

[Cite as *Tack v. Bur. of Motor Vehicles*, 2005-Ohio-640.]

IN THE COURT OF CLAIMS OF OHIO

COURTNEY M. TACK	:	
Plaintiff	:	
v.	:	CASE NO. 2004-09495-AD
BUREAU OF MOTOR VEHICLES	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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FINDINGS OF FACT

{¶ 1} 1) On October 29, 2004, plaintiff, Courtney M. Tack, filed a complaint against defendant, Bureau of Motor Vehicles, alleging her driver's license was improperly listed as suspended by defendant. Plaintiff's automobile was towed and impounded as a result of defendant's error concerning plaintiff's driving status. Plaintiff seeks damages in the amount of \$149.80 for towing and storage fees, plus \$25.00 for filing fee reimbursement.

{¶ 2} 2) On December 9, 2004, defendant filed an investigation report admitting error in recording plaintiff's driving status.

CONCLUSIONS OF LAW

{¶ 3} 1) Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, her driver's license was erroneously listed as suspended by defendant. *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.

{¶ 4} 2) Plaintiff has proven, by a preponderance of the

evidence, that her driver's license was improperly listed as suspended by defendant. *McGee v. Ohio Bureau of Motor Vehicles* (1997), 97-03999-AD.

{¶ 5} 3) 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 she incurred towing and storage fees as a result of defendant's error. Plaintiff has suffered damages in the amount of \$149.80, plus the \$25.00, filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

IN THE COURT OF CLAIMS OF OHIO

COURTNEY M. TACK	:	
Plaintiff	:	
v.	:	CASE NO. 2004-09495-AD
BUREAU OF MOTOR VEHICLES	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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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 \$174.80, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT  
Deputy Clerk

