

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

JOAN G. SULLIVAN

Plaintiff

v.

BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2006-04393-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

{¶1} On May 24, 2006, plaintiff, Joan G. Sullivan, was driving on State Route 82 in Strongsville, Ohio, when she was stopped by a local police officer. At that time, plaintiff was issued a citation for driving with a suspended license, resulting in her vehicle being towed and impounded. Plaintiff explained that her driver's license was listed as suspended by defendant, Bureau of Motor Vehicles ("BMV"), due to erroneous information previously supplied by the Parma Municipal Court. Plaintiff recalled that she received a citation on November 21, 2005, issued by the city of North Royalton Police, "for not having my driver's license and proof of insurance card with me." Plaintiff stated that she was at the Parma Municipal Court on January 30, 2006, and provided her driver's license and proof of insurance. However, the Parma Municipal Court failed to note the proof of insurance plaintiff offered and forwarded erroneous information to BMV indicating plaintiff did not have proper insurance coverage. BMV, acting on this information, recorded plaintiff's license as suspended due to a failure to maintain insurance coverage. Plaintiff's license remained recorded as suspended when she was stopped on May 24, 2006, which resulted in the impoundment of her vehicle. The error regarding plaintiff's suspension status was subsequently corrected, but not until towing and storage expenses had been incurred.

{¶2} Plaintiff has asserted that defendant, as the recorder of driver's license information, should bear the responsibility for towing and storage costs. Consequently, plaintiff filed this complaint seeking to recover \$270.00, the cost of towing and impound fees resulting from the May 24, 2006, incident. Plaintiff filed this complaint against

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defendant BMV despite the fact she acknowledged that BMV acted on erroneous information supplied by the Parma Municipal Court. The filing fee was paid.

{¶3} Defendant contends that BMV acted properly in suspending plaintiff's driver's license based on the information provided by the Parma Municipal Court. Defendant related that the Parma Municipal Court notified BMV that plaintiff, "failed to show proof of financial responsibility," (insurance coverage) at the time of her court appearance on January 30, 2006.

{¶4} Upon receiving this information, BMV on March 16, 2006, mailed plaintiff a Notice of Suspension letter. This Notice of Suspension letter was sent to plaintiff's address and noted that plaintiff's driver's license would be suspended (effective March 31, 2006) unless plaintiff provided proof of insurance coverage to BMV. Plaintiff did not respond to this Notice of Suspension and her driver's license was consequently suspended. Defendant asserts that BMV acted properly in maintaining records of plaintiff's suspended status until proof of financial responsibility was received from the Parma Municipal Court. Defendant denies that BMV erroneously maintained records based on information received.

{¶5} Considering the information available to defendant, no 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 her driver's license status. Plaintiff's failure to notify defendant of proof of financial responsibility subsequent to the receipt of a Notice of Suspension letter resulted in her license being listed as under suspension. *Niblick v. Bureau of Motor Vehicles*, 2002-07096-AD, 2002-Ohio-6417. Evidence indicates defendant's records were accurate under the circumstances when plaintiff's cause of action accrued. *Elliott v. Bureau of Motor Vehicles*

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(2001), 2001-02104-AD, jud.



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ENTRY OF ADMINISTRATIVE
DETERMINATION

Defendant

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. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

MILES C. DURFEY
Clerk

Entry cc:

Joan G. Sullivan
4100 Dennis Lane
Brunswick, Ohio 44212

John R. Guldin, Associate Legal Counsel
Ohio Department of Public Safety
Legal Services
1970 West Broad Street
P.O. Box 182071
Columbus, Ohio 43218-2081

RDK/laa
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