

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

CHELSEY HOGG

Plaintiff

v.

OHIO STATE PATROL

Defendant

Case No. 2007-06063-AD

Clerk Miles C. Durfey

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) Plaintiff, Chelsey Hogg, explained she was issued a citation for a seatbelt violation on February 16, 2007 by an employee of defendant, Ohio State Highway Patrol (OSHP). Plaintiff further explained that she paid the fine for the violation by mail to the Akron Municipal Court as she was directed by defendant's employee. However, the original citation ticket was sent by defendant to the Canton Municipal Court and not the Akron Municipal Court. Consequently, court generated records which were directed to the Bureau of Motor Vehicles (BMV), wrongfully reported the seatbelt violation fine was not paid. In accordance with statutory directives, the BMV suspended plaintiff's driver's license. Plaintiff insisted that she was unaware of the action taken by BMV.

{¶2} 2) On April 11, 2007, plaintiff was enroute from Canton to Salt Fork State Park where she had reserved a cabin for the weekend, when she was subject to a traffic stop by local law enforcement (Summit County Deputy Sheriff). After running a routine check of plaintiff's license plates through BMV, the Summit County Deputy Sheriff issued plaintiff a citation for driving under a suspended license and ordered her car impounded. Plaintiff was unable to continue on her trip to Salt Fork State Park. Plaintiff's car, at the time it was towed and impounded, contained multiple perishable

grocery items.

{¶13} 3) Plaintiff maintained that defendant was ultimately responsible for her driver's license being suspended due to the fact OSHP personnel set up the chain of events which resulted in the filing of erroneous information with BMV. Plaintiff filed this complaint seeking to recover \$872.44, for towing expense, groceries, fuel costs, mileage, lost time, and the loss of use of rental facilities at Salt Fork State Park. The filing fee was paid.

{¶14} 4) Defendant admitted liability for plaintiff's total claimed loss of \$872.44.

{¶15} 5) Plaintiff filed a response stating, "I am pleased with the findings."

CONCLUSIONS OF LAW

{¶16} 1) Negligence on the part of defendant has been shown. *Johnson v. State Highway Patrol* (2002), 2001-12347-AD; *Moro v. State Highway Patrol* (2002), 2002-04429-AD; *Hamlet v. Ohio State Highway Patrol*, Ct. of Cl. No. 2002-05409-AD, 2002-Ohio-6410; *Vastine v. State Highway Patrol*, Ct. of Cl. No. 2002-10305-AD, 2003-Ohio-1681.

{¶17} 2) Plaintiff suffered damages in the amount of \$872.44, plus the \$25.00 filing fee. *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.



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ENTRY OF ADMINISTRATIVE
DETERMINATION

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 \$897.44, which includes the filing fee. Court costs are assessed against defendant.

MILES C. DURFEY
Clerk

Entry cc:

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RDK/laa
9/18
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