

[Cite as *Storer v. Ohio Bur. of Motor Vehicles*, 2005-Ohio-4224.]

IN THE COURT OF CLAIMS OF OHIO

NICK STORER :
Plaintiff :
v. : CASE NO. 2005-05604-AD
OHIO BUREAU OF MOTOR VEHICLES : MEMORANDUM DECISION
Defendant :

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FINDINGS OF FACT

{¶ 1} 1) On April 19, 2005, Nick Storer, filed a complaint against defendant, Bureau of Motor Vehicles ("BMV"), alleging his driver's license was improperly listed as suspended and the notification letter of suspension was sent to the wrong address by BMV. Plaintiff stated he incurred vehicle towing expenses as a result of defendant's error concerning his driving status. Plaintiff seeks damages in the amount of \$90.00 for towing and impound fees, plus \$25.00 for filing fee reimbursement. The filing fee was paid.

{¶ 2} 2) On May 16, 2005, defendant filed an investigation report admitting error in recording plaintiff's driving status and mailing a suspension letter to an incorrect address.

CONCLUSIONS OF LAW

{¶ 3} 1) Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, his driver's license was erroneously listed as suspended by defendant. *Ankney v. Bureau of Motor Vehicles* (1998), 97-11045-AD; *Serbanescu v. Bureau of Motor Vehicles* (1994), 93-15038-AD; *Black v. Bureau of Motor*

Vehicles (1996), 95-01441-AD.

{¶ 4} 2) Plaintiff has proven, by a preponderance of the evidence, that his driver's license was improperly listed as suspended by defendant. *McGee v. Ohio Bureau of Motor Vehicles* (1997), 97-03999-AD.

{¶ 5} 3) Defendant is liable to plaintiff for damages plaintiff can prove resulted from defendant's negligence. *Partlow v. Bureau of Motor Vehicle* (1997), 97-07820-AD. Plaintiff has proven that he incurred towing and impound fees as a result of defendant's error.

{¶ 6} 4) Plaintiff has suffered damages in the amount of \$90.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

IN THE COURT OF CLAIMS OF OHIO

NICK STORER	:	
Plaintiff	:	
v.	:	CASE NO. 2005-05604-AD
OHIO BUREAU OF MOTOR VEHICLES	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>
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Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$115.00, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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For Defendant

RDK/laa
6/22
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