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Learn the Art Of Negotiating Agent Fees

After landmark settlement, buyers are now responsible for working out the commissions

By VERONICA DAGHER

Shopping for a home now requires a knack for negotiation and a lot more due diligence.

After a landmark settlement the National Association of Realtors, or NAR, reached over commissions, home buyers are responsible for negotiating their agent's commission. This means most hopeful home buyers will need to sign a contract with an agent even before touring a property.

In the past, buyer's agents were usually compensated after closing by the seller. So, while most buyers hired an agent, they didn't have to negotiate the agent's fee. Sellers may still agree to cover the commission, but there is no guarantee. Buyers can always choose another house if the seller won't cover the fee.

Agents and buyers are still learning the steps of this new dance. Just how much agents are willing to negotiate remains unclear and could vary widely depending in part on where you live. The going rates are similarly still being ironed out.

That uncertainty makes it important for buyers to review contract terms carefully before casually signing and consult a lawyer if unsure, consumer advocates say. At a minimum, ask around about the most common rates in the area.

The agreement should specify how much your agent will get paid—it cannot be a range. In the past, buyers agents typically received around 2.5% or 3% of the home's sale price from the home seller. Buyers should consider how much work they need or expect the agent to do and find out as part of the negotiation.

The payment can be a percentage of the home's sale price or a flat fee reflecting the work expected of the agent, such as \$5,000 for a \$500,000 house, said Doug Miller, a Minnesota lawyer who has advocated for lower com-

missions. That would be cheaper than paying a 3% commission of \$15,000 on that same house.

And remember buyers, you do have the option of going without an agent.

"No buyer's agent I've met with yet has been able to articulate why they're worth their fee nor fully explain the legal contract they asked me to sign as the po-



▲ Real-estate agent Cindy Scholz is educating her clients about buyer's agent agreements.

tential buyer just seeking to view a house," said Marty Martin, a North Carolina lawyer who is currently house hunting in the state.

Commission

Realtors can't collect more than the amount that is specified in your agreement, even if the seller is offering more, said Tanya Monestier, a professor at the University at Buffalo School of Law who has studied the NAR settlement.

For example, if your agreement says 2%, it doesn't matter if the seller is offering 3%. Some agents will try to modify contracts with buyers to try to get the full amount or to tack on other payments such as a \$1,000 administrative processing fee. Don't agree to pay those extra fees, said Monestier.

Buyers can always ask the



seller for a credit to cover all or part of their agent's fee as part of the offer to buy the home, said Miller, the Minnesota lawyer.

If you already negotiated a fee of around 1%, you will likely save the seller about 2% in commissions, assuming the seller has offered 3%. If your offer includes a 1% seller credit and a competing buyer asks for 3%, your offer could become more attractive to the seller, he said.

Terms of agreement

Some agents say they are uneasy about having to negotiate money and other details with potential buyers they just met. Others are worried about all the extra paperwork if buyers need to sign agreements for each home they tour.

"It's a clunky process," said Cindy Scholz, a real-estate agent in East Hampton, N.Y.

The documents can vary between different brokerages and some have already made several revisions to their contracts, agents said.

Agent fees have always been negotiable, said a NAR spokesman.

But buyers in the past weren't usually a part of that negotiation. Now they may be able to pick and choose the services they want and should negotiate their agent's commission directly with that agent.

"It's going to feel like the Wild West for a while," said Rick

Sharga, founder and CEO of CJ Patrick, a real-estate consulting firm.

As always, it probably pays to shop around rather than sign the first contract—and to have a lawyer review anything that you are uneasy about.

It is also best to negotiate in person, said Laura Fredricks, a lawyer who teaches classes and writes books on negotiation. Get clear on what you can afford be-

fore you start to negotiate, what services you would like the agent to provide and maintain a respectful tone, she said.

Time and place

Agents typically want buyers to commit to working with them to search for a house for a set period (often around three months) within a particular region.

Agreements may be limited to as little as one day or a single property. Some agents are offering simpler, shorter-term touring agreements initially before asking buyers to sign long-term contracts.

There is usually more flexibility with buyer's agent contracts than the four to six months sellers typically agree to before listing a property, said Pierre Debbas, a real-estate lawyer in New York City.

The agreement is binding. If a buyer signs an exclusive contract with an agent for 120 days, they can't close on a sale with another two weeks later, Debbas said. The first agent could have grounds for a legal claim to get the full commission.

—Nicole Friedman contributed to this article.



▲ Laura Fredricks, a lawyer who writes books on negotiation, suggests buyers negotiate with their agents in person instead of over the phone.

Cowboy Wok Cooking Pan Has Cooks All Fired Up

By MARIO LUCERO

There is a new cooking fixture at backyard barbecues, hiking trips and tailgates across America: the cowboy wok.

Also known as a discada or simply a disco, this sizable metal disc is a versatile cooking pan designed for use over an open fire, propane burner or grill. Similar to paella, the term discada refers to the specialized pan and the dish commonly prepared in it.

Initially fashioning them from farm plow discs, cowboys and ranchers long embraced them to prepare hearty meals over the campfire. The cookware subsequently became a mainstay in Northern Mexico and the Southwestern U.S. for generations.

Now, it's having a moment as more people embrace outdoor cooking beyond the grill.

Made from carbon steel, the discada is larger than a typical Chinese wok, but can similarly handle high temperatures crucial for searing and stir-frying. The center sits directly over the flame, so it becomes intensely hot. As you move toward the outer edge, the temperature gradually decreases, creating a natural zone for slower cooking or keeping food warm without burning. This versatility allows for cooking a variety of meal elements at once, making it a go-to tool for outdoor chefs.

Modern upgrades to the traditional cowboy wok have addressed the plow disc's inherent shortcom-



ings. Many now feature handles and raised walls, so food won't go flying off the side. Varieties of discada have recently begun appearing on store shelves of national retailers such as Ace Hardware, Tractor Supply and Buc-ee's.

Outdoor cooking

Discadas are mainstays at the World's Largest Matanza, a daylong celebration of food, culture and music held each January in Belen, N.M. Among the 2024 participants was the Crusty Tacos booth, led by Deb Carpenter and staffed by members of Kirtland Air Force Base. "I used to be a food inspector," Carpenter said, "so I made sure to bring all the best cooks I knew, and they brought along great equipment like the discos."

Jayson Romero, a pitmaster from Cochiti Pueblo, N.M., was assisting with the stand. "There is simply nothing better for frying up large amounts of chicharrones," he said.

David Kirkpatrick, who lives in Knoxville, Tenn., brought his disc on a duck-hunting trip. Seared meat and vegetables paired with warm

▲ FireDisc's variation on the 'cowboy wok' has edges and handles for outdoor cooks.

tortillas make duck fajitas a favorite among discada chefs. He also used it at a party at his home, preparing meals for 20 guests. Kirkpatrick says the discada is portable and easy to set up in both situations, using canned heat in the hunting grounds and propane at home.

From tacos to stir fry

Asian immigrants employed on the railways originally devised discadas in the mid-to-late 19th century, according to Guillermina Gina Núñez-Mchiri, an anthropology associate professor at University of Texas at El Paso, who discussed the history on Mando Rayo's Tacos of Texas podcast. Holes at the center of the circular, concave plow blades had to be soldered closed.

Traditionally, cooks used them to prepare taco and burrito fillings, or dishes like New Mexican calabacitas, made from sautéed zucchini,



▲ Southwest Disk makes pans with designs inspired by the culture and history of the region.

squash and green chile. Now, people also use the cowboy wok for outdoor takes on fried rice, stir-fry dishes and pasta.

They're also popular for cooking a breakfast discada, essentially a cowboy-wok version of huevos rancheros.

Home cook Philip Lam says he particularly likes the robust build of the disc, comparing it favorably to an outdoor griddle. When the Orange, Calif., resident makes tacos, Lam says he cooks the meat and veggies in the center while his tortillas warm around the edge. He also boils spaghetti in the center, then drains it and adds sauce, and can toast garlic bread on the side.

One hot pan

Discos are part of the expanding market for outdoor cooking appliances, including other popular options like the Blackstone griddle. Sales of appliances and accessories

reached \$1.9 billion in 2022, a 23% increase over the previous year, according to the Hearth, Patio & Barbecue Association.

Hunter Jaggard, co-founder of FireDisc, grew up hunting and fishing, using a plow disc to cook a variety of foods as a child. He and his brother would repurpose old blades, cleaning and prepping them to ensure they were food safe.

The two decided to reinvent the traditional plow disc for a broader audience, raising the edges to better meet the needs of modern cooks.

Artisan companies such as Southwest Disk offer a variety of disc shapes and sizes, with unique handle designs drawing inspiration from Santa Fe horseshoes and Roswell UFOs.

Cookbook author and cowboy chef Kent Rollins is a discada devotee. "I get asked all the time where I got it and how much it weighs—it's about 65 pounds," he said. "We used it for a garden stir-fry and a bunch of other dishes. It's perfect for cooking big meals and keeping everything warm."