state arbitration rule and to the extent not inconsistent with the Rule 3000 Series and the Act.

7030. Pool of Arbitrators for EAD Violations.

(a) The pool of arbitrators for EAD Violations shall consist of no more than ten (10) members appointed by mutual agreement of the Authority and the Agency (the **Arbitrator Pool**).

(b) The arbitrators in the Arbitrator Pool shall be appointed for four (4) year terms. Candidates to serve as an arbitrator shall complete an application approved by the Authority and the Agency.

(c) There shall be no absolute requirement that an arbitrator candidate be a member of any arbitral body or association of arbitrators prior to appointment. Candidates shall not be or have been in the previous two (2) years an officer, director, trustee, employee, consultant, or official, or be in a policy making position for any Equine Constituencies or the Agency, except that this requirement does not apply to former State Racing Commission officials or employees. A candidate shall be required to submit to a background check before appointment to the Arbitrator Pool. The Arbitral Body shall, if necessary, accept the candidate as a member on its roll of arbitrators, if necessary, upon appointment to the Arbitrator Pool.

(d) Candidates shall commit in writing to accept appointment to all cases to which they are selected except:

(1) when they have been involved in the Provisional Hearing for the matter;

(2) for conflicts of interest; or

(3) for personal hardship and shall agree to not decline appointment for personal hardship in more than two (2) cases in any twelve (12)-month period.

(e) In the event an arbitrator dies, resigns, becomes incapacitated during the arbitrator's term, or is removed by the Authority for an ethical breach or deficiencies in carrying out their duties, a new arbitrator shall be selected and appointed for a full four (4)-year term, following the procedures set forth in Rule 7030. Incapacity of an arbitrator is determined solely by the Authority.

7040. National Stewards Panel.

(a) The National Stewards Panel (the **Panel**) consists of impartial stewards or otherwise qualified individuals (**stewards**) appointed by mutual agreement of the Authority and the Agency to hear ECM and Other Violations. The Authority and the Agency may appoint as many individuals as necessary to the Panel in accordance with the Arbitration Procedures.

(b) Prospective stewards shall be required to submit to a background check before appointment and shall commit in writing to accept appointment to all cases to which they are selected except:

(1) when they have been involved in the Provisional Hearing for the matter;

(2) for conflicts of interest; or

(3) for personal hardship and shall agree to not decline appointment for personal hardship in more than two (2) cases in any twelve (12)-month period.

(c) Stewards are appointed for four (4)-year terms and outside appointment to the Panel shall not have any business or economic interest with a party in a case.

(d) In the event a steward dies, resigns, becomes incapacitated during the steward's term (legal incapacity is not required), or commits an ethical breach, the Authority may remove the steward from the Panel. The Agency will publish a list of members of the Panel on its website.

7050. Training of Arbitrators and Stewards.

All arbitrators in the Arbitrator Pool and stewards on the Panel shall receive at least two (2) hours of continuing education each year on issues related to proper and efficient handling of cases or the Rule 3000 Series, Standards, Policies, or Technical Documents. The education must be approved by the Authority. Failure to complete this required continuing education is grounds for immediate dismissal by the Authority.

7060. Initiation by Agency.

(a) *EAD Violations*. Arbitration proceedings shall be initiated with the Arbitral Body by the Agency after a hearing is requested by the Covered Person(s) in response to being charged with an

EAD Violation under the Rule 3000 Series. If a Covered Person is charged with both an EAD Violation and an ECM or Other Violation, the procedures for EAD Violations apply. The parties to the proceeding shall be the Agency and the Covered Person(s) charged. The relevant Owner(s) (provided they are not charged with the EAD Violation in issue) and the Authority shall be invited to join in the proceeding as an observer. Subject to such limitations as may be imposed by the arbitrator, the hearing shall be open to the public via an audio/video or audio-only feed that will be provided for members of the public, but technical issues in providing the feed shall not postpone or invalidate the hearing.

(b) *ECM and Other Violations.* Proceedings shall be initiated with the appropriate Panel member by the Agency after the Covered Person(s) requests review by the National Stewards Panel in response to being charged with an ECM or Other Violation. The parties to the proceeding shall be the Agency and the Covered Person(s) charged. The relevant Owner(s) (provided they are not charged with the ECM or Other Violation in issue) and the Authority shall be invited to join in the proceeding as an observer and, if accepted, receive copies of the filings in the case.

7070. Changes of Claim.

After the filing of a claim, if the Agency desires to make any new or different claim, it shall be made in writing and filed with the other party or parties, the steward or arbitrator, and the Arbitral Body, as applicable. After the arbitrator or steward is appointed, however, no new or different claim may be submitted except with the arbitrator's or steward's consent. The deadlines set forth in Rules 7170 and 7180 will reset provided the Covered Person requests review by a steward or arbitrator, as applicable, of the new or different claim.

7080. Expedited Procedures.

(a) At the request of any party, any time period set forth in the Arbitration Procedures may be shortened by the arbitrator or steward when doing so is reasonably necessary to resolve any Covered Person's or Covered Horse's eligibility before a Covered Horserace, while continuing to protect the right of a Covered Person to a fair process.

(b) The adjudication process shall be expedited according to the procedures in the Rule 3000 Series and may be expedited in such other instances where expediting is in the interest of justice. Pursuant to Rule 3262 or Rule 3362, the Agency may in its sole discretion shorten any deadlines within the Arbitration Procedures proportionately to ensure resolution prior to a Covered Horserace.

(c) If a request to expedite the adjudication process is made based on circumstances that are not addressed in the Rule 3000 Series and if the Agency does not agree to the process being expedited, the arbitrator or steward shall determine whether the adjudication process shall be expedited and the schedule pursuant to which the process shall proceed.

7090. Jurisdiction.

(a) An arbitrator or steward shall have the authority to rule on his or her own jurisdiction, including any objections with respect to the existence, scope, or validity of the applicable rules.

(b) The arbitrator or steward shall have the authority to determine the existence or validity of a contract of which an arbitration clause forms a part. Such an arbitration clause shall be treated as

an agreement independent of the other terms of the contract. A decision by the arbitrator that the contract is null and void shall not for that reason alone render the arbitration clause invalid.

(c) A party must object to the jurisdiction of the arbitrator or steward or to the arbitrability of a claim by the Agency no later than the filing of the answering statement to the claim that gives rise to the objection. The arbitrator or steward may rule on such objections as a preliminary matter or as part of the final reasoned award.

7100. Consolidation.

Matters involving more than one Covered Person may, in the Agency's discretion, be consolidated into a single matter, and if an EAD Violation is alleged by the Agency against any of the Covered Persons who are parties in the consolidated matter, the process for ECM and Other Violations will be followed.

7110. Location of Hearing for EAD Violations.

(a) All hearings on EAD Violations shall take place by telephone or video conference unless the parties and the arbitrator agree to an in-person hearing. Once the parties agree to an in-person hearing, consent to an in-person hearing can only be withdrawn upon mutual agreement of the parties.

(b) The situs of arbitrations and locations of in-person hearings, if agreed to by the parties, shall be in the United States at locations determined by the arbitrator and set forth no later than in the first procedural order. The arbitrator shall give preference to the choice of the Covered Person unless outweighed by the interests of justice.

(c) In the event it may be necessary for enforcement of an arbitration subpoena(s) (separate from an investigative subpoena under the Act) that the arbitrator conduct a hearing at a particular location(s) and receive live testimony or documents or other evidence, the arbitrator shall, at the request of the party who is seeking enforcement of the subpoena, travel to that location to conduct the hearing regardless of whether the parties are participating in the arbitration via telephone or video conference.

7120. Qualifications of an Arbitrator.

Any arbitrator or steward appointed pursuant to Rule 7130 shall be subject to disqualification for the reasons specified in Rule 7140.

7130. Appointment of the Arbitrators and Stewards to Adjudicate Cases.

(a) An arbitrator shall be appointed in the following manner: Immediately after the initiation of a proceeding by the Agency as set forth in Rule 7060, the Arbitral Body shall appoint an arbitrator on a rotating basis from the Arbitrator Pool, after confirming the arbitrator will not decline appointment due to personal hardship. The arbitrator who handles the Provisional Hearing shall not serve as an arbitrator for the Covered Person's arbitration concerning the allegation that they have committed an anti-doping or medication control rule violation. The Arbitral Body shall communicate to the parties within three (3) days of initiation by the Agency the name of the arbitrator appointed to hear the matter.

(b) A steward shall be appointed in the following manner: Immediately after the initiation of a proceeding by the Agency as set forth in Rule 7060, the National Stewards Panel shall contact a steward on a rotating basis from the National Stewards Panel except that a steward shall not be appointed in a particular case if they work for or previously worked for one (1) or more years for the State Racing Commission in the state where the Covered Horserace relevant to the alleged violation occurred. The steward's written acceptance of the case from the Agency's National Stewards Panel Coordinator constitutes appointment to that case. The steward shall communicate to the parties within three (3) days of initiation by the Agency that the steward has accepted the case. The steward who handles the Provisional Hearing shall not serve as the steward determining the merits of the charge against the Covered Person.

(c) Once appointed, the arbitrator shall receive from the Arbitral Body a copy of or link to the charging letter, Arbitration Procedures, the Rule 3000 Series, and the Billing Standards. Once appointed, the steward shall receive this same information from the Agency's National Stewards Panel Coordinator.

7140. Disclosure and Challenge Procedure.

(a) An appointed arbitrator or steward in a particular case shall disclose to the parties any circumstance likely to affect impartiality, including any bias or any financial or personal interest in the result of the case or any past or present relationship with the parties or their representatives.

(b) Upon objection of a party to the continued service of an arbitrator, the Arbitral Body shall determine whether the arbitrator is evidently partial, and the arbitrator shall be disqualified. The Arbitral Body shall inform the parties of its decision, which shall be final and not subject to interlocutory appeal.

(c) Upon objection of a party to the continued service of a steward, the steward shall determine whether the steward is evidently partial, and the steward shall recuse itself from the case. The steward shall inform the parties of their decision, which shall be final and not subject to interlocutory appeal.

7150. Communication with Arbitrator or Steward.

Once appointed, no party and no one acting on behalf of any party shall communicate unilaterally concerning the case with an arbitrator or steward. All communications concerning the case shall include the other party or parties, and for cases before an arbitrator, a representative from the Arbitral Body.

7160. Vacancies.

(a) If for any reason following assignment to the case an arbitrator becomes unable to perform their duties in a particular case, the Arbitral Body may fill the vacancy on a rotating basis as described in these rules.

(b) If for any reason following assignment to the case a steward becomes unable to perform their duties in a particular case, the Agency's National Stewards Panel Coordinator may contact a steward on a rotating basis from the National Stewards Panel to fill the vacancy.

7170. Procedures for EAD Violations.

(a) For matters involving an alleged EAD Violation arising from an Adverse Analytical Finding (Presence and Use Anti-Doping Rule Violations), each Covered Person's pre-hearing submission must be filed with the arbitrator on or before fourteen (14) days after submitting a request for a hearing, and the Agency's pre-hearing submission must be filed with the arbitrator on or before fourteen (14) days after the last Covered Person's pre-hearing submission. There shall be no reply pre-hearing submission, but each party may present rebuttal evidence at the hearing.

(b) For matters involving an alleged EAD Violation involving a non-analytical violation (i.e., an Anti-Doping Rule Violation other than Presence or Use) or a violation of Rule 3229, the Agency's initial pre-hearing submission must be filed with the arbitrator on or before fourteen (14) days after the last Covered Person requests a hearing or (only if a Covered Person in the same matter has already requested a hearing) after the last Covered Person's deadline passes with no request for a hearing, whichever is later. Each Covered Person's pre-hearing submission must be filed with the arbitrator on or before fourteen (14) days after the Agency's initial pre-hearing submission, and the Agency's reply pre-hearing submission must be filed with the arbitrator seven (7) days after the last Covered Person's pre-hearing submission.

(c) A Covered Person's pre-hearing submission shall include a brief not to exceed thirty (30) double-spaced pages and shall include all exhibits, schedules, expert reports, and all other evidence (except testimonial evidence, summaries, and demonstrative aides) the Covered Person intends to rely upon at the hearing. The Covered Person's pre-hearing submission shall include a designation of witnesses providing the identity of witnesses, or name of organization if an organization representative, expected to be called to testify at the hearing as well as a brief summary of the expected testimony. For expert witnesses, the pre-hearing submission shall include a C.V. and expert report, identifying all opinions to which they will testify and the facts and scientific methods upon which those opinions are based as well as to identify all scientific treatises, studies, or articles on which the expert relies in rendering their opinion(s), for each expert included in the witness designations.

(d) The Agency's initial pre-hearing submission shall include a brief not to exceed thirty (30) double-spaced pages for each Covered Person charged in the case and shall include all exhibits, schedules, expert reports, and all other evidence (except testimonial evidence, impeachment evidence, summaries, and demonstrative aides) which the Agency intends to rely upon at the hearing. The Agency's initial pre-hearing submission shall include a designation of witnesses providing the identity of witnesses, or name of organization if an organization representative, expected to be called to testify at the hearing as well as a brief summary of the expected testimony. For expert witnesses, the initial pre-hearing submission shall include a C.V. and expert report, identifying all opinions to which they will testify and the facts and scientific methods upon which those opinions are based, as well as to identify all scientific treatises, studies, or articles on which the expert relies in rendering their opinion(s), for each expert included in the witness designations. The Agency's reply pre-hearing submission, when permitted under these Arbitration Procedures, shall include all additional evidence upon which it intends to rely for rebuttal (except testimonial evidence, impeachment evidence, summaries, and demonstrative aides) and a reply brief not to exceed fifteen (15) double-spaced pages for each Covered Person charged in the case.

(e) Each party is responsible for updating its disclosures as such information becomes available. If a party should have submitted evidence in their pre-hearing submission but did not submit such evidence, the arbitrator shall not admit such evidence absent good cause shown.

(f) The hearing should take no more than sixty (60) days from the date the last Covered Person requested a hearing in a particular case. If any of the dates described in Rule 7170 fall on a weekend or a federal holiday, the due date is the next business day.

(g) At the request of any party or at the discretion of the arbitrator or the Arbitral Body, the arbitrator may schedule, as soon as practicable, a preliminary hearing with the parties or their representatives. The preliminary hearing shall be conducted by telephone or video conference at the arbitrator's discretion. During the preliminary hearing, the parties and the arbitrator shall discuss any preliminary matters to ensure compliance with the procedures herein.

(h) Upon a showing of exceptional circumstances, the arbitrator may extend any of the deadlines set forth in Rule 7170 for the minimum time necessary to address the circumstance. If all parties agree to an alternative schedule in a particular case, the arbitrator shall alter dates accordingly.

(i) The arbitrator shall issue a reasoned award on or before fourteen (14) days after the close of the hearing.

7180. Procedures for ECM and Other Violations.

(a) For matters involving alleged ECM and Other Violations arising from an Adverse Analytical Finding (Presence and Use Controlled Medication Rule Violations) and no alleged EAD Violation, each Covered Person's submission must be filed with the arbitrator on or before seven (7) days after submitting a request for review by a steward, and the Agency's submission must be filed with the arbitrator on or before seven (7) days after the last Covered Person's submission. There shall be no reply submission.

(b) For matters involving a non-analytical ECM Violation (i.e., a Controlled Medication Rule Violation other than Presence or Use) or Other Violation (i.e. Rule 3329 or 3510) and no alleged EAD Violation, the Agency's initial submission must be filed with the arbitrator on or before seven (7) days after the last Covered Person requests a review by a steward or (only if a Covered Person in the same matter has already requested a review by a steward) after the last Covered Person's deadline passes with no request for review by a steward, whichever is later. Each Covered Person's submission must be filed with the arbitrator on or before seven (7) days after the Agency's initial submission, and the Agency's reply submission must be filed with the arbitrator on or before seven (7) days after the last Covered Person's submission.

(c) A Covered Person's submission shall include a brief not to exceed twenty (20) double-spaced pages and shall include all exhibits, schedules, diagrams, charts, expert reports, affidavits, and all other evidence on which the Covered Person relies. A C.V. and expert report, identifying all opinions to which they will testify and the facts and scientific methods upon which those opinions are based as well as to identify all scientific treatises, studies, or articles on which the expert relies in rendering their opinion(s), must be included for each expert relied upon by the Covered Person.

(d) The Agency's initial submission shall include a brief not to exceed twenty (20) double-spaced pages for each Covered Person charged in the case and shall include all exhibits, schedules, summaries, diagrams, charts, expert reports, affidavits, and all other evidence on which the Agency relies. A C.V. and expert report, identifying all opinions to which they will testify and the facts and scientific methods upon which those opinions are based as well as to identify all scientific treatises,

studies, or articles on which the expert relies in rendering their opinion(s), must be included for each expert relied upon by the Agency. The Agency's reply submission, when permitted under these Arbitration Procedures, shall include all additional evidence upon which it intends to rely for rebuttal and a brief not to exceed ten (10) double-spaced pages for each Covered Person charged in the case.

(e) If any of the dates described in Rule 7180 fall on a weekend or a federal holiday, the due date is the next business day.

(f) At the request of any party, or at the discretion of the steward, the steward may, upon a showing of exceptional circumstances, extend any of the deadlines set forth in Rule 7180 for the minimum time necessary to address the circumstance. If all parties agree to an alternative schedule in a particular case, the steward shall alter dates accordingly.

(g) The steward may hold a hearing (where so requested by the Covered Person concerned and where the steward does not feel sufficiently well-informed to render a decision based on the written submissions alone) or render a decision based on the parties' written submissions described above, and shall issue a reasoned award on or before fourteen (14) days after the last written submission contemplated in Rule 7180.

7190. Exchange of Information.

Information shall be exchanged electronically, unless otherwise agreed by the parties. The arbitrator and steward are authorized to resolve any disputes concerning the exchange of information between the parties consistent with the expedited nature of the proceedings.

7200. Participation.

The steward, arbitrator, and the Arbitral Body shall maintain the confidentiality of the proceedings unless in cases before an arbitrator the hearing is open to the public as described in Rule 7060. An arbitrator's or a steward's review may proceed without the participation of any party or representative who, after due notice, fails to be present or make a submission. An award shall not be made solely on the default of a party. The arbitrator or steward shall require the party who is present to submit such evidence as the arbitrator or steward may require for the making of an award.

7210. Representation.

Any party may be represented by counsel. The representative shall provide a letter of representation notifying the other party and the steward or Arbitral Body of their name, phone number, email, and address. When such a representative requests a hearing by an arbitrator or review by a steward or responds for a party, notice is deemed to have been given. Parties are bound by the statements made or positions taken by their representatives.

7220. Oaths.

Before proceeding with the first preliminary hearing, or a merits hearing if there is no preliminary hearing, each arbitrator may take an oath of office and, if required by law, shall do so. An arbitrator may require witnesses to testify under oath administered by any duly qualified person and, if it is required by law or requested by any party, shall do so. Similarly, before issuing a reasoned award, each steward may take an oath of office and, if required by law, shall do so.

7230. Stenographic Record.

Any party desiring a stenographic record of all or a portion of the hearing shall notify the other parties of the request at least seven (7) days in advance of the start of the hearing or as required by the arbitrator. The Agency shall identify the court reporter to be used for transcription services, and the transcript must be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator with the costs of the transcription divided equally between the parties.

7240. Interpreters.

All proceedings shall take place in English. Any party wishing to have an interpreter present during proceedings shall make all arrangements directly with the interpreter and shall assume the costs of the service. Interpreters shall have no prior relationship with a party or have any interest in the proceeding and the arbitrator must approve the interpreter. Any document which is not in English shall be officially translated by a certified translator paid for by the party offering or relying upon the document.

7250. Conduct of Hearings for EAD Violations and (where applicable) ECM and Other Violations.

(a) The Agency shall present evidence to support its claim. The Covered Person(s) charged shall then present evidence to support their defense. The Agency is then entitled to present rebuttal evidence. Witnesses for each party shall also submit to questions from the arbitrator and the adverse party. The arbitrator or steward has the discretion to vary this procedure, provided that the parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.

(b) The arbitrator or steward shall have the power to require the sequestration of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the arbitrator or steward to determine the propriety of the attendance of any other person other than (i) a party and its representatives and (ii) those entities identified in Rule 7060, which may attend the hearing as observers.

(c) The arbitrator or steward, exercising his or her discretion, shall conduct the proceedings with a view to resolving the dispute in accordance with Rule 7170 but may direct the order of proof, bifurcate proceedings, and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the case.

(d) The parties may agree to waive oral hearings in any case.

7260. Evidence.

(a) The parties may offer such evidence as is relevant and material to the dispute and, unless limited by the Rule 3000 Series, Standards, or Technical Documents shall produce such evidence as the arbitrator may deem necessary to make a determination in a case.

(b) An arbitrator or steward may only retain an expert or seek independent evidence if agreed to by the parties and (i) the parties agree to pay for the cost of such expert or independent evidence or (ii) the Authority agrees to pay for the cost of such expert or independent evidence. The parties

shall have the right to examine any expert retained by the arbitrator and shall have the right to respond to any independent evidence obtained by the arbitrator.

(c) An arbitrator or steward shall determine the admissibility, relevance, and materiality of the evidence offered, including hearsay evidence, and may exclude evidence deemed cumulative or irrelevant. Conformity to legal rules of evidence shall not be necessary but the federal rules of evidence may be used for guidance.

(d) The arbitrator or steward shall apply relevant principles of legal privilege, including those involving the confidentiality of communications between a lawyer and client and investigative privilege.

(e) An arbitrator or steward may issue subpoenas for witnesses, documents, or other evidence upon the request of any party, keeping in mind the expedited nature of the proceedings and the procedures set forth in Rule 7170 and Rule 7180. An arbitrator or steward shall not issue a subpoena for a deposition, as depositions, along with formal written discovery in civil litigation, are not in keeping with the expedited nature of arbitration.

7270. Inspection or Investigation.

An arbitrator or steward finding it necessary to make an inspection or conduct additional investigation in connection with a proceeding shall so advise the parties. The arbitrator or steward shall set the date and time that shall not delay the procedures in Rules 7170 and 7180 and shall notify the parties. Any party who so desires may be present at such an inspection or investigation. In the event that one or all parties are not present at the inspection or investigation, the arbitrator or steward shall make an oral or written report to the parties and afford them an opportunity to comment.

7280. Interim Measures.

An arbitrator or steward may take whatever interim measures they deem necessary to provide a party an immediate protection of rights.

7290. Provisional Hearings.

Hearings to resolve challenges to Provisional Suspensions shall be held in accordance with Rule 3247 or 3347, as applicable. With all hearings, an arbitrator or steward may admit any evidence deemed relevant and given the weight the arbitrator or steward deems appropriate. For an avoidance of doubt, hearsay shall be admissible in a provisional hearing.

7300. Closing of Hearing.

The arbitrator or steward shall declare the hearing closed at the conclusion of closing arguments unless a party demonstrates that such additional proof or witness(es) are material to the controversy and good cause exists for not providing the evidence with their pre-hearing submission. If the arbitrator or steward agrees and the additional evidence is allowed, the adverse party then shall have the opportunity to present rebuttal evidence. No post-hearing briefs are to be filed. The hearing shall be declared closed as of the final date set by the arbitrator or steward for the receipt of evidence or receipt of the transcript. The time limit within which the arbitrator is required to issue the reasoned award shall commence upon the closing of the hearing.

7310. Reopening of Hearing.

To avoid manifest injustice, the hearing may be reopened on the arbitrator's or steward's initiative, or upon application of a party, at any time before the award is made. If reopening the hearing would prevent the making of the award within the specific time required by Rule 7170, the matter may not be reopened unless the parties agree on an extension of time.

7320. Waiver of Rules.

Any party who proceeds with the adjudication under these rules after knowledge that any provision or requirement of these rules has not been complied with and who fails to state an objection in writing shall be deemed to have waived the right to object.

7330. Serving of Notice.

(a) Any papers, notices, or process necessary or proper for the initiation or continuation of a proceeding under these rules, for any court action in connection therewith, or for the entry of judgment on any award made under these rules may be accomplished by serving a party by mail or electronic mail addressed to the party or its representative at the last known address or by personal service in or outside the state where the arbitration is to be held.

(b) Unless otherwise instructed by the steward, Arbitral Body, or the arbitrator, any documents submitted by any party to a steward, Arbitral Body, or arbitrator shall simultaneously be provided to the other party or parties to the proceeding.

7340. Form of Award.

Any award shall be in writing and signed by the arbitrator or steward. In all cases, the arbitrator or steward shall render a reasoned award.

7350. Scope of Award.

(a) An arbitrator or steward may grant any remedy or relief authorized by the Rule 3000 Series or the Act for the violation.

(b) In addition to a final award, an arbitrator or steward may make other decisions, including interim, interlocutory, or partial rulings, orders, and awards.

7360. Award Upon Settlement.

If the parties settle their dispute during the course of the proceeding, and if the parties so request, an arbitrator or steward may set forth the terms of the settlement in a "consent award."

7370. Delivery of Award to Parties.

(a) Parties shall accept as notice and delivery of the award the placing of the award or a true copy thereof in the mail addressed to the parties or their representatives at the last known addresses, personal or electronic service of the award, or the publishing of the award in accordance with the Rule 3000 Series.

(b) The award is public and shall not be considered confidential.

7380. Modification of Award.

Within seven (7) days after the transmittal of an award, any party, upon notice to the other parties, may request the steward or arbitrator, through the Arbitral Body, to correct any clerical, typographical, or computational errors in the award. The arbitrator or steward is not empowered to redetermine the merits of any claim already decided. The other parties shall be given five (5) days to respond to the request. The arbitrator or steward shall dispose of the request within five (5) days after receipt of the request and any response thereto.

7390. Release of Documents for Judicial Proceedings.

The Arbitral Body and steward shall, upon the written request of a party, furnish to the party, at the party's expense, certified copies of any papers in the Arbitral Body's or steward's possession that may be required in judicial proceedings relating to the proceeding. If the matter is appealed to an administrative law judge, the Arbitral Body and steward shall furnish copies of documents to the administrative law judge requested by the administrative law judge in connection with that proceeding.

7400. Appeal Rights.

The award shall constitute a final civil sanction subject to appeal and review in accordance with the provisions of 15 USC 3058. Notwithstanding any provision set forth in these Arbitration Procedures, nothing herein shall alter the standards of review on appeal set forth in the Act.

7410. Applications to Court and Exclusion of Liability.

(a) Arbitration is intended to be the exclusive remedy in all cases arising under the Rule 3000 Series subject to appeal as described in the Rule 3000 Series and the Act.

(b) No civil action commenced by a party relating to the subject matter of the proceeding under the Arbitration Procedures shall be deemed a waiver of any party's right to adjudicate their case under the Arbitration Procedures.

(c) Neither the Arbitral Body nor any arbitrator or steward in a proceeding under these rules is a necessary party in judicial proceedings relating to that proceeding.

(d) Parties to a proceeding under the Arbitration Procedures shall be deemed to have consented that judgment upon an award that is not appealed may be entered in any federal or state court having jurisdiction, unless the party seeks administration review pursuant to the Rule 3000 Series and the Act.

(e) Neither the Agency, the Arbitral Body nor any arbitrator or steward shall be liable to any party for any act or omission in connection with any proceedings conducted under these rules.

7420. Costs.

(a) The Arbitral Body shall prescribe filing and other administrative fees and service charges to compensate it for the cost of providing administrative services. The fees in effect when the fee or charge is incurred shall be applicable. The Arbitral Body's filing fee and any other administrative fee or charge shall be split equally amongst the parties, and the Agency's portion shall be paid by the Authority.

(b) The Arbitral Body shall split the costs of the proceeding before an arbitrator (including arbitrator fees and expenses but excluding attorney, witness, and party expert fees) equally amongst the parties with the Agency's portion being paid by the Authority. The Arbitral Body, in its discretion, may require advanced costs be paid by the parties to ensure payment is made.

(c) A party's failure to pay costs or advanced costs by the deadlines imposed by the Arbitral Body will, if not rectified immediately, result in a waiver of claims or defense to claims as applicable and result in imposition and publication of sanctions requested by the Agency.

(d) The Authority shall be solely responsible for the administrative costs stemming from steward-resolved cases as described in the Arbitration Procedures.

7430. Expenses.

The expenses of witnesses for any party shall be paid by the party producing such witnesses. Each party shall bear their own attorneys' fees and other expenses.

7440. Arbitrator's Compensation.

(a) Arbitrators shall be compensated and reimbursed in a manner consistent with the Billing Standards.

(b) If there is disagreement concerning the terms of compensation, the disagreement shall be resolved as described in the Billing Standards.

(c) Any arrangement for the compensation or reimbursement of an arbitrator shall be made through the Arbitral Body and not directly between the parties and the arbitrator.

(d) Arbitrator fees and steward fees shall be paid in accordance with Rule 7420.

7450. Application of Rules.

The Rule 1000-9000 Series shall be considered part of the agreement to arbitrate and in all instances the arbitrators and stewards are required to apply the arbitration agreement and conform to its terms.