

20250401\_SF1063\_KMarshik\_Testimony

I am a HOA homeowner, and I am elated to write a letter in strong support of SF 1063 to create the office of the ombudsman.

Thirty years ago, I walked into a builder's on-site, sales office and purchased my first home in a new townhome development. For the most part I have adapted well to the lifestyle of living within a HOA.

- Our 30-yr-old, 96-unit, HOA community is now on its third property management company.
- We've had 13 different property managers within the three management companies.
- We've had about 90 different homeowners serving on transitioning boards and committees.

I share the 3 stats above to demonstrate how many managerial changes this HOA has experienced. There are a lot of moving parts and so many different levels of commitment, education and ethics. This is why I am a strong supporter of one neutral Ombudsman office. HOA's need one solid pillar to rely on for integrity and transparency. We need to protect the organization, but we also need to support homeowners.

Property managers should remain "neutral" between board members and homeowners, but in my BOD experience, that has not been the case. If a board member goes rogue or has a personal agenda, it's not always apparent for homeowners or even board members to spot or prove.

Board members are typically protected by the HOA's D&O insurance, and have the power to enlist the HOA lawyer at the homeowners' expense. Rogue BOD members get their lawyer paid for, while the homeowner deemed a litigation risk, is left standing alone to fight an organization. Yes, a board member with a personal agenda can be sued individually, but given the lack of transparency and unethical HOA business practices, it's hard for a homeowner to gather the information and evidence needed within the statute of limitations.

I am grateful for everyone's commitment towards improving this living model and appreciate the opportunity to be heard.

Sincerely,

A handwritten signature in black ink that reads "Kelly Marshik". The signature is written in a cursive, flowing style.

Kelly Marshik