

OMBUDSMAN PROGRAM OUTLINE

- I. The Ombudsman Program at the Naples Area Board of REALTORS® and Association of Real Estate Professionals, Inc. (“NABOR”).**
 - a. In July 2010, NABOR updated its Strategic Plan noting the importance of member communication with the public as well as knowledge and application of the REALTOR® Code of Ethics.
 - b. The National Association of REALTORS® has provided local and state boards/associations with the ability to adopt an Ombudsman Program.
 - c. In July 2011, NABOR’s 2011 Board of Directors approved the further study and development of an Ombudsman Program for use by NABOR members and the public.

- II. Characteristics and duties of the Ombudsman, as it relates to NABOR.**
 - a. Ombudsman will serve on an annual term with that year’s Professional Standards Committee. Cases will be assigned to Ombudsman participants during the term on a rotating basis with each individual service period not to exceed one month (“Individual Service Block”).
 - i. An Ombudsman should expect up to eight (8) calls during the Individual Service Block.
 - ii. An Ombudsman should check his/her e-mail several times a day during his/her Individual Service Block for receipt of new requests.

 - b. An Ombudsman**
 - i. Keeps all information confidential.
 - ii. Provides service for the participants.
 - iii. Is an active, experienced REALTOR®
 - iv. Should have a minimum of 3 years experience in the Professional Standards process of NABOR.
 - v. Is a volunteer – not paid staff.
 - vi. Must be impartial – cannot take sides or determine who is right or wrong.

c. The Ombudsman

- i. Listens to the complainant's concerns.
- ii. Ascertains complainant's desired outcome (revocation of license, sanctions, apology, money, etc.)
- iii. Explains possible avenues that might resolve the issue or reach the desired outcome.
- iv. Answers general questions and/or procedural questions.
- v. Contacts the potential respondent to explain the complainant's concerns and desired outcome.
- vi. Tries to bring resolution.
- vii. Reports back to the complainant.
- viii. Explains the complainant's rights after the completion of the Ombudsman process.

d. If the Ombudsman process is unsuccessful, the complainant has several options.

- i. The complainant may file a formal complaint with NABOR.
- ii. The complainant may obtain legal advice.
- iii. The complainant may file a formal complaint with Florida's Department of Business and Professional Regulation – Division of Real Estate.
- iv. The complainant may be offered mediation after a Request and Agreement to Arbitrate is filed and forwarded to the Professional Standards Committee for a hearing.
- v. The complainant may seek outside mediation services.

e. The Ombudsman service works in conjunction with our REALTOR® Professional Standards process.

- i. Once the Ombudsman service commences as to a particular matter, the 180 day filing deadline set forth in the COEAM for the filing of ethics complaints or arbitration requests is suspended until the Ombudsman service has concluded.
- ii. If the Board's Ombudsman process is initiated by the Complainant with respect to conduct that becomes the subject of a subsequent complaint, the 180 day filing deadline shall be suspended beginning with the date of the request for the Ombudsman service and shall resume when the service has concluded.

f. The Ombudsman's responsibilities to NABOR.

- i. Attempt to call the complainant within 48 hours.
- ii. After two or three attempts to call the complainants and no response is forthcoming, discontinue the call.
- iii. Notify NABOR's Professional Standards Secretary ("Secretary") immediately if complainant cannot be reached.
- iv. Email completed Ombudsman Log to the Secretary within 48 hours of closing the file.
- v. After all materials related to this matter are emailed to the Secretary, shred these materials or return them to the Secretary for proper disposal.

Approved by B.O.D. on 9/8/2011