

[Cite as *Stoltz v. Ohio Bur. of Motor Vehicles*, 2003-Ohio-1126.]

IN THE COURT OF CLAIMS OF OHIO

DEBRA L. STOLTZ :
800 Broad Avenue N.W. :
Canton, Ohio 44708 : Case No. 2002-05697-AD

Plaintiff : MEMORANDUM DECISION

v. :

BUREAU OF MOTOR VEHICLES :

Defendant :

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

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

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{¶1} On May 8, 2002, plaintiff, Debra L. Stoltz, was driving her car on State Route 172 in Stark County when she was stopped by local law enforcement personnel. Incident to a check of her driver's license status, plaintiff was issued a citation for driving under license suspension. Plaintiff's car was towed and impounded.

{¶2} Plaintiff has asserted defendant, Bureau of Motor Vehicles, improperly listed her driver's license as suspended. Plaintiff further asserted she incurred expenses of \$149.80 which resulted from defendant's act. Plaintiff claimed her license status should not have been recorded as suspended. Defendant submitted evidence establishing plaintiff's driver's license status

was properly recorded on May 8, 2002. Considering the information available to defendant no evidence has been offered to show defendant 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 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 her driver's license status. 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.

{¶3} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶4} IT IS ORDERED THAT:

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

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

DANIEL R. BORCHERT
Deputy Clerk