

Minnesota REALTORS®

Ombuds Program

Why an Ombuds?

The Minnesota REALTORS® is responsible for receiving and resolving ethics complaints for REALTORS® in our jurisdiction. Many difficulties between real estate agents and their clients result from misunderstanding, miscommunication or lack of adequate communication. The Minnesota REALTORS® encourages you to relay any concerns you may have directly to the REALTOR® involved and/or contact the principal broker or office manager regarding the problems you are having with the transaction, as many problems may be able to be resolved this way.

Because many ethics complaints can be averted with enhanced communications and initial problem-solving, the Minnesota REALTORS®, upon your request, also offers the assistance of an Ombuds to help you communicate with REALTOR® members before filing an ethics complaint. These Ombuds procedures, adopted and utilized by the Minnesota REALTORS®, are intended to provide that capacity.

If you have already filed an ethics complaint and determine you wish to seek assistance from the Ombuds before proceeding with the ethics complaint, you can still request the service of the Ombuds. Once a request is submitted, the Professional Standards Administrator will determine whether a complaint is appropriate for the Ombuds program and refer accordingly.

Please send your Ombuds request to the Association at prostandards@mnrealtor.com.

What is an Ombuds?

An Ombuds is an individual appointed to facilitate disputes through constructive communication and advocating for consensus and understanding. This procedure is intended to provide enhanced communications and initial problem-solving capacity.

Role of Ombudsman:

The Ombuds' role is primarily one of communication and conciliation, not adjudication. The Ombuds does not determine whether ethics violations have occurred, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into possible charges of unethical conduct.

The Ombuds can field and respond to a wide variety of inquiries and complaints, including general questions about the real estate practice, ethical practice and enforcement issues. The Ombuds can contact REALTORS® members to inform them that a client or customer has raised a question or issue; and can contact REALTOR® members to obtain information necessary to provide an informed response.

In the event the Ombuds concludes that a potential violation of the public trust (*demonstrated misappropriation of client or customer funds or property, willful discrimination, or fraud resulting in substantial economic harm*), the Ombuds process shall be immediately terminated, and the parties shall be advised of their right to pursue a formal ethics complaint; to pursue a complaint with any appropriate governmental or regulatory body; to pursue litigation; or to pursue any other available remedy.

Right to Decline Ombuds Service.

Persons filing ethics complaints, or inquiring about the process for filing an ethics complaint will be offered the Ombuds services and may decline the Ombuds service and have the complaint referred directly for formal ethics hearing.

Additionally, responding REALTORS® are not required to participate in the Ombuds process and may decline participation in the Ombuds service.

Resolution of complaints.

Although the Ombuds can facilitate communication, the Ombuds will not facilitate any formal meeting of the parties and will not be involved in documenting any resolution to which the parties may agree. If the parties wish to formalize any resolution, they will need to do so independently.

If a formal ethics complaint was submitted and the issue was subsequently resolved through the Ombuds process, the complaining party may so notify the Association and the formal ethics complaint will be dismissed.

If the complainant notifies the Association that the member failed to comply with the terms of a mutually agreed on resolution, the complainant is entitled to resubmit the original complaint or file a formal 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.*

Referrals to the Professional Standards Committee or State Regulatory Bodies.

The Ombuds cannot refer concerns they have regarding the conduct of any party utilizing their services to the Professional Standards Committee, to the Minnesota Department of Commerce, or to any other regulatory body. The prohibition is intended to ensure impartiality and avoid the possible appearance of bias. Ombuds are, however, authorized to refer concerns that

the public trust may have been violated to the Professional Standards Committee for consideration by a Grievance Review Panel.

The Ombuds cannot be called as a witness at any resulting professional standards hearings or other venue the complainant seeks a remedy, nor can the Ombuds be required to provide any other testimony or affidavits regarding the dispute.