



## OFFICE OF THE SECRETARY OF STATE

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Alexi Giannoulas • Secretary of State

November 25, 2024

Mr. Vinn White  
Deputy Administrator  
U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Deputy Administrator White:

The Illinois Secretary of State's office recently discovered a violation of the federal masking prohibition set forth in 49 C.F.R 384.226 that occurred in Kane County, Illinois in April 2021. Had this violation not occurred and had the law been administered as intended, we believe the tragic death of DeKalb County Sheriff's Deputy Christina Musil earlier this year could have been prevented.

Prior to the crash with Deputy Musil's squad car that claimed her life on March 28, 2024, Nathan Sweeney was charged with DUI and the felony offense of Possession of a Controlled Substance after he was pulled over on February 27, 2020. During that arrest, police recovered more than 44 grams of heroin from his vehicle. At that time, Mr. Sweeney held a Commercial Driver's License (CDL) but was operating a non-Commercial Motor Vehicle (CMV) passenger vehicle – a 2000 Honda Civic.

Following his DUI arrest, Mr. Sweeney pled guilty to DUI and Possession of a Controlled Substance on April 22, 2021 (**copies of both – Documents A & B – are enclosed**). At this time, Mr. Sweeney's Illinois driver's license should have been revoked and his CDL disqualified; however, neither occurred because the Kane County State's Attorney's office prevented the Secretary of State's office from being notified.

The Judgment Order on the possession charge signed by Mr. Sweeney on April 22, 2021, and by the judge on April 23, 2021 (**a copy of the order – Document C – is enclosed**), contains a pre-printed list of items and boxes to check if applicable. The order correctly checked the box that found "A motor vehicle was involved in the commission of a felony."

This Judgment Order also outlined conditions for Mr. Sweeney to follow as part of his 18-month probation, including attending a victim impact panel, completing level 3 counseling and only driving with a valid license. These are standard conditions associated with a DUI.

Per Illinois law, a conviction of a felony involving the use of a motor vehicle must be reported to the Secretary of State and ultimately results in the revocation of the defendant's driver's license. Additionally, Mr. Sweeney's CDL should have been disqualified per federal law pursuant to 49 C.F. R. 383.51(b) for a period of one year.

On April 23, 2021, a second order, which was an agreed order, was entered that found: "The box indicating "A motor vehicle was involved in the commission of a felony" was checked in error when completing the DocuSign paperwork. Clerk is not to notify the Secretary of State. Box is to be considered not checked." **A copy of Document D is enclosed.**

On April 23, 2021, two orders were entered, **Document E and Document F, copies of both are enclosed.**

Document E stated:

"Count 3 DUI cl. A, upon completion of the terms by 10/21/22 will be dismissed /nolle pros that count 3 by SAO."

Document F stated:

"Judgment/sentencing on count 3, DUI, is withheld and continued to the end date of Probation on Count 1 of October 21, 2022. If the defendant successfully completes all terms of probation and DUI treatment, the People agree to vacate the defendant's plea on count 3."

On May 14, 2021, an order, Document G, was entered specifying:

"The defendant is permitted to travel throughout the contiguous 48 states on an ongoing basis for work purposes so long as he provides probation with his itinerary prior to travel and check-in upon his return from each travel." **A copy of Document G is enclosed.**

These orders demonstrate the court and Kane County State's Attorney knowingly agreed to let Mr. Sweeney maintain driving privileges by withholding judgment on the DUI, and indicating no motor vehicle was involved in the possession of controlled substance violation, to prevent his driver's license from being revoked and his CDL disqualified. Had the judgment been entered and the felony been reported to the Secretary of State's office, his driver's license would have been revoked and his CDL disqualified.

On October 21, 2022, the matter came before the court and an order, Document H, was entered as follows:

“Matter before the court for defendant’s probation end date. Defendant has provided proof that he completed all terms of his probation. Defendant’s motion to withdraw his guilty plea on count 3 (DUI) is granted without objection. MSNP (Motion of state, nolle prosequi) count 3 is granted. Defendant’s probation on count 1 is terminated successfully.” Parenthetical information added for explanation. **A copy of Document H is enclosed.**

As a result of masking the DUI plea and the non-factual finding that a motor vehicle was not involved in the possession charge, in violation of 49 C.F.R. 384.226, the Secretary of State’s office was not notified of either disposition and was prevented from reporting the dispositions to the Commercial Driver’s License Information System (CDLIS) driving record, revoking his driver’s license, disqualifying his CDL and requiring Mr. Sweeney to complete the Secretary of State’s administrative hearing process to restore driving privileges.

On April 3, 2024, Mr. Sweeney was charged with reckless homicide and aggravated DUI for a crash that occurred on March 28, 2024, where he struck a DeKalb County Sheriff’s Deputy vehicle, killing Deputy Musil.

In this case, due to Mr. Sweeney’s refusal of chemical testing, Mr. Sweeney’s CDL was disqualified for one year per federal law and his standard Illinois driver’s license was suspended for one year per state law. In coordination with the DeKalb County State’s Attorney, my office has administratively revoked Mr. Sweeney’s driver’s license to prevent Mr. Sweeney’s driver’s license from automatic reinstatement at the end of the disqualification and suspension while the case goes through the legal process. To reinstate driving privileges, Mr. Sweeney will need to complete the administrative hearing process. Had the charges of his first DUI and possession of a controlled substance not been masked, his CDL would have been disqualified for life. Because the Secretary of State’s office did not receive proper notification, Mr. Sweeney can apply for reinstatement after his current legal process concludes and the one-year CDL disqualification will automatically terminate.

As Secretary of State, one of my primary responsibilities is to ensure Illinois roads are safe. The masking and plea agreement in Mr. Sweeney’s case are deeply troubling, leading to the obfuscation of his true driving record and obstruction of proper procedures, which created a danger on our roads. Federal law clearly defines an example of masking as not reporting a DUI if the person completes probation or alcohol treatment. In this case, the court did not have the authority to enter into an agreement that dismissed a DUI upon successful completion of an alcohol treatment program or probation.

Furthermore, the order allowing Mr. Sweeney to continue to drive across state lines and throughout the United States demonstrates a clear intent to avoid disqualifying his CDL in violation of 384.226.

The plea agreement denies the Office of Secretary of State its authority to properly execute laws meant to keep our roads and residents safe.

Given the alarming information gathered by my office, it has become abundantly clear that the system failed in keeping a clearly dangerous driver off the road. Mr. Sweeney demonstrated a blatant disregard for the law, the rules of the road and the overall safety of others. He should have been denied his ability to get behind the wheel – and would have – if the legal process was properly administered. We need transparency and accountability to not only keep people like Mr. Sweeney from operating a vehicle but to also prevent future tragedies from happening.

I am formally requesting that FMCSA immediately conduct an audit of Kane County to determine the extent other dispositions have been masked and if masking is ongoing. My office stands ready to assist FMCSA in any way possible.

Sincerely,



Alexi Giannoulas  
Illinois Secretary of State

CC:  
Christine Kobos  
State Programs Specialist/Illinois Division  
Federal Motor Carrier Safety Administration  
130 S. Martin Luther King Jr. Drive, Suite B  
Springfield, IL 62703

Enclosures:  
Document A: Plea of Guilty to Driving Under the Influence  
Document B: Plea of Guilty to Unlawful Possession of Controlled Substance  
Document C: Judgement Order  
Document D: Order stating not to notify ILSOS  
Document E: Order stating Count 3 will be dismissed  
Document F: Order stating judgment on Count 3 will be withheld  
Document G: Order stating travel is allowed  
Document H: Order stating end of probation term and withdrawal of Count