

**IN THE COURT OF CLAIMS OF OHIO**

MARION SCHROEK

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2014-00656-AD

Clerk Mark H. Reed

**MEMORANDUM DECISION**

{¶1} On July 21, 2014 Marion Schroek filed a complaint in this Court against the Ohio Department of Transportation (hereinafter ODOT). In his complaint, he alleged that sometime in January or February of 2014, snow plow drivers in the employ of ODOT destroyed three vinyl entrance and exit signs in front of his place of business, the Country Variety Store, located on US 68 in Bellefontaine, Logan County, Ohio. The total damage claimed by Mr. Schroek is \$636.00, and there appears to be no insurance coverage to offset this loss.

{¶2} In an Investigation Report filed November 21, 2014, ODOT advanced several reasons why it should not be held responsible for Mr. Schroek's claim. Most notably, ODOT pointed out that Country Variety Store placed the signs in question within ODOT's right-of-way without a permit. The agency's position is that since the Country Variety Store placed their business signs in ODOT's right-of-way, the store assumed the risk that the signs could be damaged or even removed by ODOT without notice.

{¶3} The Court finds the argument put forth by ODOT to be persuasive. The agency never gave permission to the Country Variety Store to use the right-of-way for its signage. Country Variety Store was not a licensee, but a trespasser. Since Country

Variety Store never obtained a license, or otherwise secured permission from ODOT to place their signs in the right-of-way, ODOT cannot be held liable for Plaintiff's loss.

**IN THE COURT OF CLAIMS OF OHIO**

MARION SCHROEK

Plaintiff

v.

OHIO DEPARTMENT OF TRANSPORTATION

Defendant

Case No. 2014-00656-AD

Clerk Mark H. Reed

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 defendant. Court costs are assessed against plaintiff.

---

MARK H. REED  
Clerk

Entry cc:

Marion Schroek  
6263 U.S. Highway 68 North  
Bellefontaine, Ohio 43311

Jerry Wray, Director  
Ohio Department of Transportation  
1980 West Broad Street  
Mail Stop 1500  
Columbus, Ohio 43223

Filed 1-7-15  
Sent to S.C. reporter 11/24/15