

## OMBUDSMAN PROCEDURES

The purpose of the Ombudsman Procedures is to provide enhanced communications and initial problem solving to callers concerning REALTORS® and real estate related transactions.

The Ombudsman may answer, or seek the answer to, calls concerning transactional, technical, procedural or practical issues with respect to REALTORS® or real estate transactions.

If asked, the Ombudsman may answer questions about ethical matters. The Ombudsman may not make a determination of a violation of the REALTOR® Code of Ethics. Only the Grievance Committee may make this determination. Arbitration questions are generally limited to explaining procuring cause or MLS rules regarding compensation.

If asked, the Ombudsman may contact the named REALTOR® or the manager/DR and alert them to the question or problem and suggest they contact the consumer or other REALTOR®.

If not asked specifically, but the Ombudsman feels that communication could resolve the question or complaint, the Ombudsman may offer the name of the REALTOR® or manager/DR so that the caller may make contact or offer to contact the REALTOR® or manager/DR on behalf of the caller as above. The Ombudsman is not a mediator and only acts to promote connection between the parties.

The Ombudsman may suggest a face to face meeting of the parties and may offer the facilities of NABOR for that purpose. However, the Ombudsman may not serve as a mediator.

The Ombudsman must avoid steering complainants away from a formal hearing if one is requested. Accordingly, all written complaint forms received must be forwarded to the Grievance Committee and all written or verbal requests specifically for complaint forms will be responded to with a package of forms with no further intervention from the Ombudsman.

To ensure that all parties are notified indiscriminately of their rights to file a complaint, all calls which result in the Ombudsman taking further action beyond the initial phone conversation will require the name, address and telephone number of the caller/complainant. The Ombudsman will then, in addition to making the requested contact or action, forward a package of complaint forms with a cover letter explaining the options of the caller/complainant to file an ethics complaint or contact the Florida Real Estate Commission. The Ombudsman shall explain these options on the phone as well.

The Ombudsman should make every effort to determine if complaint forms are needed regardless of any request from the caller to take action.

Once a complaint is filed or the complainant/caller indicates positively that they wish to file a complaint, the ombudsman process must stop and the necessary forms shall be forwarded to the complainant.

The Ombudsman shall make every effort to be sensitive to the timely filing of complaints. If the Ombudsman is asked to take action or suggest action on the caller's behalf yet feels that this may result in the caller/complainant losing their rights with respect to timely filing, the Ombudsman process shall cease and appropriate complaint forms shall be sent to the complainant.

All complaints, which indicate a violation of the public trust, will immediately be referred to the Grievance Committee. NAR defines Public Trust as a demonstrated misappropriation of client or customer funds or property, discrimination against a protected class under the REALTOR<sup>®</sup> Code of Ethics, or fraud.

The contact between any Complainant and Respondent and the Ombudsman shall be confidential at all times, specifically with respect to an eventual ethics hearing. The Ombudsman shall avoid comment or assistance that could be construed as agreement or confirmation of one party's position over another.

*Revised April 2022*