



Ridgefield Board of REALTORS® Inc.

Ombuds Program Overview

INTRODUCTION

The definition of Ombuds for REALTORS® - The Ombuds Program in its simplest definition is informal telephone mediation. In some cases it can address and solve minor complaints from the public. It can also solve inter-REALTOR® conflicts before they become serious problems. Like a mediator, an ombudsman helps parties find solutions.

Boards and associations of REALTORS® are charged by the National Association of REALTORS® with the responsibility of receiving and resolving ethics complaints. This obligation is carried out by local, regional and state Grievance Committees and Professional Standards Committees.

Complaints and concerns received by the Ridgefield Board of REALTORS® come in many different forms. (Phone, letter, e mail, fax) Some complaints received by the board do not allege violation of specific provisions of the Code of Ethics nor relate specifically to conduct governed by the Code of Ethics. Some concerns or questions relate to transactional, real estate practices, technical or procedural matters that can easily be responded to.

It seems that many members of the public are reluctant to file a written ethics complaint for several reasons; the process is too cumbersome and the paperwork is too hard to understand. There is also the perception that since the hearing panel is made up of members of the association that the board is trying to protect its own. Many ethics complaints might be averted with enhanced communications and initial problem-solving capacity at the local level. These Ombuds procedures are intended to provide that capacity.

ROLE OF THE OMBUDS

The Ombuds' role is primarily one of communication and conciliation, not adjudication. Ombuds do not determine whether ethics violations have occurred; rather, they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into disputes and possible charges of unethical conduct.

The Ombuds:

- Listens to the complainant's concerns
- Ascertains complainant's desired outcome (revocation of licenses, sanctions, apology, money, etc.)
- Can field and respond to a wide variety of inquiries and complaints, including general questions about real estate practice, transaction details, ethical practice, and enforcement issues
- Explains possible avenues that might resolve the issue or reach the desired outcome
- Answers general questions and/or procedural questions and explains the formal ethics complaint process

- In cases where an Ombuds believes that a failure of communication is the basis for a question or complaint, the Ombuds can arrange a meeting of the parties and assist in facilitating a mutually acceptable resolution.
- Contacts the potential respondent to explain the complainant's concerns and desired outcome
- Tries to bring resolution
- Reports back to the complainant
- Explains the complainant's rights after the completion of the Ombuds process.
- Where a written ethics complaint in the appropriate form is received by RBOR, it can be initially referred to the Ombuds who will attempt to resolve the matter, except that complaints alleging violations of the public trust (as defined in Article IV, Section 2 of the NAR Bylaws) may not be referred to an Ombuds.
- In the event the Ombuds concludes that a potential violation of the public trust* may have occurred, the ombuds process shall be immediately terminated, and the parties shall be advised of their right to pursue a formal ethics complaint; to pursue a complaint with any appropriate governmental or regulatory body; to pursue Litigation; and/or to pursue any other available remedy.

***For purposes of these policies, a potential violation of the public trust is “demonstrated misappropriation of client or customer funds or property, willful discrimination, or fraud resulting in economic harm.”**

CONFIDENTIALITY

All communications made to the Ombuds or the Ridgefield Board of REALTORS® whether written or oral, shall be confidential and may not be disclosed (other than communicating information and results between staff and the Ombuds) to any other person for any reason. The Ombuds' opening statement shall confirm the parties' understanding of this prior to discussing the issue.

Furthermore, it is RBOR's policy that an Ombuds cannot be called as a witness as part of any future ethics complaint by the complainant or respondent in the matter in which they attempted to resolve in their role as an Ombuds. This fact shall also be made known to the parties during the Ombuds' opening statement.

RESOLUTION OF COMPLAINTS

If a matter complained of is resolved to the satisfaction of the complainant through the efforts of an Ombuds, the formal ethics complaint brought initially (if any) will be dismissed by RBOR.

FAILURE TO COMPLY WITH AN AGREED UPON RESOLUTION

Failure or refusal of a member to comply with the terms of a mutually agreed on resolution shall entitle the complaining party to resubmit the original complaint or, where a formal complaint in the appropriate form had not been filed, to file an ethics complaint. The time the matter was originally brought to RBOR' attention will be tracked by the board's professional standards administrator and the 180 day filing deadline shall be suspended from the date of the complainant's (or potential complainant's) request for informal dispute resolution service or assistance and shall resume when the informal dispute resolution procedures are concluded or terminated. This information shall be provided to the Grievance Committee for purposes of determining whether an ethics complaint is timely filed.

OPTIONS AFTER AN UNSUCCESSFUL OMBUDS PROCESS

- The complainant may file a formal ethics complaint
- The complainant may obtain legal advice
- The complainant may file a formal complaint with the CT Real Estate Commission
- The complainant may be offered mediation after a Request and Agreement to Arbitrate is filed
- The complainant may seek outside mediation services.

* Please note, if a member serves as an Ombuds and the issue is not resolved through the Ombuds process, that member will be precluded from serving in any of the formal processes available through the association (i.e. Ethics tribunal, mediation, etc.) With respect to that complaint.

REFERRALS TO THE GRIEVANCE COMMITTEE OR STATE REGULATORY BODIES

Ombuds cannot refer concerns they have regarding the conduct of any party utilizing their services to the Grievance Committee, to the CT Real Estate Commission or to any other regulatory body. The prohibition is intended to ensure impartiality and avoid the possible appearance of bias. Ombuds are, however, authorized to refer concerns that the public trust may have been violated to the Grievance Committee.