

## **Tri-County Suburban REALTORS OMBUDSMAN PROCEDURES**

The Association is charged with receiving and resolving ethics complaints. Many complaints do not expressly allege a violation of the Code or do not detail conduct related to the Code. Some complaints are transactional, technical or procedural questions. An ombudsman may provide enhanced communication and initial problem solving to potential complainants concerning REALTORS® and real estate related transactions before matters ripen into formal charges.

### **Involving the Ombudsman**

Where a general letter of inquiry or phone call is received by the Association it may be referred to the ombudsman. Persons providing a general letter of inquiry or phone call will be advised of the availability of ombudsman services and also of their right to file a formal complaint.

Should the ombudsman have reason to believe that invoking the ombudsman process may result in the complainant losing their rights with respect to timely filing of an ethics complaint or request for arbitration, the Ombudsman shall advise the complainant to file the appropriate forms to preserve those rights. Ultimately, it is the complainant's responsibility to ensure timely filing of an ethics complaint or request for arbitration.

### **Resolution of complaints**

The ombudsman has considerable latitude to resolve complaints including but not limited to:

- answer questions concerning transactional, technical and procedural or practical matters
- answer questions pertaining to ethics or arbitration but shall be clear that such answer is based on the statements made by the parties and the experience of the ombudsman and is not to be construed as a decision on the merits. A decision on the merits can only be made before a full due process hearing of the Professional Standards Committee.
- make contact with the respondent on behalf of the complainant. This may be done anonymously should the complainant desire it and the circumstances support it. Contact with the respondent is appropriate up to three (3) times in any 12 month period from the date of the first report. No more than one (1) notice for the same potential violation will be sent in any 60 day period.
- may suggest a face to face meeting of the parties and may offer that option to them. The ombudsman may also offer association facilities to bring the parties together. However, the ombudsman may not serve as mediator. If a mediator is necessary, the parties shall be referred to one using the "Mediation of Potentially Unethical Conduct" procedures.

The ombudsman does not have authority to compel a respondent to respond or take corrective action.

The ombudsman may not participate in any subsequent ethics or arbitration proceeding.