



January 13, 2025

*Via e-mail*

Brie Coyle Jones, P.C.  
Partner  
Miller Nash, LLP  
605 5<sup>th</sup> Ave. S., Suite 900  
Seattle, WA 98104

**Re: Review of the Sports Book Consulting and Services Agreement between  
the Swinomish Indian Tribal Community & RSI WA, LLC**

Dear Ms. Coyle Jones:

This letter is in response to your request on behalf of the Swinomish Indian Tribal Community and the Swinomish Casino & Lodge for the National Indian Gaming Commission (NIGC), Office of General Counsel to review the Retail Sports Betting Services Agreement (Agreement) between the Swinomish Indian Tribal Community and RSI WA, LLC (RSI). Specifically, you have asked for an opinion on whether the Agreement is a management contract requiring the NIGC Chair's approval under the Indian Gaming Regulatory Act. You also requested that NIGC provide an opinion whether the Agreement violates the IGRA's requirement that a tribe have the sole proprietary interest in its gaming operation.

In my review, I considered the following submission ("the Agreement"):

- **Retail Sports Betting Services Agreement** (*Oct. 22, 2024, amended Dec. 9, 2024*; marked on bottom right as "4865-6787-0426.16");
- Exhibit C to Agreement, Services.

The documents contemplate an agreement between the Swinomish Indian Tribal Community and RSI WA, LLC, in which RSI will offer consulting and services for the operation of a retail sports book.

It is my understanding that RSI will provide consultation and recommendations regarding the sports book operation, but the Swinomish Indian Tribal Community will make the final decisions as they relate to RSI's suggestions to wagering, odds, price setting, data feeds, business intelligence,

Letter to Brie Coyle Jones, P.C.

Re: Review of the Sports Book Consulting and Services Agreement between  
the Swinomish Indian Tribal Community & RSI WA, LLC

January 13, 2025

Page 2 of 2

operation, and marking of the Sports Book. The Agreement contains terms similar to other agreements the Office of General Counsel has already reviewed and analyzed, opinion letters for which are available on the NIGC website. After a careful review and applying the same analysis here, it is my opinion that the Agreement is not a management contract and does not require the approval of the NIGC Chairman. It is also my opinion that the Agreement does not violate IGRA's sole proprietary interest requirement.

It is my understanding the Agreement is represented to be in substantially final form. If the Agreement changes in any material way prior to the full execution by the Swinomish Indian Tribal Community and RSI or is inconsistent with assumptions made herein, this opinion shall not apply. Further, this opinion is limited to the documents listed above. This opinion does not include or extend to any other agreements not submitted for review.

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 explaining the grounds for the objection and highlighting the information that you believe should be withheld.<sup>1</sup> 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),<sup>2</sup> please be advised that the information was voluntarily submitted and, as such, any withholding should be analyzed under the standard set forth in *Food Marketing Institute v. Argus Leader Media*.<sup>3</sup> Any claim of confidentiality should also be supported with "a statement or certification by an officer or authorized representative of the submitter."<sup>4</sup> Please submit any written objection to FOIA@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.<sup>5</sup> If you need any additional guidance regarding potential grounds for withholding, please see the United States Department of Justice's *Guide to the Freedom of Information Act* at <<https://www.justice.gov/oip/doj-guide-freedom-information-act-0>>.

If you have any questions, please contact Rachel Hill, Staff Attorney, at (918) 581-6214.

Sincerely,



Rea Cisneros  
General Counsel (Acting)

---

<sup>1</sup> See 25 C.F.R. § 517.7(c).

<sup>2</sup> 5 U.S.C. § 552(b)(4).

<sup>3</sup> 588 U.S. 427 (2019).

<sup>4</sup> See 25 C.F.R. § 517.7(d).

<sup>5</sup> *Id.*