



# 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

CHRISTOPHER D. VOLK

Plaintiff

v.

OHIO BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2011-06196-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

{¶1} On January 23, 2011, plaintiff, Christopher Volk, was issued a citation for “failure to reinstate” by an officer of the Norton Police Department. The citation listed plaintiff’s failure to follow the reinstatement procedures as the reason for the license suspension. The officer apparently checked plaintiff’s driver’s license status and communicated to him that it was listed by defendant, Bureau of Motor Vehicles (BMV), as suspended. Plaintiff’s vehicle was towed and impounded. Plaintiff was ordered to personally appear in the Barberton Municipal Court on January 26, 2011. According to plaintiff, “I was found wrongfully charged, due to the BMV not having updated my records that I had a valid driver’s license at the time I was towed.”

{¶2} Plaintiff related that on December 29, 2010 he had paid his fines for an earlier offense and he had paid the corresponding reinstatement fee on December 30, 2010. On January 25, 2011, he paid another \$25.00 reinstatement fee and towing charges in order to regain possession of his vehicle. Consequently, plaintiff filed this complaint seeking to recover \$196.41, for reimbursement of towing and duplicate reinstatement fees. The filing fee was paid.

{¶3} Defendant denied liability and stated that it listed plaintiff's license as suspended in response to a forfeiture entry sent to BMV by the Akron Municipal Court on January 8, 2011. Defendant asserted that the forfeiture is posted upon receipt of such notice from the court. Defendant explained that "[a] suspension letter is automatically generated after the forfeiture is posted" and BMV sent plaintiff a letter on January 12, 2011, notifying him that his driving privileges were suspended and that a reinstatement fee had been imposed. Defendant further explained BMV acted upon information supplied by the Akron Municipal Court.

{¶4} Considering the information available to defendant, insufficient evidence has been offered to show that BMV acted improperly in listing plaintiff's license as suspended. Resulting monetary damages are recoverable when plaintiff proves, by a preponderance of the evidence, defendant erroneously records driver's license information. *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. In the instant action, plaintiff has failed to prove that defendant erroneously recorded his driver's license status. This court has previously held BMV may not bear liability for damages proximately caused from suspending a driver's license in reliance upon erroneous information supplied by a municipal court. *Sullivan v. Bureau of Motor Vehicles*, 2006-04393-AD, 2007-Ohio-1267. Defendant's records were accurate under the circumstances when plaintiff's cause of action accrued. *Elliott v. Bureau of Motor Vehicles* (2001), 2001-02104-AD, jud.



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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 defendant. Court costs are assessed against plaintiff.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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