


1 Julie L. To, State Bar No. 219482
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013
5 Telephone: (213) 559-5990
6 (Direct) (213) 443-9264
7 julie.to@dre.ca.gov
8 *Department of Real Estate Counsel*

FILED

JAN 27 2026

DEPT. OF REAL ESTATE

By 

9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation against)
13)
14 REALTY MASTERS &)
15 ASSOCIATES, INC)
16)
17 and)
18)
19 DAVID FRANK OSMAN, as designated)
20 officer of Realty Masters & Associates, Inc,)
21)
22 Respondents.)
23)

No. H-43185 LA

ACCUSATION

24
25
26 The Complainant, Ray Dagnino, a Supervising Special Investigator of the State of
27 California, makes this Accusation in his official capacity, and for cause of Accusation against
Respondents REALTY MASTERS & ASSOCIATES, INC, and DAVID FRANK OSMAN
(collectively, "Respondents"), is informed and alleges as follows:

DRE Accusation against Realty Masters & Associates, Inc and David Frank Osman, H-43185 LA

1. 1

2 All references to the "Code" are to the California Business and Professions Code
3 and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

4 **DRE LICENSE HISTORY**

5 **RESPONDENT REALTY MASTERS & ASSOCIATES, INC**

6 2.

7 According to Department of Real Estate (DRE) records to date and publicly
8 accessible online (https://www2.dre.ca.gov/publicasp/pplinfo.asp?License_id=01927637)
9 REALTY MASTERS & ASSOCIATES, INC (RMAI) is presently licensed and/or has license
10 rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker
11 (corporation) (REC), DRE license ID 01927637. RMAI was first licensed as a REC on or about
12 January 25, 2013. RMAI's mailing and main address of record are the same: 10681 Foothill
13 Blvd. Ste. 140, Rancho Cucamonga, CA 91730 (Foothill address).

14 3.

15 According to DRE records to date and publicly accessible online as described
16 above in Paragraph 2, RMAI's designated officer is real estate broker (REB) DAVID FRANK
17 OSMAN until his officer affiliation expiration date of July 24, 2028, and RMAI has 46 broker
18 associates and 567 real estate salespersons licensed under its DRE license.

19 4.

20 According to DRE records to date and publicly accessible online as described
21 above in Paragraph 2, RMAI has the fifteen (15) active DBAs under its DRE license:

22 A. Buzzworthy Realty, active as of 08/02/2022;

23 B. California Home Plugs, active as of 09/26/2022;

24 C. CA Living Real Estate, active as of 12/14/2021;

- 1 D. Castra Realty Team, active as of 11/24/2021;
- 2 E. Covis Group, active as of 07/13/2020;
- 3 F. Dream Key 4 Home, active as of 05/09/2022;
- 4 G. Leading Edge Realty, active as of 03/16/2020;
- 5 H. Modern Edge Real Estate, active as of 02/28/2020;
- 6 I. New Home Network, active as of 07/13/2020;
- 7 J. Powered by RMA, active as of 12/09/2019;
- 8 K. Realty Masters, active as of 01/03/18;
- 9 L. Realty Masters & Assoc., active as of 01/03/18;
- 10 P. Realty Masters & Associates, active as of 01/03/18;
- 11 Q. Realty Masters and Associates, active as of 01/03/2018;
- 12 R. REALTY WITH GROUP, active as of 04/07/2023; and
- 13 S. RMA, active as of 01/03/18.

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According to DRE records to date and publicly accessible online as described above in Paragraph 2, RMAI has the nine (9) active branch offices under its DRE license:

A. 1100 Town and Country Road Suite 1250, Orange, CA 92868;

B. 15316 Central Ave., Chino, CA 91710;

C. 16700 Valley View Ave., #190, La Mirada, CA 90638;

D. 18 N. Central Avenue, Upland, CA 91786;

E. 192 Technology Drive, Suite L, Irvine, CA 92618;

F. 27150 Eucalyptus Ave., Ste. A, Moreno Valley, CA 92553;

G. 2300 Market Street, Suite 150, Riverside, CA 92501;

H. 4140 Temescal Canyon Rd., Ste. 101, Corona, CA 92883; and

I. 7211 Painter Ave., Whittier, CA 90602.

6.

According to DRE records to date and publicly accessible online as described above in Paragraph 2, on or about March 1, 2016, in then-Bureau of Real Estate¹ (BRE) Case No. H-40174 LA, an Order to Desist and Refrain was issued against RMAI and Max Edwards McDermott (DRE license ID 01172284) (McDermott) that ordered RMAI and McDermott to desist and refrain from: “(1) advertising, printing, displaying, publishing, and distributing statements or representations with regard to the terms or conditions for their listing of properties on the Multiple Listing Service (MLS) which are false, misleading or deceptive; (2) making solicitations for listings of real property that are intended to be the first point of contact with consumers which fail to contain (a) a designation that REALTY (RMAI) and McDermott are

¹ As part of a State of California reorganization plan, the Department of Real Estate (DRE) became the Bureau of Real Estate (BRE or CalBRE) on July 1, 2013. Effective July 1, 2018, the agency was renamed back to the Department of Real Estate.

1 performing acts for which a real estate license is required, and (b) their eight digit real estate
2 identification numbers; and (3) using the fictitious business names “MLS Access” and/or
3 “Listing with MLS” to advertise for activities requiring the issuance of a real estate license
4 without obtaining a license from the Bureau for the use of such names.”

5 7.

6 According to DRE records to date and publicly accessible online as described
7 above in Paragraph 2, on or about November 4, 2020, in DRE Accusation Case
8 No. H-41631 LA, RMAI and former designated officer REB Vincent Kyan (DRE license ID
9 00984120) (Kyan) were suspended for 30 days (stayed for two (2) years) for violations of Code
10 Section 10159.6 as to RMAI and Code Sections 10177(h) and 10159.2 as to Kyan.

11 8.

12 According to DRE records to date and publicly accessible online as described
13 above in Paragraph 2, RMAI’s REC license will expire on July 24, 2028. Upon license
14 expiration and pursuant to Code Section 10201, RMAI retains renewal rights, and pursuant to
15 Code Section 10103, the DRE retains jurisdiction.

16 **RESPONDENT DAVID FRANK OSMAN**

17 9.

18 According to Department of Real Estate (DRE) records to date and publicly
19 accessible online (https://www2.dre.ca.gov/PublicASP/pplinfo.asp?License_id=00636086)
20 DAVID FRANK OSMAN (OSMAN) is presently licensed and/or has license rights under the
21 Real Estate Law, Part 1 of Division 4 of the Code as a REB, DRE license ID 00636086.
22 OSMAN was first licensed as a RES on or about December 9, 1977 and as a REB on or about
23 June 27, 1996. OSMAN’s mailing address of record is: 32127 Beachlake Ln., Westlake Village,
24

1 CA 91361; OSMAN's main address of record is: 15301 Ventura Blvd., Bldg B, Ste. 315,
2 Sherman Oaks, CA 91403.

3 10.

4 According to DRE records to date and publicly accessible online as described
5 above in Paragraph 9, OSMAN is the responsible REB designated officer for three (3)
6 corporations: RMAI until his officer expiration date of July 24, 2028; Beverly and Company
7 (DRE license ID 02078273) until his officer expiration date of October 23, 2026; and Paradise
8 Retreats Real Estate, Inc. (DRE license ID 02090892) until his officer expiration date of
9 December 19, 2027.

10 11.

11 According to DRE records to date and publicly accessible online as described
12 above in Paragraph 9, OSMAN's REB license has no history of discipline and will expire on
13 June 26, 2028. Upon license expiration and pursuant to Code Section 10201, RMAI retains
14 renewal rights, and pursuant to Code Section 10103, the DRE retains jurisdiction.

15 12.

16 **Non-Licensees of the DRE**

17 According to the DRE records to date and publicly accessible online
18 (<https://www2.dre.ca.gov/PublicASP/pplinfo.asp>), Sabrina Maureen Rossetti (or Sabrina
19 Rossetti) (Rossetti) is not, and has never been, licensed by the DRE in any capacity.

20 13.

21 According to the DRE records to date and publicly accessible online
22 (<https://www2.dre.ca.gov/PublicASP/pplinfo.asp>), Britton Ashleigh Sanchez (Sanchez) is not,
23 and has never been, licensed by the DRE in any capacity.

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14.

According to the DRE records to date and publicly accessible online (<https://www2.dre.ca.gov/PublicASP/pplinfo.asp>), Brandi Smyer (Smyer) is not, and has never been, licensed by the DRE in any capacity.

APPLICABLE SECTIONS OF THE REAL ESTATE LAW

Trust Fund Handling

(Code Section 10145 and Regulations 2834, 2950 and 2951)

15.

Pursuant to Code Section 10145 *Handling of Trust Funds* (selected portions):

“(a)(1): A real estate broker who accepts funds belonging to others in connection with a transaction subject to this part shall deposit all those funds that are not immediately placed into a neutral escrow depository or into the hands of the broker’s principal, into a trust fund account maintained by the broker in a bank or recognized depository in this state. All funds deposited by the broker in a trust account shall be maintained there until disbursed by the broker in accordance with instructions from the person entitled to the funds.

(2) Withdrawals may be made from a trust fund account of an individual broker only upon the signature of that broker, or in the case of a corporate broker, only upon the signature of an officer through whom the corporation is licensed pursuant to Section 10158 or 10211, or one, or more, of the following persons if specifically authorized in writing by the individual broker or officer:

(A) A real estate salesperson licensed to the broker.

(B) Another broker acting pursuant to a written agreement with the individual broker that conforms to the requirements of this part and any regulations promulgated pursuant to this part.

1 (C) An unlicensed employee of the individual broker, if the broker has
2 fidelity bond coverage equal to at least the maximum amount of the trust
3 funds to which the unlicensed employee has access at any time. For
4 purposes of this section, bonds providing coverage may be written with a
5 deductible of up to 5 percent of the coverage amount. For bonds with a
6 deductible, the employing broker shall have evidence of financial
7 responsibility that is sufficient to protect members of the public against a
8 loss subject to the deductible amount.

9 Evidence of financial responsibility shall include one or more of the
10 following:

11 (i) Separate fidelity bond coverage adequate to cover the
12 amount of the fidelity bond deductible.

13 (ii) A cash deposit held in a separate account, apart from other
14 funds of the broker, the broker's employees, or the broker's
15 principals, in a bank or recognized depository in this state adequate
16 to cover the amount of the fidelity bond deductible and held
17 exclusively and solely for the purpose of paying the fidelity bond
18 deductible amount.

19 (iii) Any other evidence of financial responsibility approved by the
20 commissioner.

21 (3) An arrangement under which a person enumerated in subparagraph
22 (A),(B), or (C) of paragraph (2) is authorized to make withdrawals from a trust fund account of a
23 broker shall not relieve an individual broker, nor the broker-officer of a corporate broker
24

1 licensee, from responsibility or liability as provided by law in handling trust funds in the broker's
2 custody.

3
4 (4)(b) A real estate broker acting as a principal pursuant to Section
5 10131.1² shall place all funds received from others for the purchase of real property sales
6 contracts or promissory notes secured directly or collaterally by liens on real property in a
7 neutral escrow depository unless delivery of the contract or notes is made simultaneously with
8 the receipt of the purchase funds.

9
10 (4)(g) The broker shall maintain a separate record of the receipt and
11 disposition of all funds described in subdivisions (a) and (b), including any interest earned on the
12 funds...”

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24 ²Code Section 10131.1 states, “(a) A real state broker within the meaning of this part is also a person who engages
25 as a principal in the business of making loans or buying from, selling to, or exchanging with the public, real property
sales contracts or promissory notes secured directly or collaterally by liens on real property...”

Pursuant to Regulation 2834 *Trust Account Withdrawals*:

“(a) Withdrawals may be made from a trust fund account of an individual broker only upon the signature of the broker or one or more of the following persons if specifically authorized in writing by the broker:

- (1) a salesperson licensed to the broker.
- (2) a person licensed as a broker who has entered into a written agreement pursuant to Section 2726 with the broker.
- (3) an unlicensed employee of the broker with fidelity bond coverage at least equal to the maximum amount of the trust funds to which the employee has access at any time.

(b) Withdrawals may be made from the trust fund account of a corporate broker only upon the signature of:

- (1) an officer through whom the corporation is licensed pursuant to Section 10158 or 10211 of the Code or
- (2) one of the persons enumerated in paragraph (1), (2) or (3) of subdivision (a) above, provided that specific authorization in writing is given by the officer through whom the corporation is licensed and that the officer is an authorized signatory of the trust fund account.

(c) An arrangement under which a person enumerated in paragraph (1), (2) or (3) of subdivision (a) above is authorized to make withdrawals from a trust fund account of a broker shall not relieve an individual broker, nor the broker-officer of a corporate broker licensee, from responsibility or liability as provided by law in handling trust funds in the broker’s custody.”

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Pursuant to Regulation 2950 *When Broker Handles Escrow*:

“The following acts in the handling of an escrow by a real estate broker exempted from the provisions of the Escrow Law (by Section 17006(a)(4) of the Financial Code) are prohibited and may be considered grounds for disciplinary action:

(a) Soliciting or accepting an escrow instruction (or amended or supplemental escrow instruction) containing any blank to be filled in after signing or initialing of such escrow instruction (or amended or supplemental escrow instruction).

(b) Permitting any person to make any addition to, deletion from, or alteration of an escrow instruction (or amended or supplemental escrow instruction) received by such licensee, unless such addition, deletion or alteration is signed or initialed by all persons who had signed or initialed such escrow instruction (or amended or supplemental escrow instruction) prior to such addition, deletion or alteration.

(c) Failing to deliver at the time of execution of any escrow instruction or amended or supplemental escrow instruction a copy thereof to all persons executing the same.

(d) Failing to maintain books, records and accounts in accordance with accepted principles of accounting and good business practice.

(e) Failing to maintain the office, place of books, records, accounts, safes, files, and papers relating to such escrows freely accessible and available for audit, inspection and examination by the commissioner.

(f) Failing to deposit all money received as an escrow agent and as part of an escrow transaction in a bank, trust account, or escrow account on or before the close of the next full working day after receipt thereof.

1 (g) Withdrawing or paying out any money deposited in such trustee account or
2 escrow account without the written instruction of the party or parties paying the money into
3 escrow.

4 (h) Failing to advise all parties in writing if he has knowledge that any licensee
5 acting as such in the transaction has any interest as a stockholder, officer, partner or owner of the
6 agency holding the escrow.

7 (i) Failing upon closing of an escrow transaction to render to each principal in the
8 transaction a written statement of all receipts and disbursements together with the name of the
9 person to whom any such disbursement is made.

10 (j) Delivering or recording any instrument which purportedly transfers a party's
11 title or interest in or to real property without first obtaining the written consent of that party to
12 the delivery or recording.”

13 18.

14 Pursuant to Regulation 2951 *Record Keeping and Funds Handling*:

15 “The provisions of Sections 2831, 2831.1, 2831.2, 2832, 2832.1, 2834 and 2835
16 of these regulations shall apply to the handling of funds and the keeping of records by a real
17 estate broker who is not licensed under the Escrow Law (Section 17000, et seq., of the Financial
18 Code) when acting in the capacity of an escrow holder in a real estate purchase and sale,
19 exchange or loan transaction in which the broker is performing acts for which a real estate
20 license is required.”

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19.

Broker Supervision

(Code Section 10159.2 and Regulation 2725)

Pursuant to Code Section 10159.2 *Responsibility of Corporate Officer in Charge:*

“(a) The officer designated by a corporate broker licensee pursuant to Section 10211 shall be responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees as necessary to secure full compliance with the provisions of this division, including the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required.

(b) A corporate broker licensee that has procured additional licenses in accordance with Section 10158 through officers other than the officer designated pursuant to Section 10211 may, by appropriate resolution of its board of directors, assign supervisory responsibility over salespersons licensed to the corporation to its broker-officers.

(c) A certified copy of any resolution of the board of directors assigning supervisory responsibility over real estate salespersons licensed to the corporation shall be filed with the Real Estate Commissioner within five days after the adoption or modification thereof.”

20.

Pursuant to Regulation 2725 *Broker Supervision:*

“A broker shall exercise reasonable supervision over the activities of his or her salespersons. Reasonable supervision includes, as appropriate, the establishment of policies, rules, procedures and systems to review, oversee, inspect and manage:

(a) Transactions requiring a real estate license.

(b) Documents which may have a material effect upon the rights or obligations of a party to the transaction.

1 (c) Filing, storage and maintenance of such documents.

2 (d) The handling of trust funds.

3 (e) Advertising of any service for which a license is required.

4 (f) Familiarizing salespersons with the requirements of federal and state laws
5 relating to the prohibition of discrimination.

6 (g) Regular and consistent reports of licensed activities of salespersons.

7 The form and extent of such policies, rules, procedures and systems shall take into consideration
8 the number of salespersons employed and the number and location of branch offices. A broker
9 shall establish a system for monitoring compliance with such policies, rules, procedures and
10 systems. A broker may use the services of brokers and salespersons to assist in administering the
11 provisions of this section so long as the broker does not relinquish overall responsibility for
12 supervision of the acts of salespersons licensed to the broker.”

13 **Further Grounds for Disciplinary Action – Code Section 10177**

14 21.

15 Pursuant to Code Section 10177 *Further Grounds for Disciplinary Action*:

16 “The commissioner may suspend or revoke the license of a real estate licensee,
17 delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an
18 applicant, who has done any of the following:

19 ...

20 (d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing
21 with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and
22 regulations of the commissioner for the administration and enforcement of the Real Estate Law
23 and Chapter 1 (commencing with Section 11000) of Part 2.”

24 ...

1 (g) Demonstrated negligence or incompetence in performing an act for which he
2 or she is required to hold a license.

3 (h) As a broker licensee, failed to exercise reasonable supervision over the
4 activities of his or her salespersons, or, as the officer designated by a corporate broker licensee,
5 failed to exercise reasonable supervision and control of the activities of the corporation for which
6 a real estate license is required...”

7 **FACTS DISCOVERED BY THE DEPARTMENT**
8 **& CORRESPONDING CAUSES OF ACTION**

9 22.

10 California Secretary of State Records

11 According to California Secretary of State (SOS) records, RMAI filed its Articles
12 of Incorporation (Articles) with the SOS on or about August 22, 2012; according to said Articles,
13 RMAI was incorporated by McDermott. According to the Statement of Information (SI) filed by
14 RMAI on or about October 15, 2024, Michael C. Swope (Swope) is the Chief Executive Officer
15 and Secretary; Rossetti is the Chief Financial Officer; Sanchez is the COO; and Swope is the sole
16 Director.

17 23,

18 January 6, 2025 Complaint

19 On or about January 6, 2025, the DRE received a complaint against RMAI that
20 alleged possible violations of the Real Estate Law (010625 Complaint).

21 24.

22 April 7, 2025 DRE Broker Office Survey

23 Pursuant to the allegations lodged in the 010625 Complaint, the DRE initiated a
24 Broker Office Survey (BOS) on April 7, 2025 to review RMAI and/or OSMAN’s compliance
25

1 with the Real Estate Law (040725 BOS). The BOS included, but was not limited to, the DRE
2 Special Investigator's meeting with OSMAN and a review of RMAI's operations for compliance
3 with the Real Estate Law with respect to licensing, trust account and record keeping, disclosure
4 requirements and broker supervision.

5 25.

6 The DRE's 040725 BOS included a subpoena for bank records from California
7 Bank and Trust and Citizens Business Bank for accounts held by RMAI. The 040725 BOS also
8 included an inspection of RMAI's transaction files. An examination of said documents retrieved
9 for the BOS revealed violations of the Real Estate Law, as described below.

10 26.

11 Bank Accounts at Citizens Business Bank Account

12 The DRE's 040725 BOS discovered the following information regarding RMAI's
13 Citizen Business Bank accounts, Trust Account, bank account ending in -2918 and General
14 Account, bank account ending in -2896:

- 15 • Bank: Citizens Business Bank, P.O. Box 3938, Ontario, CA 91761
- 16 • Name on Account: Realty Masters & Associates Inc Trust Account
- 17 • Address on Account (per statement for the period ending December
18 31, 2024): 9668 Milliken Ave., Ste. 104-449, Rancho Cucamonga, CA
19 91730-6137
- 20 • Business Deposit Accounts Master Agreement (February 23, 2024):
21 signature card signed by authorized signators/Principal Owners Swope
22 (as CEO and Secretary) and Rosetti (as CFO) on February 23, 2024 to
23 supersede a prior card dated November 3, 2023.

- Prior Business Deposit Accounts Master Agreement (November 3, 2023): signature card signed by Principal Owners McDermott (as CEO/CFO) and Rosetti (as Secretary) on November 3, 2023 to supersede a prior card dated December 7, 2022.

27.

Bank Account at California Bank & Trust (Zions Bancorporation)

The DRE's 040725 BOS discovered the following information regarding RMAI's California Bank & Trust accounts, bank (checking) account ending in -4929:

- Bank: California Bank & Trust, P.O. Box 2654, Salt Lake City, UT84126-0547
- Name on Account: Realty Masters & Associates Inc
- Address on Account (per statement for the period ending February 28, 2025): 10681 Foothill Blvd., Ste. 140, Rancho Cucamonga, CA 91730-3830
- Business Client Deposit Services Agreement (February 24, 2025): signature card showing "Authorized Signer(s) for the Entity" as: Smyer, Rossetti, Sanchez, and Swope

28.

According to the books and records examined, RMAI owner Michael Swope and non-licensees Brandi Smyer, Sabrina Rossetti and Britton Ashleigh Sanchez are authorized signators on RMAI's trust accounts at the Citizens Bank and California Bank & Trust accounts described above in Paragraphs 26 and 27 without a bond, as required by, and in violation of, **Code Section 10145**. The BOS also discovered that OSMAN is not a signator on either the

1 Citizens Bank accounts or on the California Bank & Trust account, in violation of **Code Section**
2 **10145.**

3 29.

4 Broker Supervision

5 The DRE's 040725 BOS included an interview with OSMAN where it was
6 revealed that OSMAN does not review transaction files unless there is an issue.

7 **VIOLATIONS OF THE REAL ESTATE LAW**

8 30.

9 Complainant re-alleges and incorporates by reference the preceding paragraphs as
10 set forth herein.

11 31.

12 **First Cause of Action: Trust Fund Handling, When Broker Handles Escrow**

13 **(RMAI & OSMAN: Code Section 10145 and Regulations 2834, 2950 and 2951)**

14 In the course of the activities described above, and based on the facts discovered
15 by the Department, as described above, the acts and/or omissions of Respondents **REALTY**
16 **MASTERS & ASSOCIATES, INC** and **DAVID FRANK OSMAN** are in violation of **Code**
17 **Section 10145, Regulations 2834, 2950 and 2951** and is cause for the suspension or revocation
18 of the license and license rights of Respondents **RMAI and OSMAN** pursuant to **Code**
19 **Sections 10177(d) and (g).**

20 32.

21 **Second Cause of Action: Supervision**

22 **(OSMAN: Code Section 10177(h) and Regulation 2725)**

23 In the course of the activities described above, and based on the facts discovered
24 by the Department, as described above, the acts and/or omissions of Respondent **DAVID**
25

1 **FRANK OSMAN** are in violation of **Code Section 10159.2 and Regulation 2725 Regulations**
2 and is cause for the suspension or revocation of the license and license rights of **Respondent**
3 **OSMAN** pursuant to **Code Sections 10177(h)**.

4 COSTS

5 33.

6 **Code Section 10106** provides, in pertinent part that in any order issued in
7 resolution of a disciplinary proceeding before the Department, the Commissioner may request
8 the administrative law judge to direct a licensee found to have committed a violation of this part
9 to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

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