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ROBIN RUTH RECLA GUILTY of FELONY EMBEZZLEMENT



On August 17, 2022, Defendant Robin Ruth Recla, also known as Robin Berard, was sentenced by Superior Court Judge David W. Moranda to serve 2 years and 8 months in prison – the maximum allowable under the current state of the law – for her felony embezzlement of \$300,000 entrusted to her by investors believing they were investing in a start up restaurant in Los Banos and for the felony filing of a false tax return for not report that embezzled money as income to the California Franchise Tax Board. Ms. Recla was taken into custody today and remanded to prison.

The case was prosecuted by Deputy District Attorney Travis M. Colby. At the sentencing, the prosecution made clear through briefs and argument that Ms. Recla has a history of fraud dating back to 1998 when she was first convicted of fraud to obtain aid, then she was convicted of felony Grand Theft in Pocatello District Court in Idaho, followed by a 2011 conviction for grand theft for stealing \$35,000 from her employer, an insurance company, before engaging in the fraud in this case. Further, all five investor victims of Ms. Recla, plus an architect who was defrauded for thousands of dollars by Ms. Recla during the course of her crimes, gave their statements to the court making clear the breadth, scope, and recurrence of the fraud perpetrated by Ms. Recla.

The prosecution and the victims asked she be sentenced to the maximum prison commitment allowable by law. Despite Ms. Recla's history and the enormity of her crimes, the Merced County Probation Department recommended against a prison commitment and recommended she be placed on probation. However, Judge David W. Moranda agreed with the prosecution and saw fit to impose the maximum sentence noting her crimes "started small and worked their way up." Judge Moranda further said "I don't see the remorse. I don't see that she is sorry."

Ms. Recla's crimes in Merced County started when she engaged five investors and an attorney in the formation of an L.L.C. with the stated intention of creating a restaurant in the Los Banos area in 2018. The investors had contributed approximately \$300,000 in total into the endeavor, hoping to create a profitable bar and grill. Ms. Recla was placed in charge of the finances, but the bar and grill was never created. Instead, over the course of approximately nine months, Ms. Recla had taken most of the money invested in the business for her own personal use. She wrote \$159,273 worth of checks to herself, withdrew \$24,900 from Automated teller machines, and made numerous transactions for other personal items such as furniture and travel.

The embezzlement was discovered by investors when they were informed by the bank that the business account was overdrawn. Investigation conducted by the Franchise Tax Board further discovered that she had filed a false tax return in relation to her embezzlement of funds from the investors.

As with most white-collar crime cases, the investigation required time intensive forensic accounting and a large collaborative effort between various law enforcement agencies. A significant amount of investigation in this matter was performed by the Franchise Tax Board, Criminal Investigation Bureau, Commander Justin Melden with the City of Los Banos Police Department, and Investigator Moses Nelson with the Merced County District Attorney's Office. All of the law enforcement partners in this case worked tirelessly to ensure justice in this case despite its complexity, and this result would not be possible without their efforts.

White-collar crime is taken very seriously by the Merced County District Attorney's Office, as the effects are often far reaching and can financially devastate individuals and businesses. The collaboration with the Franchise Tax Board, Criminal Investigation Bureau and the Los Banos Police Department is greatly appreciated to see that the defendant was brought to justice in this case.