

OMBUDSMAN TIPS AND GUIDELINES

OMBUDSMAN DO'S AND DON'T'S	
DO'S	DON'TS
<b>When communicating with complainant:</b>	
<ul style="list-style-type: none"> <li>• ...Listen to their concerns.</li> </ul>	<ul style="list-style-type: none"> <li>• ...Adjudicate/make the final decision.</li> </ul>
<ul style="list-style-type: none"> <li>• ...Ascertain their desired outcome (i.e., \$\$\$, repairs, contract issues).</li> </ul>	<ul style="list-style-type: none"> <li>• ...Give legal advice.</li> </ul>
<ul style="list-style-type: none"> <li>• ...Discuss possible avenues to reach desired outcome.</li> </ul>	<ul style="list-style-type: none"> <li>• ...Determine who is right or wrong.</li> </ul>
<ul style="list-style-type: none"> <li>• ...Clarify that you understand their desired outcome and get permission to repeat information to the respondent.</li> </ul>	<ul style="list-style-type: none"> <li>• ...Refer matters to Florida Real Estate Commission yourself. Let the complainant do so.</li> </ul>
	<ul style="list-style-type: none"> <li>• ...Refer matters directly to the Complaint Review Committee <u>unless</u> you feel that there is a violation of public trust.</li> </ul>
<b>When communicating with respondent:</b>	
	<ul style="list-style-type: none"> <li>• ...Disclose communications to 3<sup>rd</sup> parties. This process is CONFIDENTIAL.</li> </ul>
<ul style="list-style-type: none"> <li>• ...Explain/communicate complainants concerns and desired outcome.</li> </ul>	<ul style="list-style-type: none"> <li>• ...Put anything in writing outside of the Ombudsman Log.</li> </ul>
<ul style="list-style-type: none"> <li>• ...Listen to their side of the issue.</li> </ul>	
<ul style="list-style-type: none"> <li>• ...Get respondent's permission to communicate their response to the complainant.</li> </ul>	

## RESPONSIBILITIES

### **NABOR'S Responsibilities to Ombudsman:**

- Contact the Ombudsman one week prior to service to confirm they have a worksheet.
- Email Ombudsman packet requesting service and a “read receipt.”
- If the Professional Standards Secretary (“Secretary”) does not receive a “read receipt” within twenty-four hours, contact the Ombudsman by phone.
- Secretary to forward service requests containing only one case per email.
- Secretary to include the following information within the Ombudsman’s service request:
  - Name and phone number of complainant
  - Name and phone number of respondent
  - Name and phone number of respondent’s broker

### **Ombudsman’s Responsibilities to NABOR:**

- Acknowledge receipt of service request to the Secretary.
- Call complainant within 48 hours of receipt of service request. Two to three attempts to reach the parties should be made prior to closing the file.
- Email completed Ombudsman Log to the Secretary within 48 hours of closing the file.
- After all materials related to the service request are emailed to the Secretary, shred the materials or return them to the Secretary for proper disposal.

## SPECIALTY FIELDS

You may receive an Ombudsman call during your service time involving an area of real estate in which you are not comfortable or in which you do not specialize.

In Professional Standards cases, it is best that the person hearing the complaint be familiar with the practices of the area of real estate on which they are asked to rule; so it is better that the Ombudsman feel comfortable in the area of real estate to which the call relates.

If for any reason you are uncomfortable with the nature of the call, please contact the Secretary and ask that this service request be re-assigned to a different Ombudsman.

## PUBLIC TRUST

Violation of the Public Trust, as defined by the National Association of REALTORS®:

**“Demonstrated misappropriation of client or customer funds or property, willful discrimination, or fraud resulting in economic harm.”**

## DISCRIMINATION ISSUES

Do not get into a discussion over areas of discrimination.

Let the complainant or respondent know that discrimination is a serious problem and that it should be reported to the proper authorities.

Phone Numbers for discrimination complaints:

- |  |                |
|--|----------------|
| 1. U.S. HUD Office                         | 1-800-347-3735 |
| 2. Florida (Miami) Regional Office for HUD | 1-305-536-5678 |
| 3. Florida Real Estate Commission          | 1-850-487-1395 |

## TIPS FOR COMMUNICATING WITH AN ANGRY COMPLAINANT/RESPONDENT

Here are some ideas that may help you prepare for challenging or hostile encounters:

**Treat the complainant/respondent as a person.** If they appreciate you as a fellow member of the human race, they may gain a better ability to keep things in perspective.

**Deflect hostile comments into opportunities to understand the caller's needs.** Rather than reacting to an attempt to find your “hot button” it is often very disarming to respond to the effort with a question seeking an explanation.

**If you make a follow-up commitment to the call, be certain to follow through.** Never over-promise. Failure to come through will serve as evidence in the caller's mind of the lack of commitment demonstrated by you and our organization.

**Know when to cut your losses.** The person may not respond to efforts to channel anger and hostility into a focused dialogue. When this happens, you are under no obligation to serve as the person's punching bag.

**Appreciate your limitations and draw on help from experts when they are available.**

**Be guarded when sharing information.** Whenever possible, avoid situations where it is likely that you may be misquoted. Angry people are often challenged listeners.

**Practice tolerance and patience, but likewise demand basic decorum and observe it.** Don't get drawn into the drama.

**Keep your own perspective and don't be afraid to laugh at yourself and learn from your mistakes.** Each call is unique and will rarely come off perfectly.

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