



Using an Association's Ombudsman Program to Help Avoid a Formal Complaint

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QUESTION: I helped a buyer client through a difficult transaction a couple of months ago. The transaction closed and my client is happy with the property as far as I know. However, she called me recently to tell me that she is still upset by some things that the listing agent did that she thinks were wrong, and that she wants me to help her do something about it. I know that complaints could be filed with the Real Estate Commission and/or with the listing agent's local association of REALTORS®. Do I have a duty to my client to file a complaint with the Commission or our association of REALTORS®, or should the client do it? Is there another option?

ANSWER: You don't have any duty to a client to file a complaint on their behalf, and in our view, it would be preferable for your client to file a complaint in her own name since she is the person who is upset by the listing agent's allegedly wrongful conduct. However, either your client or you could file a complaint with the Real Estate Commission for alleged violations of the real estate license law or with the listing agent's local association of REALTORS® for alleged violations of the Code of Ethics. A Real Estate Commission complaint can be filed online and is available on the Commission's website [here](#); an ethics complaint can be filed by requesting the complaint form from the listing agent's local association.

Another option that you should consider recommending to your client is using the local association's ombudsman program. What is an ombudsman? It is useful to think of an ombudsman—typically an experienced REALTOR® volunteer who has received ombudsman training—as someone who provides informal telephone mediation. In some cases, an ombudsman can address and solve minor complaints from the public or a member before they become serious problems. Like a mediator, an ombudsman tries to help parties find solutions. The ombudsman process does not replace a formal Real Estate Commission complaint or an association ethics complaint; rather, it is an informal process that will, if successful, avoid the need for a more formal disciplinary process. Your client may be satisfied simply talking about her concerns with an ombudsman, or perhaps the ombudsman can help clear up some misunderstanding by talking with the listing agent about your client's concerns. It's free, confidential, and it couldn't hurt to try it!

We suggest you contact your local association to get information about its ombudsman program. Many local associations fulfill the requirement to have an ombudsman program through participation in the NC REALTORS® Ombudsman Program. A brochure with information about the NCR Program is available on the NCR website [here](#), and the NCR Ombudsman Request Form can be submitted online [here](#).

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