

COMMUNICATION

Each year, more than 50 consumer complaints are received and investigated by Real Estate Commission staff. Many of those investigations find that brokerage statutes or Commission rules have been violated and result in disciplinary action. However, most complaint investigations, usually slightly more than half, result in dismissals. A “dismissal” means that no disciplinary action resulted, but it does not necessarily mean that the performance of the licensee(s) involved was without fault. The Commission often points out in complaint dismissals where steps could have been taken to avoid a problem, improve the result, provide better service to a client or avoid potential conflict with a brokerage statute or Commission rule.

Common examples of poor communication practices found in complaint investigations:

- Lack of feedback from showings to seller clients.
- Buyer believes that the earnest money deposit is “automatically” returned if inspections are deemed unsatisfactory.
- EMD is in dispute and guidelines in Chapter 400 of Commission rules not followed.
- Contract deadlines aren’t adhered to or are misunderstood.
- Poorly drafted contract contingencies and amendments that don’t clearly state the “who, what, when, and what if.”

Marketing experts agree that effective communication is one of the biggest factors in any business’ success, and that poor communication is a significant factor in the failure of many businesses. Most, if not ALL, Commission complaint investigations have found evidence that poor communication practices, of one sort or another, played a role in the transaction and resulted in frustration, mistrust, dissatisfaction, and, ultimately, the complaint being submitted.

Considering how pervasive computers, tablets, and smartphones have become, it seems improbable that communication should be an issue in real estate transactions, but lack of communication is not always the problem. What are you communicating about? Casual, non-business communication is good, and important, but it is not enough. Get to business!

- Does the client really understand what they are signing/what you are telling them?
- Do you really understand what your client is signing/what you are telling them?
- Don’t assume that the client/customer has knowledge that they may not.
- Explain, educate and set reasonable expectations.
- When a problem or conflict arises - don’t ignore it. Be proactive, not reactive. Address problems in a timely manner by effectively communicating and negotiating solutions before they escalate.

Do not rely solely on email, text messages or other “digital” communication. It’s good as a record of decisions and discussions, but vulnerable to misunderstandings. Hurried responses, or those sent while distracted, can lead to problems. Responding in an email or text message while angry or upset can lead to even bigger problems. When communication is already strained, a flurry of emails back and forth usually does little other than compound the frustration.

Don't avoid having a conversation either face to face or on the telephone to resolve or discuss issues. Failure to act and failing to respond are also forms of communication, but the result may not be that which was intended. The value of face to face communication cannot be overstated. According to some sources, people spend about 75% of their waking hours communicating, of which about 80% happens non-verbally by interpreting and sending non-verbal cues, such as facial expressions, body language and eye contact. People are influenced by how others react, listen, look, etc. when communicating. When verbal and non-verbal signals match, it creates trust and conveys understanding and a clear message.

If you are going to use email, text messages or any written communication - write well. Use spell check. Ask someone to act as your editor. Set it aside and read it again in a few minutes like you are seeing it for the first time, *before* hitting the "send" button. An old boss once told me that there is "no such thing as good writing...only good re-writing!"

In summary, how should you communicate with buyers, sellers and other licensees ?

- Be professional.
- Be responsive. Answer the mail in a timely fashion. Return phone calls.
- Effective communication is two-way. It has to flow in both directions - from you to your client and from the client back to you.
- Listen. Ask the right questions. Listen.
- Provide straightforward answers.
- If you don't know the answer, ask for help. Ask your designated broker. Do research.