

### **Why would I choose the Ombudsman process over filing an ethics complaint?**

The Ombudsman process is an opportunity to quickly and easily resolve misunderstandings and miscommunications before it escalates to an ethics hearing. The process can be accomplished without filing a written ethics complaint.

The Ombudsman can field and respond to a wide variety of inquiries and complaints, including general questions about real estate practice, transaction details, ethical practice, and enforcement issues.

Ombudsmen can also receive and respond to questions and complaints about members; can contact members to inform them that a client or customer has raised a question or issue; and can contact members to obtain information necessary to provide an informed response.

### **Will the Complainant and the Respondent meet face-to-face?**

At the determination of the Ombudsman, the parties may meet face-to-face, or it may be handled by telephone with the parties individually, or through a conference call.

### **How long will the process take?**

The process will take 2 - 10 days depending upon the availability and accessibility of the parties compared to the ethics complaint process which takes 45 - 90 days from filing.

### **If the Ombudsman feels there was ethical misconduct on the part of the respondent, will the matter be referred to a hearing?**

**No.** Ombudsmen cannot refer concerns they have regarding the conduct of any party utilizing their services to the Grievance Committee, to the state real estate licensing authority, or to any other regulatory body.

### **Is the process confidential?**

**Yes.** The Ombudsman will conduct his work quietly and diplomatically, and, most importantly, he will strictly maintain the confidential nature of any information provided by the parties (unless otherwise legally required to disclose).

### **Will the broker be contacted?**

RSAR staff always recommends contacting the broker of the office as a first step to resolving the dispute. If the Complainant cannot or will not contact the broker, the Ombudsman will notify the broker that the Ombudsman process has been initiated.

### **Can I decline the Ombudsman process?**

**Yes.**

### **If we resolve the matter, what happens?**

Once a matter complained of is resolved to the mutual satisfaction of all parties through the efforts of an Ombudsman, the formal ethics complaint brought initially (if any) will be dismissed.

### **What if my problem is not resolved with the involvement of an Ombudsman?**

If the matter cannot be mutually agreed upon by the parties, the Complainant has the option of filing a formal ethics complaint.

### **What if the agent/broker does not comply with the agreed upon resolution?**

Failure or refusal of a member to comply with the terms of a mutually agreed on resolution entitles the complaining party to resubmit the original complaint or, where a formal complaint had not been filed, to file an ethics complaint. The time the matter was originally brought to the association's attention will be considered the filing date for purposes of determining whether an ethics complaint is timely filed.

### **Can a monetary award be made as a result of the Ombudsman process?**

**No.** If there is a monetary dispute between a client or customer against a REALTOR®, or REALTOR® versus REALTOR® it can mediated or arbitrated in accordance with the Code of Ethics and Arbitration Manual of the National Association of REALTORS®.

### **Can I have my attorney involved?**

**No.** The Ombudsman process is the opportunity to mutually resolve the issue between the parties. If the matter is not successfully resolved, the parties may be represented by counsel at an ethics hearing.

## Frequently Asked Questions

### What is an Ombudsman?



The Ombudsman is a designated neutral dispute resolution practitioner whose function is to provide independent, confidential and informal assistance. Ombudsmen do not determine whether ethics violations have occurred, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into disputes and possible charges of unethical conduct.

 **More FAQ...**



#### Who are selected as Ombudsman?

The Ombudsman is familiar with the Code of Ethics, state real estate regulations, RSAR bylaws, MLS Rules and Regulations, and current real estate practice. Ombudsmen are REALTORS® acting on behalf of the Reno/Sparks Association of REALTORS®. They must participate in an annual Professional Standards Training and an Ombudsman Training.

#### How do I start the Ombudsman process?

Contact the Executive Assistant or the Chief Executive Officer to initiate the involvement of an Ombudsman at 775-823-8800 or [info@rsar.net](mailto:info@rsar.net).

For more information on the Ombudsman Process or to file an ethics complaint contact:

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Fax: 775-823-8804

[www.rsar.net](http://www.rsar.net)

email: [info@rsar.net](mailto:info@rsar.net)



Have a Complaint, but Don't Want  
to File an Ethics Complaint?

### Check out RSAR's New Ombudsman Process

"A solution to resolving a  
misunderstanding before it escalates"



A faster, less cumbersome way of  
resolving issues between:

- REALTOR® - REALTOR®
- Customer - REALTOR®
- Client - REALTOR®