



THE CITY OF KEY WEST
Tree Commission
Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

**NOTICE OF ADMINISTRATIVE HEARING
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

September 15, 2021

City of Key West
Petitioner,

Vs.

CKTrust
c/o Michael Skinner
3800 Duck Avenue
Key West, FL 33040

Caribbean Blue Services Inc
Attn: Joshua Correa Cabrera
13A 7th Avenue
Key West, FL 33040

Marcia Peters
3434 Riviera Drive
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, October 12, 2021**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. **Your presence is required at this Tree Commission meeting.**

Date of alleged violation: prior to March 1, 2021 at 3434 Riviera Drive, Key West, FL:

Sec. 110-321. Required.

(a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:

(1) Any tree listed as "specially protected" in section 110-253;

Sec. 110-336. Pruning or heavy maintenance.

(1) Pruning of trees shall be performed following pruning standards set by ANSI A-300 standards, as provided in division 5 of this article.

(2) A permit is not required for the trimming of a dicot tree if: less than 1/3 of the tree and/or canopy is being removed as defined in section 110-252 as minor maintenance, and the trimming does not impact the overall shape of the tree; branches being removed are not primary, structural branches and are less than 6 inches in diameter; and the work is done according to ANSI A-300 standards.

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

(3) A permit is required for the removal of large, structural branches and if the tree is being reduced in size or overall shape and density by more than 1/3 as defined in section 110-252 as major maintenance.

Section 110- Sec. 110-256. Tree abuse.

(b) Prohibited acts. A tree shall be considered abused if a person takes an action so that one of the following occurs:

(4) Cutting upon a tree which destroys its natural shape.

(5) Hatracking as defined in section 110-252

Factual allegation: One (1) Mahogany tree located at 3434 Riviera Drive has been heavily trimmed without benefit of a heavy maintenance trimming permit and the work was done improperly (hatracking). Information received to the Urban Forestry Manager's office indicates that the property owner at 3444 Riviera Drive hired the company who "trimmed" the tree.



If the Tree Commission for the City of Key West finds that there has been a violation of the above code sections, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent regular mail and certified U.S. Mail to the above named Respondent's listed address on this **16th day of September 2021.**

If you have any questions, please call the office at (305) 809-3768.

Karen DeMaria
Urban Forestry Manager
kdemaria@cityofkeywest-fl.gov

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.



**THE CITY OF KEY WEST
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409
Telephone: 305-809-3725

**NOTICE OF ADMINISTRATIVE HEARING
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

December 1, 2021

City of Key West
Petitioner,
Vs.

CKTrust
c/o Michael Skinner
3434 Rivera Drive
Key West, FL 33040

Caribbean Blue Services Inc
Attn: Joshua Correa Cabrera
13A 7th Avenue
Key West, FL 33040

Marcia Peters
3434 Riviera Drive
Key West, FL 33040

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, December 14, 2021**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**

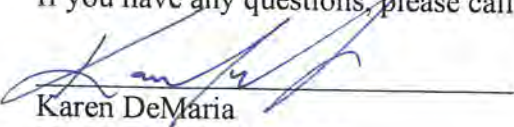
This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to further discuss the code violation that has been committed by the above named Respondents. **Your presence is required at this Tree Commission meeting.**

Factual allegation: One (1) Mahogany tree located at 3434 Riviera Drive has been heavily trimmed without benefit of a heavy maintenance trimming permit and the work was done improperly (hatracking). Information received to the Urban Forestry Manager's office indicates that the property owner at 3444 Riviera Drive hired the company who "trimmed" the tree.

If the Tree Commission for the City of Key West finds that there has been a violation of the above code sections, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

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If you have any questions, please call the office at (305) 809-3768.


Karen DeMaria
Urban Forestry Manager

kdemaria@cityofkeywest-fl.gov

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

Staff Report

STAFF REPORT

DATE: December 1, 2021

RE: Administrative Hearing for 3434 & 3444 Riviera Drive (TC2021-0007)

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On November 16, 2021, a site inspection was done to measure the diameter of the mahogany tree. The tree measured 29.6 inches. Photos were taken while on site and are below.



Photo of trunk and
base of tree, view 1.



Photo of tree
“canopy”,
view 1.



Photo of tree
“canopy”,
view 2.



Photo of tree
“canopy”,
view 3.



Photo of
base and
main trunk
of tree,
view 2.

STAFF REPORT

DATE: October 1, 2021

RE: Administrative Hearing for 3434 Riviera Drive (TC2021-0007)

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On February 28, 2021, I received a complaint regarding a “butchered” mahogany tree located at 3434 Riviera Drive. On March 2, 2021, a site inspection documented that a large mahogany tree had been improperly hatracked with all the canopy branches having been removed. No permits had been issued to do any work on this tree. I spoke to the property owner, Ms. Peters, owner of the tree, and she stated that the neighbor (3444 Riviera Drive) hired a crew to trim the tree as that property owner was afraid of potential hurricane damage from the tree. At that time, Ms. Peters did not know the name of the company that did the work.



Photo of tree received with complaint, February 28, 2021

Photos of tree during March 2, 2021 site visit.



Photo taken from the street in front of 3444 Riviera Drive.



Photo taken in driveway of 3434 Riviera looking at pile of cut branches.



View of tree
“canopy”
from
driveway area
of 3434
Riviera

On June 1, 2021, a warning letter was sent to both Ms. Peters and the property owner at 3444 Riviera Drive requesting information as to who did the “trimming” work and notifying both property owners of the enforcement case. On July 8, 2021, information was received to the office from a representative of Ms. Peters that Caribbean Blue Services, Inc did the “trimming” work. A check of City licenses indicates that there are no licenses issued under the business name of Caribbean Blue Services Inc or the owner Joshua Correa Cabrera.

At this time, no additional information or discussion has been made with Ms. Peters or the property owner at 3444 Riviera Drive, CK Trust.

A site inspection was done on October 1, 2021 to determine the existing condition of the mahogany tree (photos taken). Due to issues with mailing and noticing of the hearing to CK Trust, a copy of the Administrative Hearing notice was left at the mailbox.



Photos taken during reinspection on October 1, 2021

Photo taken from the street in front of 3444 Riviera Drive.



View of tree “canopy” from driveway area of 3434 Riviera



Google Earth
aerial dated
February 2018
showing
location of tree
canopy



Photo taken
from the street
in front of
3444 Riviera
Drive.

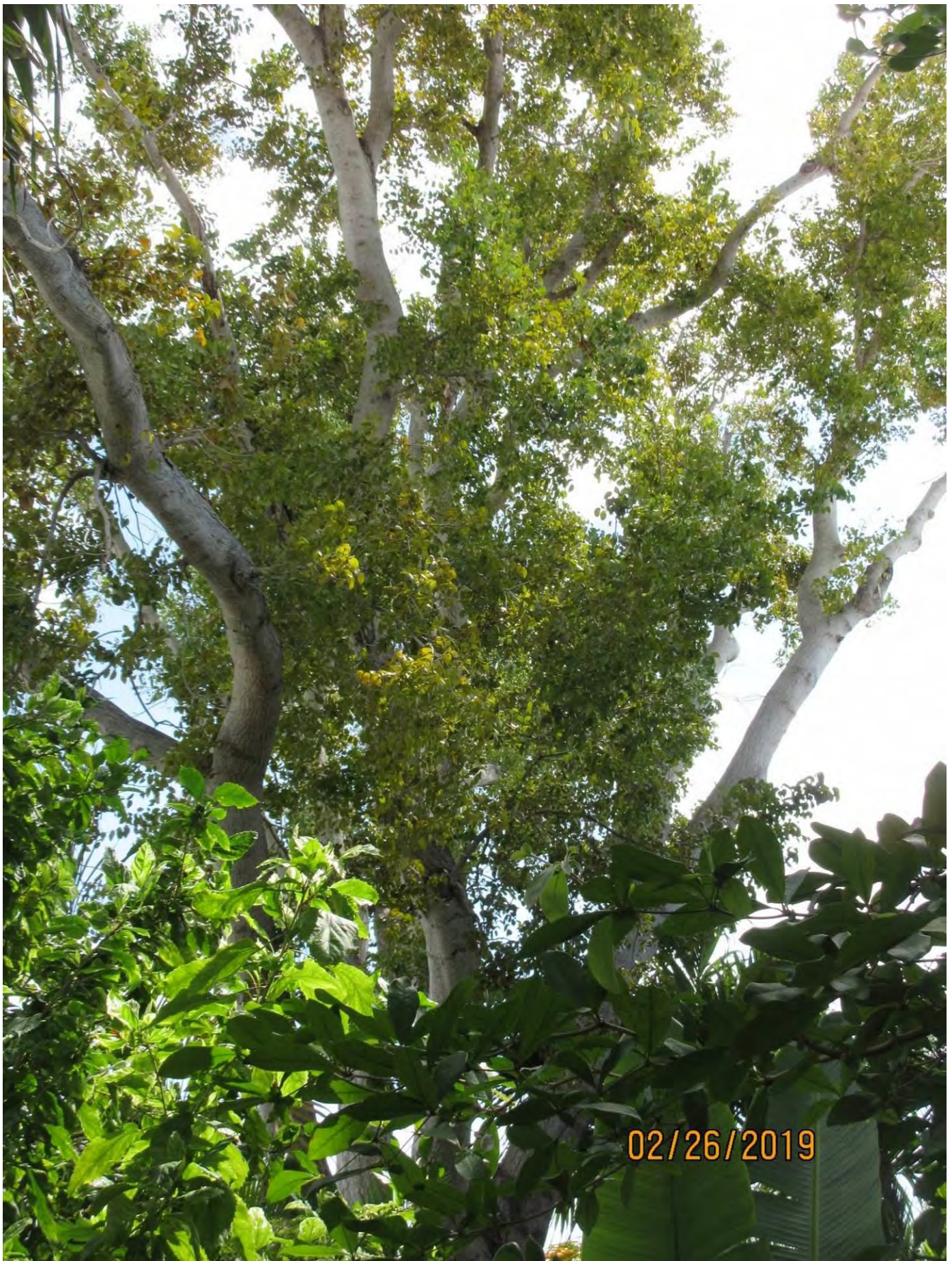


Photo of tree canopy branches, 2019.



Photos taken on site in 2018 of tree canopy branches and trunk.



THE CITY OF KEY WEST
Tree Commission
P.O. BOX 1409
Key West, FL 33041-1409

June 21, 2021

CKTrust
c/o Michael Skinner
3800 Duck Avenue
Key West, FL 33040

Marcia Peters
3434 Riviera Drive
Key West, FL 33040

To Whom It May Concern:

On March 1, 2021, I was informed of the trimming/removal of a protected tree at 3434 Riviera Drive and was asked if a permit had been issued to trim/remove (1) Mahogany tree at that location. A subsequent inspection of the tree and property located at 3434 Riviera Drive observed the mahogany tree had been heavily and improperly trimmed and a permit was required but not applied for or issued for this work. I spoke to the property owner who indicated that the neighbor at 3444 Riviera Drive hired a group to trim the tree. I asked for information regarding the group that did the work but to date have not received a response.

Section 110-Tree Protection, Division 5-Pruning Standards of the City of Key Code of Ordinances describes ways to properly trim a tree. A permit is required to do heavy maintenance trimming of a tree canopy or if a cut is greater than 6 inches diameter;

Sec. 110-321. Required.

- (a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:
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Section 110- Sec. 110-256. Tree abuse.

- (b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:

(4) Cutting upon a tree which destroys its natural shape.

(5) Hatracking as defined in section 110-252



I will be initiating an enforcement case in front of the Tree Commission for the August 10, 2021 Tree Commission meeting. I need to know who actually did the "trimming" work so they can be included in the noticing and processing. Please contact my office with the information as soon as possible. Failure to contact my office will result in the entire enforcement proceeding being placed on both property owners.

Sincerely,

Karen DeMaria
Urban Forestry Manager
305-809-3768
kdemaria@cityofkeywest-fl.gov

cc: Resident, 3444 Riviera Drive, Key West, FL 33040

Karen DeMaria

From: Joseph Madrid
Sent: Wednesday, September 15, 2021 4:10 PM
To: Karen DeMaria
Subject: RE: Caribbean Blue Service Inc

Karen,

I do not show anything for that business or individual name.

Joseph

Joseph Madrid

Licensing Administrator



Licensing | 1300 White Street | Key West, Florida 33040

Direct: 305.809.3959

eMail: jmadrid@cityofkeywest-fl.gov

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. F.S. 668.6076.

From: Karen DeMaria <kdemaria@cityofkeywest-fl.gov>
Sent: Wednesday, September 15, 2021 3:37 PM
To: Joseph Madrid <jmadrid@cityofkeywest-fl.gov>
Subject: Caribbean Blue Service Inc

I need to confirm whether the above listed company or person (see attached Sunbiz report) have a City of Key West license of any sort.

Thank you,

Karen

Karen DeMaria

Karen DeMaria
Urban Forestry Manager
Certified Arborist FL-6585A
City of Key West

305-809-3768





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Detail by Entity Name

Florida Profit Corporation

CARIBBEAN BLUE SERVICES INC.

Filing Information

Document Number	P20000089005
FEI/EIN Number	85-4002964
Date Filed	11/05/2020
Effective Date	11/05/2020
State	FL
Status	ACTIVE

Principal Address

13A 7TH AVE
KEY WEST, FL 33040

Mailing Address

13A 7TH AVE
KEY WEST, FL 33040

Registered Agent Name & Address

La Morenita Professional Services Inc
29617 SW 162nd Ave
Homestead, FL 33033

Name Changed: 03/15/2021

Address Changed: 03/15/2021

Officer/Director Detail

Name & Address

Title P

CORREA CABRERA, JOSHUA
13A 7TH AVE
KEY WEST, FL 33040

Annual Reports

Report Year	Filed Date
2021	03/15/2021

Document Images

[03/15/2021 -- ANNUAL REPORT](#)

View image in PDF format

[11/05/2020 -- Domestic Profit](#)

View image in PDF format

Additional Information

Karen DeMaria

From: John Cole <shadetreeservices@yahoo.com>
Sent: Sunday, October 24, 2021 4:28 PM
To: Karen DeMaria
Subject: [EXTERNAL] Mahogany Tree 3444 Riviera Dr

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Karen, I was asked by the owner Mike Skinner to review the pruning done in his absence of the Mahogany Tree between him and his neighbor. The Mahogany Tree was severely butchered by an untrained and unqualified individual. More than 50% of the canopy was removed and no collar cuts were observed.

This tree is highly stressed and will take several years of corrective pruning, fertilization and monitoring for decay and insect infestation before canopy development will sustain Tree.

We have been retained to begin quarterly fertilization and monitoring of the response from the Tree. I don't feel like any additional pruning will be beneficial during this next 9–12 months of redevelopment of canopy structure.

When pruning is deemed suitable we will begin by establishing laterals to train to reform canopy and begin to alleviate decay and dieback from improper pruning along with unnecessary growth.

I will give you a written report every 6 months to verify the progress is moving forward and that the tree is sustainable.

Thank you

John Cole.

[Sent from Yahoo Mail for iPhone](#)

Why Topping Hurts Trees

Learn why topping is not an acceptable pruning technique and discover recommended alternatives.



Topping is perhaps the most harmful tree pruning practice known. Yet, despite more than 25 years of literature and seminars explaining its harmful effects, topping remains a common practice.

What Is Topping?

Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role.

Other names include "heading," "tipping," "hat-racking," and "rounding over."

Topping is often used to reduce the size of a tree. Homeowners may feel a large tree poses a risk to their property; however, topping is not a viable method of height reduction, and may increase risk in the long term.



RIGHT



Topping Stresses Trees

Leaves are the food factories of a tree; however, topping can remove 50-100% of a tree's leaf-bearing crown. Removing the leaves can potentially starve a tree and trigger various survival mechanisms. Dormant buds are activated, forcing rapid growth of multiple shoots below each cut. The tree needs to grow a new crop of leaves as soon as possible. If a tree does not have the stored energy reserves to do so, it will be seriously weakened and may die.

A stressed tree with large, open pruning wounds is more vulnerable to insect and disease infestations. The tree may lack sufficient energy to chemically defend the wounds against invasion, and some insects are actually attracted to the chemical signals trees release.

Topping Can Lead to Sunburn

Branches within a tree's crown produce thousands of leaves to absorb sunlight. When the leaves are removed, the remaining branches and trunk are suddenly exposed to high levels of light and heat. The result may be sunburn of the tissues beneath the bark, which can lead to cankers, bark splitting, and death of some branches.



Topping Can Lead to Unacceptable Risk

The survival mechanism that causes a tree to produce multiple shoots below each topping cut comes at great expense to the tree (see figure above). These shoots develop from buds near the surface of the old branches. Unlike normal branches that develop in a socket of overlapping wood tissues, these new shoots are anchored only in the outermost layers of the parent branches and are weakly attached.

The new shoots grow quickly, as much as 20 feet (6 m) in one year in some species. Unfortunately, the shoots are weakly attached and prone to breaking, especially during windy or icy conditions. While the original goal was to reduce risk by reducing height, risk of limb failure has now increased (see figure below).



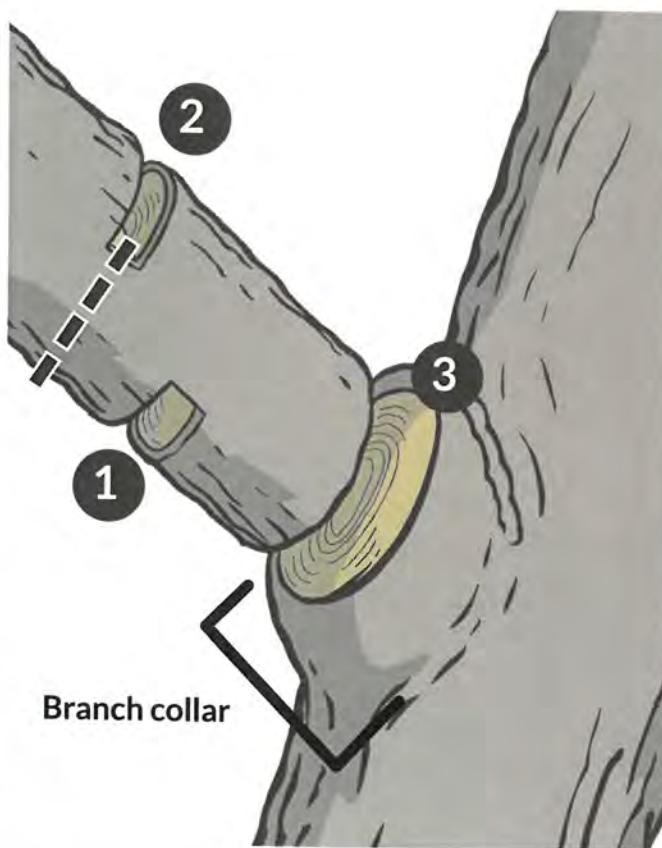
Topping Makes Trees Ugly

Topping destroys the natural form of a tree. Trees form a variety of shapes and growth habits, all with the same goal of presenting their leaves to the sun. Topping removes the ends of the branches, often leaving ugly stubs. Without leaves (for up to six months of the year in temperate climates), a topped tree appears disfigured and mutilated. **A tree that has been topped can never fully regain its natural form.**

Topping Leads to Decay

Correct pruning cuts are made just beyond the branch collar (see figure below). The tree is biologically equipped to close such a wound if the tree is healthy enough and the wound is not too large.

Cuts made indiscriminately between lateral branches create stubs or wounds that the tree may not be able to close. The exposed wood tissues begin to decay. Normally, a tree will "wall off," or compartmentalize, the decaying tissues, but few trees can defend the multiple severe wounds caused by topping. The decay organisms are given a free path to move through branches.



How to Make a Pruning Cut:

1. Make an undercut about 12–18 inches (30–46 cm) from the limb's point of attachment.
2. Make a second cut from the top, directly above or a few inches farther out on the limb. Doing so removes the limb, leaving a stub.
3. Remove the stub by cutting back to the branch collar, but do not cut the collar. This technique reduces the possibility of tearing the bark.

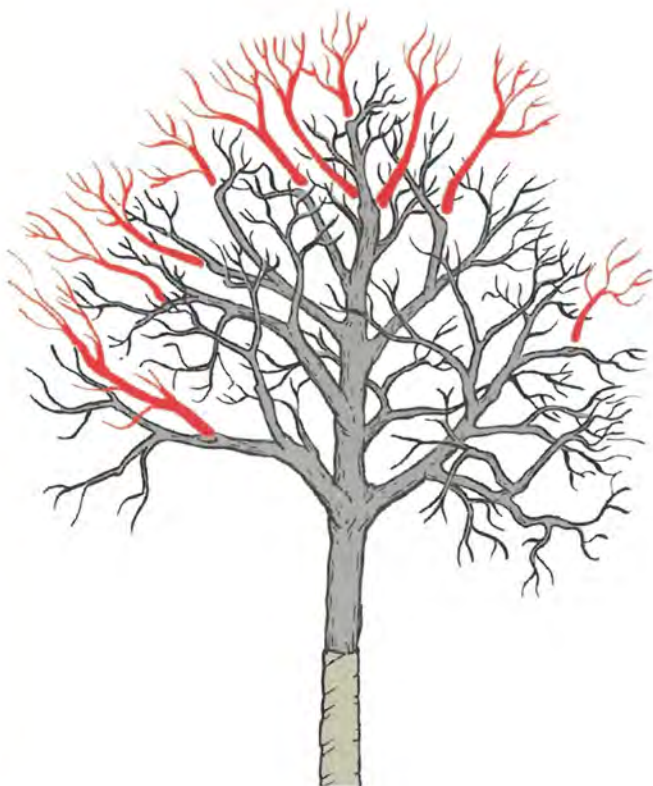
If the tree has started closing over a stub, cut just the dead stub and not the live tissue.



Topping Is Expensive

The cost of topping a tree is not limited to only the job cost. Some hidden costs include:

- Increased maintenance costs. If the tree survives, it will likely require corrective pruning within a few years (e.g., crown reduction or storm damage repair). If the tree dies, it will have to be removed.
- Reduced property value. Healthy, well-maintained trees can add 10–20% to the value of a property. Disfigured, topped trees are considered an impending expense.
- Increased liability potential. Topped trees may pose an unacceptable level of risk. Because topping is considered an unacceptable pruning practice, any damage caused by branch failure of a topped tree may lead to a finding of negligence in a court of law.



Proper branch reduction preserves natural form.

Alternatives to Topping

Sometimes a tree must be reduced in height or spread, such as for providing utility line clearance. There are recommended techniques for doing so. Small branches should be removed back to their point of origin. If a larger limb must be shortened, it should be pruned back to a lateral branch that is large enough (at least one-third the diameter of the limb being removed) to assume the terminal role. This method of branch reduction helps to preserve the natural form of the tree.

Sometimes the best solution is to remove the tree and replace it with a species that is more appropriate.

What Is a Certified Arborist?

ISA Certified Arborists® are individuals who have proven a level of knowledge in the art and science of tree care through experience and by passing a comprehensive examination developed by some of the nation's leading experts on tree care. ISA Certified Arborists must also continue their education to maintain their certification. Therefore, they are more likely to be up to date on the latest techniques in arboriculture.

Finding an Arborist

Visit [TreesAreGood.org](https://www.treesaregood.org) for free tools:

- The "Find an Arborist" tool can help you locate an arborist in your area.
- The "Verify a Credential" tool enables you to confirm whether an arborist has an ISA credential.

Be an Informed Consumer

One of the best methods to use in choosing an arborist is to educate yourself about some of the basic principles of tree care. Visit [TreesAreGood.org](https://www.treesaregood.org) to read and download all brochures in this series.



www.isa-arbor.com • www.treesaregood.org

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Through research, technology, and education, the International Society of Arboriculture promotes the professional practice of arboriculture and fosters a greater worldwide awareness of the benefits of trees.