

Curious about the “who,” “what,” and “why” of REALTOR® Ombuds services and how this process can help you resolve disputes? Read on!

What’s a REALTOR® Ombudsperson and how can they benefit me?

A REALTOR® Ombudsperson is an informal peer “mediator” working by telephone (usually) to resolve disputes between parties in a real estate transaction. The dispute could be between the two agents or between an agent and a client or customer. Note that buyer-seller disputes are typically mediated through OM Mediation Services. The Ombudsperson offers non-judgmental real estate related information in a timely manner. If the Ombudsperson’s efforts are effective, there is no further action necessary. If there is no resolution, the Ombudsperson will advise about next steps. An Ombudsperson can also respond to general questions regarding real estate practices, transaction details, ethical practices, and enforcement issues.

Can you shed additional light on the types of issues an Ombudsperson can help me with?

Many complaints do not expressly allege violations of the REALTOR® Code of Ethics (“the Code”) or the law and may not concern conduct related to the Code or a licensee’s fiduciary duty. Some complaints are transactional, technical, and procedural questions that can be readily responded to. Others are due strictly to lack of communication. All may be appropriate for the Ombuds program.

How much does this service cost?

It’s **FREE!**

What’s the difference between the Ombuds process and mediation?

The Ombuds process usually involves parties who have not filed an ethics complaint or arbitration request, but have experienced a breakdown in communication requiring informal resolution (although an Ombudsperson may also be used where a complaint has been filed). Often the Ombudsperson functions as an intermediary who communicates the

concerns of one party to the other over the phone so a positive relationship can be restored.

Mediation, on the other hand, normally involves monetary disputes. Parties generally meet face-to-face (Zoom now) at a prearranged time with their mediator, who encourages both parties to come to a mutually satisfactory resolution of their dispute.

Ombudsperson and mediators often have the same skill set: **impartiality, the ability to listen carefully, and a willingness to keep an open mind.**

What kind of training do REALTOR® Ombudspersons receive?

A REALTOR® Ombudsperson must meet criteria for extensive real estate experience and/or additional qualifications as determined by a board or association's Board of Directors. Ombudspersons receive specialized training and possess extensive knowledge of the Code, state license law, and best practices.

How does the Ombuds process work?

The local board or association Professional Standards Administrator or Chief Executive Officer will assemble information to be sent to the Ombudsperson via email. This information may include the name, phone number, and role of the parties. The Ombudsperson will then reach out to these individuals via telephone.

Does my board/association offer Ombuds services?

Yes. All boards/associations are **required** to offer Ombuds services.

Are there things an Ombudsperson does NOT do?

Yes. An Ombudsperson does not:

- Adjudicate/make the final decision
- Give legal advice
- Determine who is right or wrong
- Disclose communications – the process is **CONFIDENTIAL**

- Make any written record of discussions and/or agreement

To learn more about the Ombuds program, contact Maryland REALTORS® Legal Hotline or your local board or association. There is also excellent information about the Ombuds program on the NAR website.