

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

16-0264

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

v.

01 DAVID RUBIRA (DOB: 10/27/1975)

Defendant(s).

CASE NO. PA086999

**FELONY COMPLAINT**

The undersigned is informed and believes that:

COUNT 1

On or between November 8, 2012 and March 28, 2013, in the County of Los Angeles, the crime of EMBEZZLEMENT OF PUBLIC FUNDS, in violation of PENAL CODE SECTIONS 504 and 514, a Felony, was committed by DAVID RUBIRA, who , while serving as an officer of a city, or a deputy, clerk, or servant of that officer, specifically, as an Assistant Engineer for the City of Santa Clarita, fraudulently appropriated to a use or purpose not in the due and lawful execution of his trust, public funds in his possession and/or under his control by virtue of that trust, and /or secreted it with a fraudulent intent to appropriate it, to wit, \$13,140 in funds made payable to Design Control.

\* \* \* \* \*

COUNT 2

On or about November 8, 2012, in the County of Los Angeles, the crime of EMBEZZLEMENT OF PUBLIC FUNDS, in violation of PENAL CODE SECTIONS 504 and 514, a Felony, was committed by DAVID RUBIRA, who , while serving as an officer of a city, or a deputy, clerk, or servant of that officer, specifically, as an Assistant Engineer for the City of Santa Clarita, fraudulently appropriated to a use or purpose not in the due and lawful execution of his trust, public funds in his possession and/or under his control by virtue of that trust, and /or secreted it with a fraudulent intent to appropriate it, to wit, \$3,000 in funds made payable to Raymond Scurria.

\* \* \* \* \*

### COUNT 3

On or between December 20, 2012 and March 28, 2013, in the County of Los Angeles, the crime of EMBEZZLEMENT OF PUBLIC FUNDS, in violation of PENAL CODE SECTIONS 504 and 514, a Felony, was committed by DAVID RUBIRA, who , while serving as an officer of a city, or a deputy, clerk, or servant of that officer, specifically, as an Assistant Engineer for the City of Santa Clarita, fraudulently appropriated to a use or purpose not in the due and lawful execution of his trust, public funds in his possession and/or under his control by virtue of that trust, and /or secreted it with a fraudulent intent to appropriate it, to wit, \$31,791.69 in funds made payable to Diamond Developers and Design.

\* \* \* \* \*

### COUNT 4

On or between June 6, 2013 and October 9, 2014, in the County of Los Angeles, the crime of EMBEZZLEMENT OF PUBLIC FUNDS, in violation of PENAL CODE SECTIONS 504 and 514, a Felony, was committed by DAVID RUBIRA, who , while serving as an officer of a city, or a deputy, clerk, or servant of that officer, specifically, as an Assistant Engineer for the City of Santa Clarita, fraudulently appropriated to a use or purpose not in the due and lawful execution of his trust, public funds in his possession and/or under his control by virtue of that trust, and /or secreted it with a fraudulent intent to appropriate it, to wit, \$226,991.50 in funds made payable to Sikand Engineering and Survey.

\* \* \* \* \*

### COUNT 5

On or between June 6, 2013 and January 2, 2015, in the County of Los Angeles, the crime of EMBEZZLEMENT OF PUBLIC FUNDS, in violation of PENAL CODE SECTIONS 504 and 514, a Felony, was committed by DAVID RUBIRA, who , while serving as an officer of a city, or a deputy, clerk, or servant of that officer, specifically, as an Assistant Engineer for the City of Santa Clarita, fraudulently appropriated to a use or purpose not in the due and lawful execution of his trust, public funds in his possession and/or under his control by virtue of that trust, and /or secreted it with a fraudulent intent to appropriate it, to wit, \$150,908 in funds made payable to KPA Valencia.

\* \* \* \* \*

### COUNT 6

On or about February 12, 2015, in the County of Los Angeles, the crime of EMBEZZLEMENT OF PUBLIC FUNDS, in violation of PENAL CODE SECTIONS 504 and 514, a Felony, was committed by DAVID RUBIRA, who , while serving as an officer of a city, or a deputy, clerk, or servant of that officer, specifically, as an Assistant Engineer for the City of Santa Clarita, fraudulently appropriated to a use or purpose not in the due and lawful execution of his trust, public funds in his possession and/or under his control by virtue of that trust, and /or secreted it with a fraudulent intent to appropriate it, to wit, \$7,800 in funds made payable to Santa Clarita Valley Facilities.

\* \* \* \* \*

### COUNT 7

On or between April 9, 2015 and April 14, 2015, in the County of Los Angeles, the crime of EMBEZZLEMENT OF PUBLIC FUNDS, in violation of PENAL CODE SECTIONS 504 and 514, a Felony, was committed by DAVID RUBIRA, who , while serving as an officer of a city, or a deputy, clerk, or servant of that officer, specifically, as an Assistant Engineer for the City of Santa Clarita, fraudulently appropriated to a use or purpose not in the due and lawful execution of his trust, public funds in his possession and/or under his control by virtue of that trust, and /or secreted it with a fraudulent intent to appropriate it, to wit, \$99,939 in funds made payable to Santa Clarita Valley Facilities.

\* \* \* \* \*

### COUNT 8

On or between November 8, 2012 and April 14, 2015, in the County of Los Angeles, the crime of PUBLIC OFFICER EMBEZZLING FOR PERSONAL USE, in violation of PENAL CODE SECTION 424(A)(1), a Felony, was committed by DAVID RUBIRA, who being a person described in Penal Code Section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys, did in a manner not incidental and minimal without authority of law, appropriate the same, and a portion thereof, to personal use and the use of another.

It is further alleged, pursuant to Penal Code section 186.11(a), that the offenses set forth in counts 1-8 are related felonies, a material element of which is fraud and embezzlement, which involve a pattern of related felony conduct, and the pattern of related felony conduct involves the taking of more than Five Hundred Thousand Dollars (\$500,000).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6, 7 and 8 that in the commission of the above offense(s) the said defendant(s), DAVID RUBIRA, with the intent to do so, took, damaged, and destroyed property of a value exceeding \$200,000, within the meaning of Penal Code section 12022.6(a)(2).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6, 7 and 8 that the above offense is a theft of over \$100,000, within the meaning of Penal Code section 1203.045(a).

\* \* \* \* \*

**NOTICE:** Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

**NOTICE:** The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

**NOTICE:** A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR

**NOTICE:** Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER PA086999, CONSISTS OF 8 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on August 18, 2016.

  
MICHAEL MARINO  
DECLARANT AND COMPLAINANT

.....  
JACKIE LACEY, DISTRICT ATTORNEY

  
BY: \_\_\_\_\_  
SEAN HASSETT, DEPUTY

AGENCY: LASD - FRAUD  
DETAIL

I/O: MICHAEL MARINO

ID NO.: 431385

PHONE: (310) 946-7212

DR NO.:

OPERATOR: CC

PRELIM. TIME EST.:

<u>DEFENDANT</u>	<u>CII NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY RTN DATE</u>
RUBIRA, DAVID	024142249	10/27/1975		\$675,000	

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

# FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

*(Strike out or add as applicable)*

## DAVID RUBIRA

<u>Ct.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC 504&514	16,2,3 Prison+\$0-10,000	PC 186.11(a)(2)	+2-3-5 State Prison +2 Yrs.
2	PC 504&514	16,2,3 Prison+\$0-10,000	PC 12022.6(a)(2) PC 1203.045(a) PC 186.11(a)(2)	PSP +2-3-5 State Prison +2 Yrs.
3	PC 504&514	16,2,3 Prison+\$0-10,000	PC 12022.6(a)(2) PC 1203.045(a) PC 186.11(a)(2)	PSP +2-3-5 State Prison +2 Yrs.
4	PC 504&514	16,2,3 Prison+\$0-10,000	PC 12022.6(a)(2) PC 1203.045(a) PC 186.11(a)(2)	PSP +2-3-5 State Prison +2 Yrs.
5	PC 504&514	16,2,3 Prison+\$0-10,000	PC 12022.6(a)(2) PC 1203.045(a) PC 186.11(a)(2)	PSP +2-3-5 State Prison +2 Yrs.
6	PC 504&514	16,2,3 Prison+\$0-10,000	PC 12022.6(a)(2) PC 1203.045(a) PC 186.11(a)(2)	PSP +2-3-5 State Prison +2 Yrs.
7	PC 504&514	16,2,3 Prison+\$0-10,000	PC 12022.6(a)(2) PC 1203.045(a) PC 186.11(a)(2)	PSP +2-3-5 State Prison +2 Yrs.
8	PC 424(A){1}		PC 12022.6(a)(2) PC 1203.045(a) PC 186.11(a)(2)	PSP +2-3-5 State Prison +2 Yrs.
			PC 12022.6(a)(2) PC 1203.045(a)	PSP

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

DAVID RUBIRA

\_\_\_\_\_ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

DAVID RUBIRA

\_\_\_\_\_ in Dept. \_\_\_\_\_

at: \_\_\_\_\_ A.M.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Committing Magistrate*