

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

MICHAEL R. SMITH

Plaintiff

v.

BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2007-08571-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} Plaintiff, Michael R. Smith, filed this action against defendant, Bureau of Motor Vehicles (“BMV”), alleging BMV failed to provide him with adequate notice for measures he needed to take to restore his driving privileges and consequently, incurred vehicle towing expenses. Plaintiff seeks damages in the amount of \$96.98 for towing fees paid, plus \$184.00 for work loss due to the fact he was deprived of his vehicle and could not get to his work place. Plaintiff submitted the filing fee with the complaint.

{¶ 2} Defendant filed an investigation report admitting BMV did not provide plaintiff with proper notice of necessary reinstatement requirements. Defendant acknowledged plaintiff suffered damages in the amount of \$96.98 for towing costs.

CONCLUSIONS OF LAW

{¶ 3} Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, his driving privileges were revoked as a result of faulty record keeping on the part of BMV. *Henighan v. Ohio Dept. of Public Safety* (1997), 97-



01619-AD; *Jordan v. Bureau of Motor Vehicles* (1998), 97-10341-AD.

{¶ 4} Defendant is liable to plaintiff for damages plaintiff can prove resulted from defendant's negligence. *Partlow v. Bureau of Motor Vehicles* (1997), 97-07820-AD. Plaintiff has proven that he suffered all damages claimed in the complaint, plus the \$25.00 filing fee which may be reimbursed as compensable costs pursuant to R.C. 2335.19. See *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE
DETERMINATION

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 \$305.98, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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RDK/laa
Filed 9/8/08
Sent to S.C. reporter 11/19/08