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PRESS RELEASE

*****FOR IMMEDIATE RELEASE*****



Date: May 26, 2022

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\$300,000 Embezzlement Scheme Results in No Contest Plea

On May 25, 2022, while appearing before Merced County Superior Court Judge David Moranda in the Los Banos Courthouse, Robin Ruth Recla, also known as Robin Berard, entered no contest pleas to embezzlement and filing a false tax return, both felonies. Ms. Recla admitted to swindling approximately \$300,000 from six Los Banos investors. She also failed to claim the profits on her income tax return.

In 2018, the group of investors pooled their funds and created an L.L.C. with the intent of creating and opening a restaurant in the Los Banos area. Ms. Recla was selected to manage and direct the project, but investors learned there were problems when they were notified by their bank that the business accounts were overdrawn.

An investigative team comprised of an investigator from the California Franchise Tax Board Criminal Investigation Bureau, Commander Justin Melden with the City of Los Banos Police Department, and District Attorney Investigator Moses Nelson with the Merced County District Attorney's Office worked diligently to trace the financial transactions exposing Ms. Recla's behavior. The coordinated year-long investigation uncovered Ms. Recla's personal use of nearly all of the funds, including \$159,273 in checks written to herself and her withdrawal of \$24,900 in cash from automated teller machines. The investigators determined Ms. Recla also used the investors' funds for personal travel and the purchase of personal items like furniture.

Ms. Recla will appear in front of Judge Moranda on August 17, 2022 for sentencing. In the past, embezzled amounts as high as the amount involved in this case would have resulted in a larger prison sentence; however, changes in the law now mean the largest possible sentence Ms. Recla faces is two years and eight months in prison. Also, with the passage of AB 109, known as realignment, Ms. Recla's sentence in most cases would result in a Penal Code, Section 1170(h) local prison sentence. Local prison sentences in Merced County are in nearly all cases served on the Sheriff's Supervised Release Program, referred to commonly as the ankle monitor. However, because investigators and the Merced County District Attorney's Office appropriately pursued and prosecuted the acts of tax evasion, any prison sentence issued in this case must be served in the California Department of Corrections and Rehabilitation. Ms. Recla's no contest plea was not the product of a negotiated plea and she entered an open plea to the charges, meaning that the court has all options available up to the maximum allowable by law. At the sentencing hearing in August, attorneys for both sides will present arguments to Judge Moranda advocating for a sentence they believe to be in the interest of justice. Deputy District Attorney Travis Colby is handling this case for the District Attorney's Office.