

[Cite as *Reese v. Ohio Bur. of Motor Vehicles*, 2003-Ohio-2615.]

IN THE COURT OF CLAIMS OF OHIO

LAWRENCE REESE

:

Plaintiff

•

•

V.

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CASE NO. 2002-10704-AD

OHIO BUREAU OF MOTOR VEHICLES :

## MEMORANDUM DECISION

Defendant

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{¶1} On September 27, 2002, plaintiff, Lawrence Reese, was stopped by a local enforcement officer for speeding. Incident to the stop, plaintiff was issued citations for speeding and for driving under a driver's license suspension for failing to prove financial responsibility coverage (insurance). It was revealed the law enforcement officer seemingly obtained the information concerning plaintiff's driver's license status through data supplied by defendant, Bureau of Motor Vehicles. Plaintiff's van was towed and impounded after he was issued the citations. Plaintiff suggested defendant improperly recorded his driver's license as suspended when, in fact, he had valid driving privileges. Consequently, plaintiff filed this complaint seeking to recover \$202.00 for towing fees, impound fees, court costs, and fines associated with the driving under suspension charge. Plaintiff has asserted he suffered these damages as a direct result of negligence on the part of defendant in inaccurately and improperly recording his driver's license status. Plaintiff submitted the filing fee on December 24, 2002.

{¶2} Defendant denied making an erroneous record regarding plaintiff's driver's license. Defendant explained plaintiff's driver's license was suspended on August 23, 2002 due to the fact he had failed to show proof of financial responsibility when stopped for a

speeding violation on March 15, 2002. On September 19, 2002, defendant issued a document to plaintiff notifying him his driving privileges had been restored because he had filed necessary proof of financial responsibility. This document contained the following notice: "CARRY THIS LETTER FOR 30 DAYS WHILE OUR COMPUTER RECORDS ARE UPDATED." Plaintiff did not offer any evidence to indicate whether or not he produced this license reinstatement document on September 27, 2002 when he was stopped for speeding. Also, evidence was not provided to show the reinstatement document was disregarded by the officer who stopped plaintiff for speeding. Defendant has shown the records concerning plaintiff's driver's license status were not in error.

{¶3} 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 failed to prove his damages were proximately caused by any errors in record keeping on the part of defendant. 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.

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

{¶5} IT IS ORDERED THAT:

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

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

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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RDK/tad  
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