

9-30-2015

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Roger Williams University School of Law

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Recommended Citation

Roger Williams University School of Law, "Newsroom: Yelnosky on Franchisor Liability" (2015). *Life of the Law School (1993-)*. 505.
https://docs.rwu.edu/law_archives_life/505

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Newsroom

Yelnosky on Franchisor Liability

Yelnosky explains why an out-of-state franchisor was held vicariously liable for the sexual harassment of a local franchisee's employee.

From Rhode Island Lawyers Weekly: ["Franchisor may be vicariously liable for sexual harassment"](#) by

Pat Murphy



September 24, 2015: The out-of-state franchisor of a donut shop chain may be vicariously liable for the sexual harassment of a local franchisee's employee by an agent hired to conduct customer service reviews at individual stores, a Providence Superior Court judge has ruled.

The defendant franchisor, Massachusetts-based Honey Dew Associates, Inc., argued that the Rhode Island Civil Rights Act does not support a claim based on the vicarious liability of an employer for the acts of an agent.

But Judge Sarah Taft-Carter concluded that the employee's case could proceed under the theory that the agent, John Frigault, qualified as her "supervisor" under the doctrine of apparent agency.

[...] **Professor Michael J. Yelnosky, dean of Roger Williams University School of Law, said** he views the decision as an "aggressive interpretation" of apparent authority. **Yelnosky added** that he was impressed by the extent to which Taft-Carter allowed the plaintiff to use Rhode Island's principles of apparent authority to reach the "deep pockets" of the franchisor.

“It permits her to say that as long as the plaintiff believed to her detriment that Frigault was an agent of [Honey Dew and Bowen], there could apparent authority,” **he said**. “She’s really going far up the ladder here.”