

## Does One Have to Pay for an Unsolicited Business Tip?

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**Question:** A broker approaches a real estate investor and says that he has information about a good deal. The investor replies that he can tell him the details if he'd like, but he should know that he does not plan on paying him. The broker introduces the deal and it ends up going through. He then asks for payment. Does the investor need to pay him?

**Answer:** The Acharonim say that even in a case of a field that is presumably *asuya lita*, if the property owner explicitly protests and tells the worker beforehand not to do the service and he does it anyway, he can't be forced to accept him as his employee and he cannot be forced to pay him. In this case, however, the investor did want the service, he just didn't want to pay for it. The Pischei Teshuva discusses this type of case and says if the individual *does* want the benefit but just wants it for free, it is not considered as if he protested and he would have to pay the worker if he received an obvious benefit.

We still would have to determine how much he would have to pay. One could argue that this case is comparable to a field that is *aino asuya lita* since the investor had no intention of paying for this service. Practically, to someone in real estate who has his own contacts and sources, this piece of information may not have been that valuable and isn't worth that much. To someone new to the market who does not have many sources, this may be considered a hot tip that is very valuable. That all has to be taken into account.

On the other hand, because he actually did go ahead and make use of the service, perhaps it is comparable to a field that is *asuya lita*, in which case he'd have to pay the lowest end of the going rate for such service. In any case, the investor would certainly not have to pay the full price the broker charges because they didn't originally make up a contract from the beginning.