



CLIENT
ALERT

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Services

[College Athletics Industry](#)

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CSC Memo on NIL Review and Agent Agreements

Bottom Line Up Front

The College Sports Commission (CSC) is easing review of smaller NIL deals while sharpening its focus on money moving between schools and agents. Effective July 1, deals from \$600 - \$15,000 are not reviewed until an athlete exceeds \$50,000 in associated deals for the year, reducing routine compliance volume. The CSC memorandum also addressed an emerging issue on the agent side: “consulting” agreements with agents and collective-paid representation fees that may violate NCAA Bylaw 13.2.1 are active enforcement targets for the CSC, and the school has an affirmative duty to self-report violations.

Key Institutional Risks

- *Agent “consulting” agreements.* The CSC will review any institution-agent financial agreement it learns of, even when the athlete separately pays that agent. The CSC’s concern is that they route school funds to athlete-clients or quietly cover representation fees the athlete owes—sometimes without the athlete’s knowledge—raising cap-circumvention and reporting-accuracy problems that attach to the institution. Kutak Rock notes that such arrangements may also violate state athlete-agent laws.
- *Affiliated third party-paid representation fees.* The CSC is actively investigating reports that institution-affiliated entities are paying agents’ representation fees on athletes’ behalf to circumvent the cap. Any such payment by a group tied to the school is a live risk even if the school is not the direct payer.
- *Reporting obligations.* The CSC obligated institutions to self-report any violation in the memo, and tips can reach the CSC through an anonymous channel—so a problem that athletics fails to surface can arrive from outside, with the institution’s silence as an aggravating fact.
- *Lighter NIL deal review—not a free pass.* Starting July 1, deals of \$600 - \$15,000 are exempt from range-of-compensation review until an athlete exceeds \$50,000 in associated deals for the year, replacing the prior \$2,500/\$15,000 trigger. Every associated deal still must serve “a valid business purpose related to the promotion or endorsement of goods or services provided to the general public for profit,” so unreviewed is not the same as compliant.

Action Items / What to Check Now

- *Audit all institution-agent arrangements.* Identify any existing or proposed consulting, advisory or service agreements between the athletic department and player agents, and treat them as presumptively reviewable by the CSC.
- *Vet third parties to the extent possible.* Confirm that third parties or affiliated entities are not paying agent representation fees on athletes’ behalf, and unwind any such arrangement now.

- *Brief compliance on the new threshold.* Make sure staff and athletes understand the review trigger is now the \$50,000 annual associated-deal threshold (with the \$600 - \$15,000 band exempt below it), not the old \$2,500/\$15,000 rule.
- *Confirm self-reporting is current.* Ensure compliance has a clear, fast path to identify potential violations.

Other Reminders

- *Sub-threshold deals remain subject to other CSC considerations.* The memo adjusts the scope related to RoC, not the underlying “valid business purpose” requirement, so smaller deals remain subject to that standard and to reporting.

If you have questions, please contact the authors or a member of Kutak Rock’s [College Athletics Industry Practice Group](#).

