



October 23, 2019

Via U.S. Mail & Facsimile

Shannon Wilmeth, Interim Executive Director
Comanche Nation Gaming Commission
1915 E. Gore Blvd.
Lawton, OK 73501
Fax: 580-269-1157

**Re: Review of Consulting Agreement for the
Comanche Nation Gaming Commission**

Dear Ms. Wilmeth:

This letter responds to the November 19, 2018, request on behalf of the Comanche Nation Gaming Commission for the National Indian Gaming Commission's Office of General Counsel to review a Master Service Agreement. Specifically, you have asked for my opinion on whether the Agreement is a management contract requiring the NIGC Chair's approval under the Indian Gaming Regulatory Act. You also asked for an opinion whether the agreement violates IGRA's requirement that a tribe have the sole proprietary interest in its gaming operation.

In my review, I considered the following document submitted on behalf of the Nation which was unexecuted, but was represented to be in substantially final form:

- "Master Service Agreement," marked as "MSA 20180117...EXE MSA 2.0 66141 (Comanche Nation) 20181011 V3 JB"

Unfortunately, confining my review to the four corners of the documents, I am unable to opine on the Agreement because it lacks sufficient detail related to the services being provided and costs of those services. Therefore, I am unable to provide an opinion on whether or not the Agreement is a management contract or violates the sole proprietary interest requirement.

Should the parties enter into additional agreements, which provide the specific details of the services being provided and the cost of those services, please feel free to submit those agreements for review. I'd ask that the parties include this contract for consideration with any future submissions.

Please note that it is my intent that this letter be released to the public through the NIGC's website. If you have any objection to this disclosure, please provide a written statement

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explaining the grounds for the objection and highlighting the information that you believe should be withheld. *See* 25 C.F.R. § 517.7(c). If you object on the grounds that the information qualifies as confidential commercial information subject to withholding under Exemption Four of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4), please be advised that any withholding should be analyzed under the standard set forth in *Food Marketing Institute v. Argus Leader Media*, No. 18-481, 2019 WL 2570624, at *7 (U.S., June 24, 2019). Any claim of confidentiality should also be supported with “a statement or certification by an officer or authorized representative of the submitter.” *See* 25 C.F.R. § 517.7(d). Please submit any written objection to FOIASubmitterReply@nigc.gov **within thirty (30) days of the date of this letter**. After this time elapses, the letter will be made public and objections will no longer be considered. *Id.*

If you have any questions, please contact NIGC Staff Attorney Heather McMillan Nakai at (202) 527-5577.

Sincerely,



Michael Hoenig
General Counsel