

[Cite as *Niblick v. Bur. of Motor Vehicles*, 2002-Ohio-6417.]

IN THE COURT OF CLAIMS OF OHIO

JAY NIBLICK	:	
P.O. Box 11	:	
Applecreek, Ohio 44606	:	Case No. 2002-07096-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
BUREAU OF MOTOR VEHICLES	:	
Defendant	:	

: : : : : : : : : : : : : : :

For Defendant:	Adrian E. Allison	
	Associate Legal Counsel	
	Ohio Department of Public Safety	
	Legal Services	1970
West Broad Street		
	P.O. Box 182081	
	Columbus, Ohio 43218-2081	
	: : : : : : : : : : : : : : :	

{¶1} On March 21, 2001, plaintiff, Jay E. Niblick, was traveling on U.S. Route 250 within the village of Mt. Eaton, Ohio when he was stopped by a local enforcement officer for a minor traffic offense (failure to display a front license plate). A check of plaintiff's driver's license status indicated his driver's license was under suspension for failure to offer sufficient proof of financial responsibility. Records maintained by defendant, Bureau of Motor Vehicles, had listed the plaintiff's driver's license as suspended since December 29, 2000. Defendant had previously attempted to notify plaintiff of the license suspension and offered plaintiff the opportunity to submit proof of financial responsibility to have

{¶2} the suspension lifted. Evidence of the "notice of

suspension" was presented as well as information regarding how plaintiff could submit proof of financial responsibility to correct the suspension. When plaintiff was stopped on March 21, 2001 he had not filed proof of financial responsibility with defendant and his license suspension was in full force. As a result of being charged with driving under suspension plaintiff's car was towed and he was taken into custody. On March 22, 2001, the day after he was arrested, plaintiff sent proof of financial responsibility to defendant's office. Defendant deleted the suspension upon receipt of proof and the charges of driving under suspension arising from the March 21, 2001 traffic stop were subsequently dismissed.

{¶3} Plaintiff asserted defendant improperly recorded his driver's license as suspended. Consequently, plaintiff filed this complaint seeking to recover \$205.00 in damages related to the March 21, 2001 incident. Although plaintiff contended the suspension of his license was improper, he has not presented any evidence to establish his driver's license was improperly suspended or valid at the time he was stopped on March 21, 2001.

{¶4} Defendant submitted sufficient proof to show its records regarding plaintiff's driving status were correct on March 21, 2001. Defendant has denied acting improperly in this matter.

{¶5} On October 16, 2002, plaintiff submitted a response to defendant's investigation report. Plaintiff restates his earlier position that defendant's negligence resulted in his arrest and the impounding of his vehicle.

{¶6} A plaintiff may recover resulting monetary damages, when plaintiff proves, by a preponderance of the evidence, defendant erroneously listed plaintiff's driver's license as suspended. *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. Plaintiff's failure to notify defendant of proof of financial responsibility resulted in his license listed as under suspension. Evidence indicates 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.

DANIEL R. BORCHERT
Deputy Clerk

IN THE COURT OF CLAIMS OF OHIO

JAY NIBLICK :
P.O. Box 11 :
Applecreek, Ohio 44606 : Case No. 2002-07096-AD

Plaintiff : ORDER OF ADMINISTRATIVE
 : DETERMINATION
v. :

BUREAU OF MOTOR VEHICLES :

Defendant :

: : : : : : : : : : : : : : : :

For Defendant: Adrian E. Allison
Associate Legal Counsel
Ohio Department of Public Safety
Legal Services 1970
West Broad Street
P.O. Box 182081
Columbus, Ohio 43218-2081

: : : : : : : : : : : : : : : :

Having considered all the evidence in the claim file and
adopting the memorandum decision concurrently herewith;

IT IS ORDERED THAT:

1) Plaintiff's claim is DENIED and judgment is rendered in
favor of defendant;

2) The court shall absorb the court costs of this case in
excess of the filing fee.

DANIEL R. BORCHERT
Deputy Clerk

Sent to S.C. reporter 11/25/02