

331 N.W.2d 907
Supreme Court of Minnesota.

Stephanie PONTICAS, et al., Respondents,

v.

K.M.S. INVESTMENTS, et al., Appellants,
Lakeview Realty, Inc., Defendant.

No. C7-81-1026. | March 25, 1983.

Tenant who was raped by manager of apartment complex brought action, along with her husband, against owner and operator of apartment complex alleging **negligence** in hiring of manager despite his criminal record. The District Court, Hennepin County, Michael J. O'Rourke, J., entered judgment in favor of tenants, and appeal was taken. The Supreme Court, Kelley, J., held that: (1) employer has duty to exercise reasonable care in hiring individuals who, because of nature of employment, may pose threat of injury to members of public; (2) evidence supported finding that owner and operator of apartment complex were **negligent** in failing to make reasonable investigation of apartment manager's background; (3) **negligence** was proximate cause of injuries to tenants; and (4) trial court properly refused to instruct on superseding intervening cause.

Affirmed.

Scott, J., dissented and filed opinion in which Wahl, J., joined.

West Headnotes (11)

[1] **Labor and Employment**

← **Negligent** Hiring

An employer has duty to exercise reasonable care in hiring individuals who, because of nature of employment, may pose threat of injury to members of public.

49 Cases that cite this headnote

[2] **Labor and Employment**

← **Negligent** Hiring, **Retention**, and Supervision

Whether it was reasonably foreseeable by owner and operator of apartment complex that

resident manager, who had history of offenses of violence, would rape tenant, even though criminal record would have failed to indicate any prior crimes involving criminal sexual conduct, was question for jury.

52 Cases that cite this headnote

[3] **Labor and Employment**

← **Negligent** Hiring

Employer's duty to exercise reasonable care in hiring of employees who, if incompetent or unreliable, might pose risk of injury to members of public with whom employee may come in contact by reason of employment, includes making of reasonable investigation of employee's background; scope of investigation is directly related to severity of risk third parties are subjected to by such an employee.

12 Cases that cite this headnote

[4] **Labor and Employment**

← **Negligent** Hiring

When prospective employee is to be furnished passkey permitting admittance to living quarters of tenants, employer has duty to use reasonable care to investigate his competency and reliability prior to employment.

25 Cases that cite this headnote

[5] **Labor and Employment**

← **Negligent** Hiring

There exists no duty upon employer, as a matter of law, to make inquiry as to prospective employee's criminal record even where it is known that employee is to regularly deal with members of public.

6 Cases that cite this headnote

[6] **Labor and Employment**

← **Negligent** Hiring, **Retention**, and Supervision

Evidence supported finding that owner and operator of apartment complex were **negligent** in failing to make reasonable investigation of

