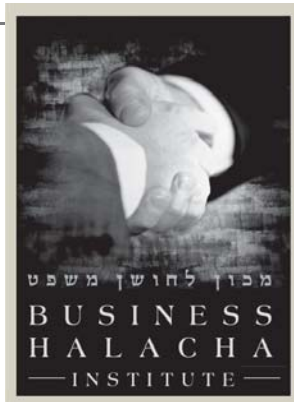


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# Business



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# weekly

## STORYLINE

### a silver wedding

By Rabbi Meir Orlan, Yerushalayim  
Halacha Writer for the Business Halacha Institute

As David walked out the door a few weeks before his wedding, his father reminded him, "Don't go overboard with the ring. The custom is to use a simple gold band without a gem or elaborate engravings."

David pulled up to the jewelry store and parked on the street. He rang the bell and was buzzed in.

"I'd like a relatively simple gold wedding ring for my fiancée, Judy," David said to the salesman at the register.

"Here, take a look," said the salesman, pulling out three trays of wedding bands. "These are all gold rings in various shades and styles." David finally chose a shiny, white ring with a slight wave pattern.

A month later, the couple stood under the chupah ready for the kiddushin. The officiating rabbi asked David: "Did you buy the ring?"

"Yes," David answered.

The rabbi then asked the witnesses to examine the ring. "Is it worth a perutah?"

"Yes," they answered.

"Repeat after me," he told David. "Harei at mekudeshes li b'tabaas zo kedas Moshe v'Yisrael." David placed the ring on Judy's finger.

Time flew by. Seven years later, it was difficult for Judy to get the ring on and off. David took the ring to the local jeweler to have it enlarged.

The jeweler looked at it and asked, "Are you sure it's gold? It seems very white."

David stared at him. "The salesman definitely told us it was gold," he responded slowly. The jeweler examined the ring carefully. "This is not gold; it's silver," was his final verdict. "Do you still have the receipt so that you can get your money back?"

"I'll check," said David. He walked out of the store in shock.

"If Judy expected to receive a gold ring, but it was only silver..." he thought in alarm, "then the kiddushin may have been in error and invalid! I'm not sure if our marriage was halachically finalized!"

He began to head home. Two blocks away, he changed his mind, made a U-turn, and drove directly over to Rabbi Dayan's house. Rabbi Dayan welcomed him in.

"How can I help you, David?"

"I, I..." It was hard for David to get the words out. "I discovered that my wife's wedding ring was not gold as we thought, but only silver. Is the kiddushin still valid?"

"That's a tough question," answered Rabbi Dayan. "In principle, if the woman is misled about the value of the kiddushin, it is invalid. However, we accommodate for this now-

*continued on reverse side*

## FROM OUR HOTLINE

Submitted by  
N. Rimpler

### non-exclusive rights

I just started working as a real estate agent and I wanted some halachic guidance about the following issue. A property can be listed in two ways. There are exclusive listings and non-exclusive listings. An exclusive listing is where the property owner contracts with an agent and grants the agent exclusive rights to sell the property. When such an agreement is made but another broker

finds a buyer, the sale must still go through the agent that has the exclusive listing. A non-exclusive listing is when an agent publicizes the availability of a property – but potential buyers do not legally have to contact the listing agent.

**Q: May I approach a property owner about a buyer if another agent has a**

**non-exclusive listing? Must I share the commission with the agent that originally listed the property, since my involvement in the deal came through his efforts of publishing an ad, although it was a non-exclusive listing?**

**A:** The following is the halachic perspective and does not take into account different laws and/or

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days when performing the kiddushin.”

“How?” asked David.

“The officiating rabbi asked the witnesses, in your kallah’s presence, if the ring is worth a perutah,” Rabbi Dayan explained. “This is to indicate that the kiddushin is not being based on the full expected value, but only on the necessary perutah. Therefore, even if the ring was not the valuable gold ring that your wife expected, the kiddushin is valid, so long as you did not state that the ring was gold when you said, Harei at...” (Rama E.H. 31:2; Chelkas Mechokek 31:6,7) David calmed somewhat.

“However,” continued Rabbi Dayan, “there is a second, more problematic issue. Since the salesman said that the silver ring was gold, your initial purchase was in error and void, so the ring was not yours to give as kiddushin (233:1)!”

“But what if we choose to keep the ring?” asked David.

“If you keep the ring despite the error, the sale can be upheld from now on but not retroactively. Since the ring was of a

different material then assumed to be, there was no ‘kinyan’ or act of acquisition on the desired object. However, since the ring was purchased primarily for kiddushin, the kiddushin might still be valid on the basis on a ring given as a loan or taken as collateral (E.H. 28:12,19). However, the application of this principle to your case is quite controversial (see Otzar Haposkim ibid 70), so it would be best to redo the kiddushin quietly to be on the safe side. There is no need for another Chupa and Sheva Brachos (ibid Rema 61:1).”

“How would we redo the kiddushin?” asked David.

“Go buy something for your wife and bring her here,” said Rabbi Dayan. “Meanwhile, I’ll call my neighbor. When you come back, give her the gift and say ‘Harei at...’ in the presence of the two of us.”

customs that may apply in different locations. Specific questions must be addressed to a local rav who will incorporate those laws/customs into the relevant halachic principles.

The job of a broker or a real estate agent is to bring two parties together to make a deal. Payment to a broker is for performance of this service. This type of employment is categorized as contract work (kablanus) and thus the agent is paid when the deal is finalized, e.g. when a contract is signed to purchase the property. It does not matter how much time the contractor invested in making this deal. Sometimes he spends hours negotiating with both parties until

they agree to terms of the sale; sometimes all he does is introduce them and they take care of the negotiating between themselves. Either way, the agent will receive his full fee, since he is the one that brought these two parties together in a way that resulted in the finalization of a deal.

Therefore, if an agent merely publicizes that a property is for sale but does not introduce the two parties to one another, he has not fulfilled the job description of a broker and therefore has not earned a commission for the sale of the property.

**Please contact our confidential hotline with your questions & comments**  
**877.845.8455** ■ [ask@businesshalacha.com](mailto:ask@businesshalacha.com)

# MONEY MATTERS

## truth in advertising week #2

**Q:** Can I give a fresh paint job to an old car to give the impression of a relatively new one? What about polishing or waxing a new item?

**A:** “One may not paint ... old objects so that they should look new ... nor may one soak meat in water to make it look white and

robust.” (Shulchan Aruch, Choshen Mishpat 228:9)

Thus, one may not try to mislead his potential customers by making a car look newer than it actually is.

However, the SM”A (#15) explains that this refers to a case where the owner overcharges for an old item while the buyer is under the false impression that it is relatively new.

However, if he charges a price which is fair for the old item and paints it just to make it more visually appealing, it is allowed.

Similarly, one may shine a new item to draw the customer’s attention and make the item more attractive.

Furthermore, if the new paint job actually adds value to the car, the seller can paint it and charge accordingly.

## REMINDER

Gedaliah & Rachel Weinberger cordially invite you to the annual  
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