



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final Code Compliance Hearing

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Monday, September 24, 2012

1:30 PM

Old City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**Call Meeting to Order**

### Code Violations

#### **Case # 12-378**

Katherine A O'Shea Rev Trust  
Brian R Quattrini, R/S  
Tarzan Tree Care  
Sandra Downs - Contractor  
414 Louisa Street  
Sec. 110-321 - Required  
Sec. 110-256 Tree abuse  
Certified Service: 9-10-2012 - contractor  
Certified Service: - owner  
Initial Hearing: 9-24-2012

**Count 1:** A Royal Poinciana Tree was removed without a permit.

**Count 2:** Tree abuse is prohibited

The Special Magistrate found Tarzan Tree Care/Sandra Downs and Katherine O'Shea Revocable Trust and Brian Quattrini in violation. 1. This Court has jurisdiction pursuant to Sec. 110-292, 110-293, 110-295, Ch. 2, Article VI of the City of Key West Code of Ordinances, as well as Ch. 162, Florida Statutes. 2.

This Court finds that all parties and the public have been legally notified of the proceedings. Downs appeared live. Quattrini failed to appear after requesting a continuance and this order is entered forthwith in DEFAULT as it pertains to Quattrini. 3. The City of Key West has proven, by a Preponderance of the Evidence that a Specially Protected Royal Poinciana tree, pursuant to Sec. 110-253, was removed at 414 Louisa St. in Key West, FL on or about November 7, 2011 without the benefit of a city-issued permit in violation of Sec. 110-321. 4. This Court further rules that an emergency situation did not exist for the removal of the tree as alleged by the Respondents, nor did either Respondent secure either an Emergency Removal permit pursuant to Sec. 110-

258 or a regular removal permit pursuant to Sec. 110-321. 5. The Court finds that the testimony of Ms. Downs and the affidavit from Quattrini regarding the alleged emergency situation to be incredible in light of the sworn, live testimony from Mr. Horonawitz, Ms. DeMaria, Ms. Ballard and Mr. Williams. 6.

The Court orders that Downs pay an irreparable fine in the amount of \$1,000.00. In addition, Downs shall reimburse the City of Key West half the costs of prosecuting this matter including all magistrate fees and staff time. 7.

The Court further orders that Quattrini pay an irreparable fine in the amount of \$4,000.00. In addition, Quattrini shall reimburse the City of Key West half the costs of prosecuting this matter including all magistrate fees and staff time. 8. The City is also entitled to costs as a result which will be submitted by affidavit at a later date. All fees are payable within sixty (60) days from the date of this order.

**Case # 12-386**

Tarzan Tree Care  
Sandra Downs  
534 Grinnell Street  
Sec. 110-321 - Required  
Certified Service: 9-10-2012  
Initial Hearing: 9-24-2012

**Count 1:** A Royal Poinciana Tree was not trimmed according to "best pruning practices" by ANSI A-300 standards

The Special Magistrate found Tarzan Tree Care/Sandra Downs in violation. 1.

This Court has jurisdiction pursuant to Sec. 110-292, 110-293, 110-295, Ch. 2, Article VI of the City of Key West Code of Ordinances, as well as Ch. 162, Florida Statutes. 2. This Court finds that all parties and the public have been legally notified of the proceedings. 3. The City of Key West has proven, by a Preponderance of the Evidence that a Specially Protected Royal Poinciana tree, pursuant to Sec. 110-253, was maintained at 534 Grinnell St. in Key West, FL on or about October 31, 2011 without the benefit of a city-issued permit in violation of Sec. 110-321. 4. The Court finds that the testimony of Ms. Downs to be incredible in light of the sworn, live testimony from Mr. Horonawitz, Ms. DeMaria, Ms. Ballard and Mr. Williams concerning the requirement to first obtain a permit prior to pruning, trimming or maintaining a specially protected tree. 5. The Court orders that Downs pay an irreparable fine in the amount of \$500.00. In addition, Downs shall reimburse the City of Key West costs of prosecuting this matter including all magistrate fees and staff time. 6. The City is entitled to costs as a result which will be submitted by affidavit at a later date. All fees are payable within sixty (60) days from the date of this order.

The

**Adjournment**