

[Cite as *Lapin v. Ohio Bur. of Motor Vehicles*, 2007-Ohio-1270.]

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

DEBORAH LAPIN

Plaintiff

v.

BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2006-05845-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On September 11, 2006, Deborah Lapin, filed a complaint against defendant, Bureau of Motor Vehicles (“BMV”), alleging her driver’s license was improperly listed as suspended and her vehicle was towed as a result of this improper listing. Plaintiff seeks damages in the amount of \$145.85 for towing costs, mileage expenses, and filing fee reimbursement. The filing fee was paid.

{¶2} 2) On December 15, 2006, defendant filed an investigation report admitting error in recording plaintiff’s driving status and acknowledging damages for towing costs.

{¶3} 3) On January 8, 2007, plaintiff filed a response.

CONCLUSIONS OF LAW

{¶4} 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 of Bureau of Motor Vehicles* (1996), 95-01441-AD.

{¶5} 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.

{¶6} 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 suffered all damages claimed in the complaint.

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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 plaintiff in the amount of \$145.85, 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

Entry cc:

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RDK/laa
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