

4.6 Apparent Agency

If [*name of alleged principal*] has intentionally or unintentionally caused the [plaintiff [*name*]] [defendant [*name*]] to believe that [*name of alleged agent*] was the principal's agent, a relationship known as "apparent agency" may be created, even if no actual authority was ever given to the agent. Apparent agency, however, can never arise solely from the acts of the alleged agent.

To establish apparent agency, the [plaintiff [*name*]] [defendant [*name*]] must prove that:

First, the alleged principal caused, by representation or action, the [plaintiff [*name*]] [defendant [*name*]] to believe that [*name of alleged agent*] was the principal's agent;

Second, the [plaintiff [*name*]] [defendant [*name*]] relied on this representation or action to [his] [her] [*other pronoun*] detriment; and

Third, such reliance was reasonably justified.

If an apparent agency has been established, the principal is liable for the acts of the apparent agent just as if the principal had authorized the agent from the outset.

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