SECOND PETITION FOR RICO INVESTIGATION

Small Business in Transportation Coalition

September 26, 2025 Via US Mail

The Honorable Pam Bondi, Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

Re: THIS IS A REQUEST FOR AN FBI RICO INVESTIGATION INTO CALIFORNIA DEPARTMENT OF MOTOR VEHICLES' PATTERN AND PRACTICE OF ISSUING COMMERCIAL DRIVER LICENSES (CDLs) TO ILLEGAL IMMIGRANTS

Dear Attorney General Bondi:

On August 18, 2025, the SBTC wrote to you (letter attached) to request a Federal RICO investigation targeting California (CA) Department of Motor Vehicles (DMV) for racketeering and fraud against the Federal government with respect to its participation in the Federal CDL Funding Program overseen by the Federal Motor Carrier Safety Administration (FMCSA,) an Operating Administration of the United States Department of Transportation (USDOT) headed by Secretary Sean Duffy, copied here.

SBTC alleged that CA state officials are knowingly and intentionally enabling the violation of 49 CFR 383.71(b)(9), which states:

(b) Initial Commercial Driver's License. Prior to obtaining a CDL, a person must meet all of the following requirements: (9) The person must provide proof of citizenship or lawful permanent residency as specified in Table 1 of this section, or be registered under paragraph (f) of this section.

We stated we believe this matter is worthy of a RICO probe insofar as CA is, we believe, defrauding the Federal government each time the state issues a CDL to an illegal immigrant since the state gets federal funding under the CDL program. We suggested this appears to be a violation of 18 U.S.C. § 1031 and/or 18 U.S.C. § 371.

On August 26, 2025, Secretary Duffy and FMCSA General Counsel Jesse Elison held a public press conference broadcasted through social media. Secretary Duffy advised the public that USDOT had determined that the state of CA and two others should be issued letters of non-conformity with respect to the CDL program, which required corrective action by these states within 30 days or they could face a loss of Federal funding.

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Thereafter, Mr. David Jaffe, Chief of the Department of Justice Criminal Division (copied here), wrote the attached letter to SBTC in response on August 29, 2025, advising we could contact the FBI, also copied here, if we had **evidence of criminal activity.**

Over the past week, there have been **two new developments** that we respectfully offer to you and the FBI that we believe constitutes evidence of criminal activity by CA DMV.

First, on Friday, September 19, 2025, the USDOT Office of the Inspector General (OIG) announced an audit into FMCSA's Oversight of State Commercial Driver's License Knowledge and Skills Testing Programs (https://www.oig.dot.gov/library-item/46949); this came in the aftermath of SBTC's 2022 request for an audit as a follow-up to OIG's 2002 CDL Standards Audit (https://www.oig.dot.gov/sites/default/files/mh2002093e.pdf), which stated starting on page 16:

> ***Clarifying Standards on English Language Proficiency***
>
> *Federal standards related to English language proficiency for commercial drivers require clarification. One Federal standard (Title 49, Code of Federal Regulations, Part 391, Qualifications of Drivers) requires carriers to ensure that their Chapter 3: Revising and Clarifying Federal Standards commercial drivers are able to read and speak the English language sufficiently to converse with the general public, understand highway and traffic signs, respond to official inquiries, and make reports and records.* ***However, the Federal standard on CDL testing and licensing does not place any requirement on the States to test for language proficiency (emphasis added).***

Second, today, once again, Secretary Duffy and Mr. Elison conducted a follow-up press conference for the public that was again broadcast over social media. During today's conference, Secretary Duffy advised the public that CA had defied USDOT's August demand that CA to come into conformity with the Federal CDL standards with respect to CA illegally issuing non-domicile CMVs, and comply with his directive. See trucking media report entitled: *"California defies DOT's 30-day deadline for ELP enforcement, faces $30M funding loss"* at:

https://www.overdriveonline.com/regulations/article/15767948/california-washington-defy-dot-elp-enforcement-deadline

Secretary Duffy advised that USDOT had concluded its audit of CA DMV and has determined that **25% of all CA non-domicile CDLs issued were illegal.**

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After highlighting three incidents this year, which involved illegal immigrants causing accidents that resulted in fatalities of American citizens (five deaths in March in Texas; two deaths in May in Alabama; and the most recent three deaths in Florida in August), Secretary Duffy explained the nature and extent of the deadly impact CA DMV has had on residents of other states, in terms of illegally issuing CA Non-Domicile CDL licenses to commercial motor vehicle (CMV) operators of trucks, passenger buses, and school buses) engaged in interstate commerce.

While members of Congress have started to propose legislation after SBTC's March call for same, including "Connor's Law," (H. 3608), which SBTC drafted and worked with Hon. Dave Taylor (R; OH) to get introduced into the House of Representatives --and now a companion bill to Hon. Senator Marshall's S. 2114 bill, SBTC contends law enforcement action is now warranted to address CA's apparent criminal activity and fraud perpetrated on USDOT and the American public, and the wonton violation of the Civil Rights of at least 10 Americans who lost their lives due to that fraud this year alone.

To illustrate the true scope of this problem, SBTC points to USDOT's National Highway Traffic Safety Administration (NHTSA) data, which show a 34% increase in large truck crash fatalities from 2015 to 2023 when the Commercial Motor Vehicle Safety Alliance (CVSA) --and then the Obama FMCSA in 2016-- allowed truckers who don't speak English to continue to drive after being deemed unqualified by law enforcement under 49 CFR 391.11(b)(2). Case-in-point, is the White Hawk Carriers truck driver Mr. Singh who caused the three fatalities in Florida while making an illegal U-Turn on the Florida Turnpike, where an "Official Use Only" sign was posted, a driver who FMCSA asserts was an illegal immigrant who should never have been issued a CDL by CA and did not pass FMCSA's post-accident English Language Proficiency (ELP) test.

Comes now, the SBTC, once again, on behalf of its 21,000 small business members, the nearly 4 million truckers who drive on our nation's highways, and the motoring public to request the Department of Justice and the FBI please investigate the CA DMV, which qualifies as an "enterprises" under Federal RICO statutes, and hold state officials accountable under RICO. Given its blatant defiance of Secretary Duffy's order to comply with Federal CDL program safety requirements, SBTC contends CA is now knowingly and intentionally engaged in a scheme to defraud the Federal government, and the public; that each of the Non-Domicile CDLs that was illegally issued by CA DMV (25% of the total amount) constitutes a **separate count of mail fraud** and is a predicate offense. It appears only criminal RICO prosecution will get the attention of CA DMV.

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Whereas the President has made this a priority, USDOT is enforcing CDL requirements, and Congress is debating this issue, we thank you for your attention to this public safety matter and hope you and the FBI will act to *"Make the Roads Safe Again!"*

Sincerely,

/JAMES LAMB/, Executive Director

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