



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

LAFRINDA FLETCHER

Plaintiff

v.

OHIO BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2011-08954-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

{¶1} Plaintiff, LaFrinda Fletcher, filed this complaint asserting that her vehicle was impounded as a proximate result of an error on the part of defendant, Bureau of Motor Vehicles (BMV). Based upon BMV's improper and erroneous record keeping, plaintiff filed this complaint seeking to recover damages in the amount of \$294.38, for towing and impound fees as well as an unspecified amount for "loss of car for several days." Payment of the filing fee was waived.

{¶2} Defendant has admitted liability in that the BMV records were not properly updated and plaintiff's "vehicle registration should not have been under suspension on the date in question." Defendant acknowledged plaintiff is entitled to recover \$294.38 for towing and storage expenses.

{¶3} Plaintiff did not file a response.

{¶4} The court finds that 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. These damages must directly flow from defendant's failure to convey accurate information. *Henighan v. Ohio Dept. of Public*

Safety (1997), 97-01619-AD; *Jordan v. Bureau of Motor Vehicles* (1998), 97-10341-AD.

{15} Defendant is liable to plaintiff for damages plaintiff can prove resulted from defendant's failure to keep proper accurate records. *Rivers v. Bureau of Motor Vehicles*, Ct. of Cl. No. 2005-06872-AD, 2005-Ohio-7089.

{16} As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239, 577 N.E. 2d 160. The court therefore finds defendant liable to plaintiff for towing and storage costs. In the instant claim, plaintiff has failed to prove she is entitled to recover damages for "loss of car for several days." See *Williams v. Bur. of Motor Vehicles*, Ct. of Cl. No. 2008-01952-AD, 2008-Ohio-4625. Thus defendant is liable to plaintiff for damages in the amount of \$294.38.



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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 \$294.38. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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