

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

ELIJAH R. WALTZ

Plaintiff

v.

BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2006-06353-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) On October 4, 2006, plaintiff, Elijah R. Waltz, filed a complaint against defendant, Bureau of Motor Vehicles (“BMV”), alleging his driver’s license was improperly listed as suspended by BMV. Plaintiff’s automobile was towed, immobilized, and impounded as a result of BMV’s error in recording his driving status. Plaintiff seeks damages in the amount of \$311.21 for towing, immobilization fees, storage fees, court costs, car repair costs, copies, and gasoline. Plaintiff did not supply sufficient evidence to support his claim for repair costs, copy costs and gasoline. The filing fee was waived.

{¶2} 2) On January 12, 2007, defendant filed an investigation report admitting error in recording plaintiff’s license status.

{¶3} 3) On January 26, 2007, plaintiff filed a response to defendant’s investigation report. Plaintiff asserted he “used a lot of gas had to get a lot of [documentation] and a lot of my time,” was spent in correcting the problem caused by defendant’s error.

CONCLUSIONS OF LAW

{¶4} 1) Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, his 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. These damages must directly flow from defendant’s failure to provide accurate information to authorities. *Henighan v. Ohio Dept. of Public Safety* (1997), 97-01619-AD; *Jordan v. Bureau of Motor Vehicles* (1998), 97-10341.

{¶5} 2) Plaintiff has proven, by a preponderance of the evidence, that his 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 he incurred towing, immobilization, impound fees and court costs as a result of BMV’s record keeping. However, plaintiff has failed to prove he suffered the other damages claimed.

{¶7} 4) Plaintiff has suffered damages in the amount of \$215.30.

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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 \$215.30. 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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Filed 2/22/07
Sent to S.C. reporter 4/5/07