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'TOXIC SITUATION' I'm a lawyer – the biggest problem with HOAs will always be 'rampant' if normal people remain in total control

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A LAWYER who advocates for homeowners has revealed a rampant issue of fraud among HOAs when everyday people are in complete control.

There have been many stories of combativeness between homeowners and their HOA boards, [typically over things like lawn or home aesthetics](#).

Attorney David B. Haber from Haber Law has exposed fraud and coverups within Florida's HOAs Credit: Haber Law



Haber detailed a scheme where HOAs hire licensed contractors who are the family or friends of board members to funnel in stolen money Credit: Getty

However, Attorney David B. Haber from [Haber Law](#) has exposed a bigger issue within HOAs - fraud and coverups.

Haber, who has over 30 years of experience, helps high-profile condo associations in South [Florida](#), and one of the schemes he has encountered was HOAs hiring licensed contractors who are the family or friends of board members to funnel in stolen money.

"So basically they're able to kind of hide the fraud by telling residents this money's going towards this or that, but then they just channel it in themselves.

"Or they funnel it to their friends, and some of them are even unlicensed and not qualified to perform the work," Haber explained, noting that these workers are dealing with the structural integrity of the buildings.

Haber warned that there are hundreds of thousands, if not millions of dollars put into the construction of the buildings that these HOAs are representing.

"And these associations have control of this money, these boards, and it can be very dangerous if they're not abiding by law," he said.

The lawyer added that these board members are "lay people dealing with other people's money."

Haber said that this fraud tactic is "rampant.

"It's not something that is unique and it happens all the time."

One recent example of HOA board members defrauding the homeowners they are meant to represent happened within Florida's largest HOA, the Hammocks Community Association (HCA), which covers 40 communities in West Kendall, about 52 minutes southwest of [Miami](#).

Former and current board members, including a former HOA president's husband, [were arrested in November 2022](#) and accused of stealing at least \$2million from homeowners.

Those arrested included former HOA president Marglli Gallego and her husband, Jose Antonio Gonzalez, president at the time, Monica Isabel Ghilardi, board member Myriam Arango Rodgers, and former board member Yoleidis Lopez Garcia.

"What this particular situation shows is that there are still significant deficiencies in the Florida laws and administrative procedures dealing with elections and how to deal with corruption within condominium and HOA boards," Haber said.

He added that the Department of Business Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes lacks sufficient funding for investigators, "particularly in South Florida where you have so many condominiums and HOAs."

"I believe there should be a special state attorney task force that is solely charged with the responsibility of investigating these alleged crimes," Haber said, noting that "we don't have the resources currently to properly enforce the laws that are passed."

Homeowners of the HCA tried to oust Gallego and her supporters on the board for years, the [Miami Herald](#) reported in November 2022.

Haber called the HCA's situation "very toxic," adding that "It's very difficult in an HOA like that with so many owners to overthrow and overturn a board."

In general, the lawyer pointed to issues within the voting process during HOA board elections.

"People taking proxies, people forging ballots, just absolute, fraudulent conduct in the voting process itself," Haber said.

The U.S. Sun approached the Department of Business Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes for comment.