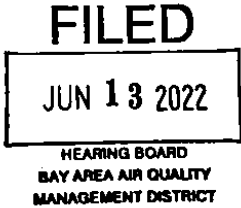


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7 Attorneys for ROMSPEN CALIFORNIA MORTGAGE
8 LIMITED PARTNERSHIP

9 **BEFORE THE HEARING BOARD OF THE**
10 **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

12 AIR POLLUTION CONTROL OFFICER of the BAY
13 AREA AIR QUALITY MANAGEMENT DISTRICT

DOCKET NO.

14 Complainant,

v.

**ROMSPEN CALIFORNIA MORTGAGE
LIMITED PARTNERSHIP'S
APPLICATION FOR INTERVENTION**

15 GREEN SAGE MANAGEMENT, LLC, a Colorado
16 Limited Liability Corporation; OAKLAND
17 CANNERY REAL ESTATE, LLC, California
18 Limited Liability Corporation; 5601 SLOCA, LLC, a
19 California Limited Liability Corporation; 5733
20 SLOCA, LLC, a California Limited Liability
21 Corporation; ROMSPEN CALIFORNIA
22 MORTGAGE LIMITED PARTNERSHIP, an Ontario
23 Limited Partnership; 5601-A LLC, a California
24 Limited Liability Corporation; 5601-B LLC, a
25 California Limited Liability Corporation; and DOES
26 1-25, inclusive,

*[Filed concurrently with Stipulation to Dismiss
Romspen as Respondent and File Intervention
Application]*

27 Respondents.

1 Romspen California Mortgage Limited Partnership (“Romspen”) respectfully submits this
2 Application for Intervention (“Application”) pursuant to Hearing Board Rule § 2.3, to intervene in
3 the above-captioned matter.

4 Romspen is the senior lender to Respondents Oakland Cannery Real Estate, LLC; 5601
5 SLOCA, LLC; and 5733 SLOCA Partnership (erroneously named in this action as 5733 SLOCA,
6 LLC) (collectively, “Borrowers”). The indebtedness owed by Borrowers to Romspen is secured
7 by, among other things, a perfected lien encumbering the real and personal property located at
8 5601 and 5733 San Leandro Street, Oakland, California (“Property”).

9 On or about April 20, 2022, the Air Pollution Control Officer of the Bay Area Air Quality
10 Management District (“Complainant”) filed an Accusation naming Romspen, Borrowers, and
11 others as respondents and alleging violations involving the Property.

12 Romspen asserts that it is not an “owner/operator” as defined under District Regulation 1-
13 241. After conferring on the matter, Romspen and Complainant reached an agreement
14 (“Stipulation”) for Romspen to be dismissed as a respondent subject to Romspen filing this
15 Application to participate in this action as an intervenor. The Stipulation is being filed
16 concurrently with this Application.

17 Because Romspen holds a lien interest in and to the Property, which is the subject of the
18 Accusation; and because Romspen has initiated non-judicial foreclosure by trustee’s sale of the
19 Property, Romspen has an interest in the outcome of this proceeding and the disposition of this
20 proceeding may impair or impede Romspen’s ability to protect that interest absent intervention.
21 This Application has been filed timely and is being served upon the parties to this action. As
22 agreed in the Stipulation, neither Romspen nor Complainant believes that Romspen’s intervention
23 will unduly delay or prejudice the adjudication of the rights of the parties to this action; indeed, as
24 of the filing of this Application, no hearing has been set.

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Accordingly, Romspen requests the Hearing Board grant this Application and permit Romspen to intervene in this action.

DATED: June 10, 2022

BRYAN CAVE LEIGHTON PAISNER, LLP

By: 

Scott Olson
Tom Lee
Olivia J. Scott
Counsel to ROMSPEN CALIFORNIA
MORTGAGE LIMITED PARTNERSHIP

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FILED
JUN 13 2022

HEARING BOARD
BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

7 Attorneys for Respondent
8 ROMSPEN CALIFORNIA MORTGAGE
9 LIMITED PARTNERSHIP

10 **BEFORE THE HEARING BOARD OF THE**
11 **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

12 AIR POLLUTION CONTROL OFFICER of the BAY
13 AREA AIR QUALITY MANAGEMENT DISTRICT

DOCKET NO.

14 Complainant,
15 v.

**STIPULATION TO DISMISS ROMSPEN
AS RESPONDENT AND FILE
INTERVENTION APPLICATION**

16 GREEN SAGE MANAGEMENT, LLC, a Colorado
17 Limited Liability Corporation; OAKLAND
18 CANNERY REAL ESTATE, LLC, California
19 Limited Liability Corporation; 5601 SLOCA, LLC, a
20 California Limited Liability Corporation; 5733
21 SLOCA, LLC, a California Limited Liability
22 Corporation; ROMSPEN CALIFORNIA
23 MORTGAGE LIMITED PARTNERSHIP, an Ontario
24 Limited Partnership; 5601-A LLC, A California
25 Limited Liability Corporation; 5601-B LLC, a
26 California Limited Liability Corporation; and DOES
27 1-25 inclusive,

*[Filed concurrently with Romspen California
Mortgage Limited Partnership's Application
for Intervention]*

23 Respondents.

28 **STIPULATION TO DISMISS ROMSPEN AS RESPONDENT AND FILE INTERVENTION
APPLICATION**

1 The Air Pollution Control Officer of the Bay Area Air Quality Management District
2 (“BAAQMD”) (collectively, the “Complainant”) and Romspen California Mortgage Limited
3 Partnership (“Romspen”) (together “Complainant” and “Romspen” are the “Parties”), by and
4 through the undersigned counsel, hereby stipulate and agree as provided herein subject to the
5 approval of the Court.

6 **RECITALS**

7 A. On April 20, 2022, Complainant filed its Accusation and Request for Order for
8 Abatement before the Hearing Board of the BAAQMD alleging violation of District Regulation 2,
9 Rule 1, Section 301 (no permit to construct), and District Regulation 2, Rule 1, Section 302 (no
10 permit to operate) (the “Accusation”).

11 B. Romspen has advised Complainant that it is not an “owner or operator” of the
12 relevant property located at 5601 and 5733 San Leandro Street, Oakland, California (“Site”) as
13 contemplated under District Regulation 1-241. Further, Romspen did not review or approve any of
14 the leases for the Site prior to the landlord entering into such leases, and Romspen has not
15 approved or otherwise authorized the use of diesel generators at the Site which form the basis for
16 the Accusation.

17 C. Given Romspen is not an “owner or operator” under District Regulation 1-241, the
18 Parties now seek to amend the Accusation to accurately reflect Romspen’s relationship to the Site.

19 **STIPULATION**

20 **WHEREFORE**, the Parties stipulate and agree as follows:

21 1. This Stipulation serves as Complainant’s voluntary dismissal of Romspen as a
22 Respondent to the Accusation.

23 2. Complainant consents to Romspen’s participation in these proceedings as an
24 intervenor as an interested party pursuant to Hearing Board Rule § 2.3 and to the granting of
25 Romspen’s Application for Intervention filed contemporaneously herewith (“Application”).
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1 3. Romspen's dismissal as a Respondent and participation as an intervenor as
2 requested in the Application shall not be deemed to unduly delay or prejudice the adjudication of
3 the rights of the parties to the Accusation.

4 4. Complainant reserves all rights to again name Romspen as a respondent to the
5 Accusation, if at some future point Romspen satisfies the definition of "owner or operator"
6 pursuant to District Regulation 1-241.

7
8 DATED: June 10, 2022

ALEXANDER G. CROCKETT, District Counsel
ADAN SCHWARTZ, Senior Assistant Counsel
BRIAN CASE, Assistant Counsel
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Attorneys for
SHARON LANDERS, Interim Executive Officer/APCO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

9
10
11
12
13 By:  _____
BRIAN CASE, Assistant Counsel

14
15 DATED: June 10, 2022

BRY.  AISNER, LLP

16 By: _____
17 Scott Olson
18 Tom Lee
19 Olivia J. Scott
20 Counsel to ROMSPEN CALIFORNIA
21 MORTGAGE LIMITED PARTNERSHIP
22
23
24
25
26
27

1 BEFORE THE HEARING BOARD
2 OF THE
3 BAY AREA AIR QUALITY MANAGEMENT DISTRICT
4 STATE OF CALIFORNIA

4 AIR POLLUTION CONTROL OFFICER of)
5 the BAY AREA AIR QUALITY)
6 MANAGEMENT DISTRICT,)

Docket No.: 3733

CERTIFICATE OF SERVICE

7 Complainant,)

8 vs.)

9 GREEN SAGE MANAGEMENT, LLC, a)
10 Colorado Limited Liability Corporation;)
11 OAKLAND CANNERY REAL ESTATE,)
12 LLC, a California Limited Liability)
13 Corporation; 5601 SLOCA, LLC, a California)
14 Limited Liability Corporation; 5733 SLOCA,)
15 LLC, a California Limited Liability)
16 Corporation; ROMSPEN CALIFORNIA)
17 MORTGAGE LIMITED PARTNERSHIP, an)
18 Ontario Limited Partnership; 5601-A LLC, a)
19 California Limited Liability Corporation;)
20 5601-B LLC, a California Limited Liability)
21 Corporation; and **DOES I -25**, inclusive,)

22 Respondents.)

23 STATE OF CALIFORNIA)
24 City and County of San Francisco) ss.

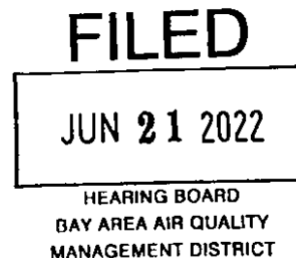
25 I, Marcy Hiratzka, do hereby certify under penalty of perjury as follows:

26 That I am a citizen of the United States, over the age of eighteen years and not a party to the
27 above-entitled actions; that I served true copies of the attached **Romspen California**
28 **Mortgage Limited Partnership's Application for Intervention and Stipulation to Dismiss**
Romspen as Respondent and File Intervention Application on: (see next page)

///

///

///



Recipient	Method of Delivery	Date
<i>Respondents Served</i>		
Green Sage Management, LLC 330 N. Brand Blvd, Ste. 700 Glendale, CA 91203-2326 cthomas@downeybrand.com	Electronic Mail & Certified Mail	June 21, 2022
Oakland Cannery Real Estate, LLC 7801 Folsom Blvd, # 202 Sacramento, CA 95826-2620	Certified Mail	June 21, 2022
Romspen California Mortgage Limited Partnership 515 Flower St, Fl 25 Los Angeles, CA 90071-2228 tom.lee@bclplaw.com	Electronic Mail	<i>June 13, 2022</i>
5601 SLOCA, LLC 5601 San Leandro St Oakland, CA 94621-4432	Certified Mail	June 21, 2022
5601-A LLC 5601 San Leandro St Oakland, CA 94621-4432	Certified Mail	June 21, 2022
5733 SLOCA, LLC 5601 San Leandro St Oakland, CA 94621-4432	Certified Mail	June 21, 2022
5601-B LLC 5601 San Leandro St Oakland, CA 94621-4432 russell@thelegionofbloom.com	Electronic Mail & Certified Mail	June 21, 2022
<i>Complainant Served</i>		
Air District Legal Counsel Brian Case, Esq. 375 Beale Street, 6 th Floor San Francisco, California 94105 bcase@baaqmd.gov	Electronic Mail	<i>June 13, 2022</i>



DATED: June 21, 2022

Marcy Hiratzka,
Clerk of the Boards