

A New REALTOR® Ombudsman Program

by Stan Collins, RCE, Chief Executive Officer

The Columbus REALTORS® receives occasional inquiries from buyers or sellers seeking information about how the typical real estate transaction should work, what they should expect from their real estate agent/broker, and whether their own recent experience is typical. Once they speak with someone who has familiarity with the business, it often becomes clear that the actions of the agent probably do not rise to any level that might warrant an ethics complaint, but there may have been some lack of communication. While the association does not receive a great many problem calls, it is not unusual that the majority have, at their root cause, a lack of communication between buyers, sellers, and agents.

To help address these requests for assistance, and to help resolve such problems before they grow into larger problems that could end up in more official and more costly ethics and arbitration complaints or hearings, in January of this year Columbus Realtors® implemented a new Volunteer Realtor® Ombudsman program. The purpose of a volunteer ombudsman is to provide a knowledgeable, informed and experienced contact person to the public when they have real estate-related questions that have not been satisfactorily addressed by their broker or agent.

The Ombudsman Program, in its simplest definition, provides informal telephone mediation. In some cases it may address and resolve minor complaints from the public. In other cases it may also solve inter-REALTOR® conflicts before they grow into more serious problems. Like a mediator, the ombudsman will help parties find solutions.

Ombudsman Referral Process

There is no fee to request the assistance of a volunteer ombudsman. When a phone call of this kind is received by Columbus Realtors® staff, it will first be transferred to staff members Kathy Elliott or Samantha Santiago, who have training in Realtor® professional standards procedures. When calling the association for assistance, callers will be advised by staff about the availability of ombudsman services; or, if they prefer not to use an ombudsman, they will be explained the procedure for filing a formal complaint. Ombudsmen may not be contacted directly by either the public or by members; those who desire the assistance of an ombudsman will be assigned an available volunteer ombudsman on a rotating basis.

What an Ombudsman Will Do

The ombudsman will make every effort to contact a person requesting ombudsman services within 24 to 48 hours. With permission of the complainant, they will confidentially contact the member involved and their broker, and let them know about the request for help. They will try to obtain any information from the member that may help provide an informed response. They may answer questions about real estate transactions in general, explain possible avenues for resolution of problems, and try to ascertain the caller's desired outcome. Finally, they may also answer questions about the association's ethics

complaint or arbitration process, as the volunteer ombudsman is also a Realtor® who is very experienced and familiar with the association's professional standards procedures.

What an Ombudsman Will NOT Do

The ombudsman will NOT make any decisions about who is right or wrong, and may not give legal advice. They will not disclose any communications without permission, as the process is considered confidential. The ombudsman will not make any written record of discussions or agreements, will not accept any materials or documents, or issue any correspondence. And again, the ombudsman will not accept any calls or inquiries about ombudsman services unless they have been referred through Columbus Realtors®.

When the Ombudsman Process Does Not Work

Should the member involved not respond to inquiries from the ombudsman, or not take action that satisfies the complainant, the ombudsman will then inform the complainant of other options they have and must then initiate on their own. Those options may include: considering seeking legal advice; in the event of a monetary dispute, considering mediation; considering filing a formal complaint with the Columbus REALTORS®; or, considering filing a complaint with the Ohio Division of Real Estate & Professional Licensing.

The public and members alike should be aware that the volunteer ombudsman program is an entirely confidential process. Accordingly, an ombudsman can NOT bring a case to the association's Grievance Committee, the MLS Committee or to any regulatory body, only unless there is perceived violation of public trust. Additionally, the ombudsman cannot be called to appear as a witness in any related ethics or arbitration hearing conducted under the association's professional standards procedures.

For more information about the new Realtor® Ombudsman Program, contact Kathy Elliott at the Columbus Realtors® Member Headquarters.