

Ombudsman Policy

Manhattan Association of REALTORS®

Purpose of the Ombudsman

- The Ombudsman's role is primarily one of communication and conciliation, not adjudication. Ombudsmen do not determine whether ethics violations have occurred or who is entitled to what amount of money, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters evolve into disputes and possible charges of unethical conduct.

Responsibilities of the Ombudsman

- Maintain confidentiality of all parties.
- Respond to any real estate questions regarding ethical and enforcement practices.
- Communicate the concerns of one party to the other party.

Ombudsman Process

- The Ombudsman may be contacted directly or referred by MAR staff or members.
- When contacted, MAR staff will offer the services of an Ombudsman as an alternative to or in connection with submitting a formal complaint.
- If a complaint is received by MAR and the complainant agrees, the Ombudsman may attempt to resolve the matter before proceeding to the Grievance Committee. If resolution is not reached, the complainant may continue with the complaint procedures as outline in the NAR Code of Ethics and Arbitration manual.
- In carrying out the assigned duties, the Ombudsman may:
 - Contact the members who are named to obtain information to provide an informed response.
 - Arrange a meeting of the parties to facilitate a mutually acceptable resolution as necessary.
 - Call upon other Ombudsmen for consultation.
- The Ombudsman will log topics and time spent for the purpose of tracking the service and potential areas of member education.

Limitations of the Ombudsman

- Adjudicate/make the final decision.
- Give legal advice.
- Determine who is right or wrong.
- Disclose or record individual's information (process is CONFIDENTIAL).