



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – Request Made to a Non-Public Agency

Robert Kovacs
Complainant

GRC Complaint No. 2015-284

v.

Delaney Hall Detention Facility (Essex)
Custodial Agency

Custodian of Record: N/A

Request Received by Custodian: N/A

GRC Complaint Received: September 4, 2015

Complaint Disposition: The Complainant submitted an OPRA request to an agency that is not a public agency as defined in OPRA. Community Education Centers, Inc. (“CEC”), which owns and operates Delaney Hall Detention Facility, is a private, for-profit entity under contract with Essex County and federal immigration authorities to provide housing and education services to inmates. However, no New Jersey governmental entity owns or controls CEC’s leadership or property. Thus, it is not a public agency subject to OPRA. *See Paff v. Community Educ. Centers, Inc.*, 2013 N.J. Super. Unpub. LEXIS 2813.

Applicable OPRA Provision: “‘Public agency’ or ‘agency’ means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions.” N.J.S.A. 47:1A-1.1.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St. PO Box 006, Trenton, NJ 08625-0006.

Effective Date of Disposition: September 29, 2015

Prepared By: Samuel A. Rosado
Staff Attorney

Reviewed By: Joseph D. Glover
Executive Director

Date: September 22, 2015

Distribution Date: September 30, 2015