



**Fort Collins Board of REALTOS® via the Colorado Association of REALTORS®
Ombudsman Program
Adopted 12/17/2010**

MISSION STATEMENT:

It is the belief that many ethics complaints could be averted with enhanced communications and a clearer and better education for the Member and for consumers. The purpose for the adoption of a state Ombudsman Program is to provide that communication and initial problem-solving capacity at the state level. An additional benefit to this program is the opportunity to improve the image of REALTORS®.

WHO CAN USE THE PROGRAM:

The Fort Collins Board of REALTORS® via the Colorado Association of REALTORS® (CAR) will offer the services of an Ombudsman to anyone calling the FCBR or CAR offices with a complaint concerning a REALTOR® member or members. The issue can be between a consumer and REALTOR® or REALTOR® to REALTOR® dispute. Some of the issues that may be raised by the complainant may not expressly allege violations of the Code of Ethics, but are concerns from a consumer or REALTOR® member and may actually be transactional, technical or procedural questions.

ROLE OF OMBUDSMAN:

The ombudsmen role is one of communication and conciliation, not adjudication. They do not determine whether ethics violations have occurred, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters turn into disputes and possible charges of unethical conduct. The ombudsman is a neutral party and often times acts as a sounding board for disputants.

QUALIFICATIONS:

It is important that the person serving as a CAR Ombudsman is thoroughly familiar with the Code of Ethics, state real estate regulations and current real estate practice. CAR also believes that this person should have an understanding of the Professional Standards process. The CAR criteria for an Ombudsman is:

- Mediation and/or Negotiation training
- Ombudsman Training class (CAR class)
- Professional Standards in Real Estate (CAR 6 hour course within the past year)

The person wishing to apply to become an Ombudsman will be required to complete a CAR Application indicating education and a few brief questions. The applicants are encouraged to have or had local, state or national experience with professional standards processes such as Grievance and/or Professional Standards Committee or as arbitration/ ethics hearing panel members.

HOW THE PROGRAM WORKS:

A call is received at the FCBR/CAR office. Once the FCBR/CAR Professional Standards Administrator has a brief idea of the nature of the issue, they will proceed to explain the Ombudsmen program and the filing of an ethics complaint process. If the caller agrees to talk to an ombudsman, the following information is obtained:

- a. Name, phone number, email address, and whether consumer or REALTOR® (If email not available, then address so that a follow up letter can be sent.)
- b. Name, phone number of respondent, and their role (listing broker, selling broker, principal broker, office manager)
- c. If respondent is an associate broker, include the name of the designated

REALTOR® principal.

- Administrator places call to ombudsmen on the list to see if they are available. If so, they are sent the complainant's and respondent's information and a copy of the Ombudsman Worksheet and Report Form.
- Administrator sends email to complainant with the name of the person that will contact them.
- Reiterate in email – if you feel this person does not meet your needs, please call and we will get someone else to work with you.
- The Ombudsman makes contact with complainant within 48 hours of receiving the information.
- After 2 to 3 attempts to call complainant and no response is forthcoming, discontinue the process, and notify FCBR/CAR immediately.

The ombudsman

1. Listens to the complainant's concerns.
2. Helps determine a desired outcome (money, license sanctions, apology, etc).
3. Explains possible avenues that might resolve the issue or reach the desired outcome.
4. Answers general questions and/or procedural questions.
5. Contact the potential respondent to explain the complainant's concerns and desired outcome.
6. Tries to bring resolution.
7. Reports back to the complainant.
8. Explains the complainant's rights after the completion of the ombudsman process.
9. Notify the CAR office that the process is complete. Submit Ombudsman's Report Form.
10. If process is successful, administration will follow up with an email/letter to complainant thanking them for using the service. Send a brief questionnaire and ask that it be completed and returned.
11. If process is unsuccessful, go over the complainant's options: file a complaint with Division of Real Estate, obtain legal advice, and file an ethics complaint*.

*The ombudsman service works in conjunction with the Professional Standards Process.

1. Once the ombudsman service begins, the 180 days filing deadline is suspended until the ombudsman service is completed.
2. If the ombudsman process is initiated by the complainant with respect to conduct that becomes the subject of a subsequent complaint, the 180 days filing deadline shall be suspended beginning with the date of the request for the ombudsman service and shall resume when the service is concluded.

OMBUDSMAN'S ASSIGNMENT SHEET

Date Call Received: _____

Caller talked to: _____

Complainants Name: _____

Consumer REALTOR®

Company (if REALTOR®): _____

Address: _____

Phone #: _____ Email: _____ Fax #: _____

Buyer Seller Tenant Employing Broker Broker Associate Other _____

Complainants concerns: Earnest money dispute Procuring cause case Potential ethics case
 Potential CREC complaint Landlord/tenant Other _____

Respondents Name: _____

Company: _____

Address: _____

Phone #: _____ Email: _____ Fax #: _____

Buyer Seller Tenant Employing Broker Broker Associate Other _____

If Respondent is not Employing Broker, please provide name of broker for the

Ombudsman: _____

Ombudsman contacted (name): _____

Ombudsman contacted (date): _____

- Notify Complainant the name of the person who will contact them. _____
- Notified by Complainant they want a different Ombudsman(date): _____
- Notified by Ombudsman that matter has been resolved: (date) _____
- Notified by Ombudsman that matter has not been resolved: (date) _____
- Received Ombudsman Report Form: (date) _____
- If matter resolved, send thank you by email/letter and a brief survey.
- If matter not resolved, follow up with complainant regarding options: file with CREC, obtain legal advice, file ethics complaint*.

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