



In-Home Serviceman Murders Homeowner (2001)

Incident Summary

On February 20, 2001, Cathy Sue Weaver opened her home in Orange County, Florida to servicemen from the reputable Burdines Department Store, to have her air conditioning ducts cleaned. Burdines Inc. was a well-known department store in Florida since 1896, which advertised throughout the State of Florida for numerous in-home services including air conditioning duct, carpet and upholstery cleaning. Burdines was owned by Federated Department Stores and is now known as Macys Florida.

Ms. Weaver was a single woman residing at her home alone and in which she operated her embroidery digitizing business. When Jeffrey Hefling and James Perrigo arrived at Ms. Weaver's home, she thought they were credible Burdines' employees, who had been properly and thoroughly vetted by the company. The men wore Burdines uniforms and the invoice she received was also from Burdines. Ms. Weaver had no reason at that time to doubt their credibility. They cleaned her air conditioning ducts and left.

On August 27, 2001, six months after her air ducts cleaning, Jeffrey Hefling returned to her home to rape and murder her. He then set her house on fire in hopes of covering up any evidence. Hefling, in his 40s and residing in Seminole County, Florida, was a convicted rapist who had spent 14 years in jail. At the time he was sent to Ms. Weaver's home for the air duct cleaning, he was on parole for violent sexual offenses and listed on the Florida Department of Law Enforcement's Sexual Offenders' Website and Seminole County Website. James Perrigo, who was Adler's field supervisor and who had hired Hefling, also had a criminal record. He had been previously convicted of breaking and entering. The situation is particularly egregious in light of the fact that, during the application process, Hefling admitted he had spent 14 years in jail, yet was hired without anyone attempting to determine why he had been incarcerated.

Burdines, who was a licensed and insured company, gave the impression to its consumers that they were contracting solely with Burdines. Burdines placed its logo in its advertisements, offered customers the option to paying for its residential services with a Burdines' credit card, and assures the consumer that Burdines is licensed and insured to perform the in-house services. However, Burdines was actually using employees of Adler Services, Inc. to perform their services as a subcontractor.

Although Burdines had a licensing agreement with Adler that mandated that Adler perform background investigations before sending them into private residences, Adler never performed the background check on Hefling and Burdines never checked to make sure that Adler was complying with the background check requirement in their licensing agreement. Burdines could produce no documentation to indicate that they took any action to ensure that Adler was meeting this critical requirement. The licensing agreement not only set forth the specifics of the background investigation, it clearly defined what was considered unacceptable history for sending a person to a customer's home (*"In the event the results of the reference checks are unacceptable and/or the background check reveals that the employee has a criminal record, the licensee shall not send such employee to the customer's home."*)

Court Settlement

In March 2004, Hefling was ultimately sentenced to life in prison for murdering Ms. Weaver. He plead guilty to first-degree murder and three other related charges. Shortly thereafter, Ms. Weaver's family settled its lawsuit with Burdines and the subcontractor for \$9 million. Burdines ended its business relationship with Adler. In reaching the settlement, the court found the following:

The practice of conducting background investigations to determine employee suitability is well established in the business community and regulated by federal law, primarily the Fair Credit Reporting Act (FCRA). Burdines' failure to enforce or audit the background investigation requirement in the Licensing Agreement is inconsistent with policies used by other firms in industries where the employees or subcontractors come into contact with the general public or require access to an individual's home.

Additionally, the court found that senior company officials at Burdines were fully aware of the danger posed to customers by sending individuals with criminal records into customer's homes. The company's continued failure to provide even a minimum level of oversight to ensure compliance with such a crucial requirement, represents willful negligence and conscious disregard or indifference for the life, safety and rights of its customers, and directly contributed to the murder of Sue Weaver.

Lessons Learned

The risks of negligent hiring are clearly demonstrated in this case. Courts have repeatedly found that they will hold employers responsible for the actions of their employees and the employees of subcontractors, if they hurt someone and it is discovered that the employer did not properly conduct a proper background investigations on the employee.

The onus is on the employer to demonstrate that they exercised due care in ensuring that their new hire did not have something in his/her background that would indicate that they were not suitable for the job. If the employer made a legitimate, reasonable and prudent attempt to screen an employee and that employee's actions resulted in a negligence claim against the employer, the employers would have a much greater chance of successfully defending themselves against a negligent hiring lawsuit.

According to HR Magazine, the average settlement of a negligent hiring lawsuit is nearly \$1 Million dollars. A study released in 2006 revealed that in the state of California, employers lost 60% of negligent hiring cases.

MSA Investigations

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