



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

FINAL DECISION

August 28, 2018 Government Records Council Meeting

Raquel Horowitz
Complainant

Complaint No. 2017-04

v.

City of Long Branch Housing Authority
Custodian of Record

At the August 28, 2018 public meeting, the Government Records Council (“Council”) considered the August 21, 2018 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. The Custodian did not bear her burden of proof that she timely responded to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian’s failure to respond in writing to the Complainant’s OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days results in a “deemed” denial of the Complainant’s OPRA request pursuant to N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), and Kelley v. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).
2. The Complainant’s request represents an invalid request for information that fails to seek identifiable government records. MAG Entm’t, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Assoc. v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Thus, the Custodian did not unlawfully deny access to the request. N.J.S.A. 47:1A-6; LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009); Redd v. Franklin Twp. Pub. Sch. (Somerset), GRC Complaint No. 2014-185 (February 2015). See also Horowitz v. City of Long Branch Hous. Auth. (Monmouth), GRC Complaint No. 2016-189.
3. The Custodian’s failure to respond to the Complainant’s OPRA request in a timely manner resulted in a “deemed” denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). However, the Complainant’s request was invalid because it sought information rather than an identifiable government record. Additionally, the evidence of record does not indicate that the Custodian’s technical violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian’s



actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

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. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 28th Day of August, 2018

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: August 30, 2018

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Council Staff
August 28, 2018 Council Meeting**

**Raquel Horowitz¹
Complainant**

GRC Complaint No. 2017-4

v.

**City of Long Branch Housing Authority²
Custodial Agency**

Records Relevant to Complaint: See Exhibit A.

Custodian of Record: Iris Mercado
Request Received by Custodian: December 12, 2016
Response Made by Custodian: February 6, 2017
GRC Complaint Received: January 6, 2017

Background³

Request and Response:

On December 6, 2016, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records.

Denial of Access Complaint:

On January 6, 2017, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”). The Complainant asserted that the City of Long Branch Housing Authority (“LBHA”) received her OPRA request via certified mail on December 12, 2016. The Complainant asserted that to date, the Custodian had not responded to the OPRA request.

Supplemental Response:

On February 6, 2017, Custodian’s Counsel responded in writing on behalf of the Custodian in a sent a letter to the GRC (copying all parties). Therein, Counsel noted that the delay in response was due to the fact that the subject OPRA request was “extremely similar” to the request at issue

¹ No legal representation listed on record.

² Represented by Kevin E. Kennedy, Esq., of Law Office of Kevin E. Kennedy, LLC (Red Bank, NJ).

³ The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Council Staff the submissions necessary and relevant for the adjudication of this complaint.

in Horowitz v. City of Long Branch Hous. Auth. (Monmouth), GRC Complaint No. 2016-189.⁴ Counsel stated that the request at issue here sought: 1) number of voucher recipients per year from 1986 through 2009; and 2) the Complainant's position on the Section 8 waiting list ("List") on a monthly basis from June 1, 2004 through December 1, 2016.

Regarding the number of voucher recipients, Counsel stated that no records reflecting 2008 and 2009 totals existed. Counsel stated that although the City of Long Branch Housing Authority ("LBHA") was not required to create records or perform research, staff would attempt generate and provide the requested information. Counsel noted that no records relevant to the time period from 1986 through 2007 existed. Counsel also noted that the LBHA changed software and no reports containing the requested information could be accessed or generated. However, Counsel also provided a list of voucher numbers from 2010 through 2016 by year.

Regarding the Complainant's position on the List, Counsel stated that no report existed containing the requested information. Counsel stated that the LBHA sent bi-annual statements to each individual on the List, which the Complainant should possess. Counsel noted that an updated status letter was sent to the Complainant two (2) weeks prior and that she acknowledged receipt.

Statement of Information:⁵

On May 1, 2017, the Custodian filed a Statement of Information ("SOI"). The Custodian did not certify to the date she received the OPRA request. The Custodian certified that she responded in writing through Council on February 6, 2017 and again on April 21, 2017.

The Custodian relied on Counsel's responses to the Complainant's OPRA request as the reasons for her denial. The Custodian noted that the LBHA assumed that correspondence received in connection with the instant complaint was part of Horowitz, GRC 2016-189, hence the delayed responses.

Analysis

Timeliness

OPRA mandates that a custodian must either grant or deny access to requested records within seven (7) business days from receipt of said request. N.J.S.A. 47:1A-5(i). A custodian's failure to respond within the required seven (7) business days results in a "deemed" denial. Id. Further, a custodian's response, either granting or denying access, must be in writing pursuant to N.J.S.A. 47:1A-5(g).⁶ Thus, a custodian's failure to respond in writing to a complainant's OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days results in a "deemed" denial of the

⁴ This complaint was adjudicated at the Council's March 27, 2018 meeting.

⁵ On February 15, 2017, this complaint was referred to mediation. On April 13, 2017, this complaint was referred back to the GRC for adjudication.

⁶ A custodian's written response either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days, even if said response is not on the agency's official OPRA request form, is a valid response pursuant to OPRA.

complainant's OPRA request pursuant to N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), and Kelley v. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).

The Complainant filed the instant complaint contending that she did not receive a response from the Custodian. Included in as part of the Denial of Access Complaint was a signed certified mail receipt date-stamped December 12, 2016. Thus, seven (7) business day time frame ended on December 21, 2016. In the SOI, the Custodian did not certify to when she received the OPRA request. However, the date-stamp provides compelling evidence that the LBHA received the subject OPRA request but did not respond in a timely manner. The GRC recognizes that the lack of response may have been caused by some confusion due to the similarities between the request at issue here and the one in Horowitz. Notwithstanding, the Custodian was required to respond within the provisions of OPRA and failed to do so, thus supporting a finding of a "deemed" denial.

Therefore, the Custodian did not bear her burden of proof that she timely responded to the Complainant's OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian's failure to respond in writing to the Complainant's OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days results in a "deemed" denial of the Complainant's OPRA request pursuant to N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), and Kelley, GRC 2007-11.

Validity of Request

The New Jersey Appellate Division has held that:

While OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, *it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records "readily accessible for inspection, copying, or examination."* N.J.S.A. 47:1A-1.

[MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005) (emphasis added).]

The Court reasoned that:

Most significantly, the request failed to identify with any specificity or particularity the governmental records sought. *MAG provided neither names nor any identifiers other than a broad generic description of a brand or type of case prosecuted by the agency in the past.* Such an open-ended demand required the Division's records custodian to manually search through all of the agency's files, analyze, compile and collate the information contained therein, and identify for MAG the cases relative to its selective enforcement defense in the OAL litigation. Further, once the cases were identified, the records custodian would then be required to evaluate, sort out, and determine the documents to be produced and those otherwise exempted.

[Id. at 549 (emphasis added).]

The Court further held that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt . . . In short, OPRA does not countenance open-ended searches of an agency’s files.” Id. (emphasis added). Bent v. Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005),⁷ N.J. Builders Assoc. v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009).

In LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009), the complainant requested the number of Jamesburg residents that held library cards. The GRC deemed that the complainant’s request was a request for information, holding that “. . . because request Item No. 2 of the Complainant’s June 25, 2008 OPRA request seeks information rather than an identifiable government record, the request is invalid pursuant to [MAG] . . .” Id. at 6. See also Ohlson v. Twp. of Edison (Middlesex), GRC Complaint No. 2007-233 (August 2009). Further, in Redd v. Franklin Twp. Pub. Sch. (Somerset), GRC Complaint No. 2014-185 (February 2015), the complainant sought, among other information, the “total number of applicants” interviewed or hired by race and gender. The Council held that the request was invalid because it sought information (citing Litchult, Jr. v. Borough of Waldwick Police Dep’t (Bergen), GRC Complaint No. 2010-159 (May 2011)).

Further, the Council recently addressed a similar request in Horowitz, GRC 2016-189, where both parties were the same as in the instant complaint. There, the complainant submitted a request seeking, in part, her position on the Section 8 waiting list and new voucher recipients from 2010 through 2015. Id. (March 2018). In the SOI, the custodian noted that she provided some limited information to the complainant. The Council, however, determined the complainant’s request was invalid because it sought various information. (Citing LaMantia, GRC 2008-140 and Redd, GRC 2014-185). As part of its decision, the Council noted that “[w]hile the GRC recognizes that the [c]ustodian made an accommodation by providing various information to the [c]omplainant during the pendency of this complaint, these request items are nonetheless invalid.” Id. at 4.

Here, the Complainant’s request sought the “number of voucher recipients who first received vouchers” for every year from 1986 through 2009. The Complainant’s request also sought her own “position on the Section 8 waiting list” on the first day of every month from June 1, 2004 through December 1, 2016. These request items are similar to the requests in LaMantia, GRC 2008-140 and Redd, GRC 2014-185 in that they seek information. As such, the Council’s decision in those complaints is applicable herein. Further, the Council’s decision in Horowitz, although decided during the pendency of this complaint, is instructive because it is factually on point with this complaint. While the GRC recognizes that the Custodian accommodated the request by providing certain pieces of information to the Complainant during the pendency of this complaint, this request is nonetheless invalid.

Accordingly, the Complainant’s request represents an invalid request for information that fails to seek identifiable government records. MAG, 375 N.J. Super. at 546; Bent, 381 N.J. Super.

⁷ Affirmed on appeal regarding Bent v. Stafford Police Department, GRC Case No. 2004-78 (October 2004).

at 37; NJ Builders, 390 N.J. Super. at 180; Schuler, GRC 2007-151. Thus, the Custodian did not unlawfully deny access to the request. N.J.S.A. 47:1A-6; LaMantia, GRC 2008-140; Redd, GRC 2014-185. See also Horowitz, GRC 2016-189.

Knowing & Willful

OPRA states that “[a] public official, officer, employee or custodian who knowingly or willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty . . .” N.J.S.A. 47:1A-11(a). OPRA allows the Council to determine a knowing and willful violation of the law and unreasonable denial of access under the totality of the circumstances. Specifically OPRA states “. . . [i]f the council determines, by a majority vote of its members, that a custodian has knowingly and willfully violated [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, the council may impose the penalties provided for in [OPRA] . . .” N.J.S.A. 47:1A-7(e).

Certain legal standards must be considered when making the determination of whether the Custodian’s actions rise to the level of a “knowing and willful” violation of OPRA. The following statements must be true for a determination that the Custodian “knowingly and willfully” violated OPRA: the Custodian’s actions must have been much more than negligent conduct (Alston v. City of Camden, 168 N.J. 170, 185 (2001)); the Custodian must have had some knowledge that his actions were wrongful (Fielder v. Stonack, 141 N.J. 101, 124 (1995)); the Custodian’s actions must have had a positive element of conscious wrongdoing (Berg v. Reaction Motors Div., 37 N.J. 396, 414 (1962)); the Custodian’s actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden (*id.*; Marley v. Borough of Palmyra, 193 N.J. Super. 271, 294-95 (Law Div. 1993)); the Custodian’s actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional (ECES v. Salmon, 295 N.J. Super. 86, 107 (App. Div. 1996)).

Here, the Custodian’s failure to respond to the Complainant’s OPRA request in a timely manner resulted in a “deemed” denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). However, the Complainant’s request was invalid because it sought information rather than an identifiable government record. Additionally, the evidence of record does not indicate that the Custodian’s technical violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian’s actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Conclusions and Recommendations

The Council Staff respectfully recommends the Council find that:

1. The Custodian did not bear her burden of proof that she timely responded to the Complainant’s OPRA request. N.J.S.A. 47:1A-6. As such, the Custodian’s failure to respond in writing to the Complainant’s OPRA request either granting access, denying access, seeking clarification or requesting an extension of time within the statutorily mandated seven (7) business days results in a “deemed” denial of the Complainant’s

OPRA request pursuant to N.J.S.A. 47:1A-5(g), N.J.S.A. 47:1A-5(i), and Kelley v. Twp. of Rockaway, GRC Complaint No. 2007-11 (Interim Order October 31, 2007).

2. The Complainant's request represents an invalid request for information that fails to seek identifiable government records. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); N.J. Builders Assoc. v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Thus, the Custodian did not unlawfully deny access to the request. N.J.S.A. 47:1A-6; LaMantia v. Jamesburg Pub. Library (Middlesex), GRC Complaint No. 2008-140 (February 2009); Redd v. Franklin Twp. Pub. Sch. (Somerset), GRC Complaint No. 2014-185 (February 2015). See also Horowitz v. City of Long Branch Hous. Auth. (Monmouth), GRC Complaint No. 2016-189.
3. The Custodian's failure to respond to the Complainant's OPRA request in a timely manner resulted in a "deemed" denial of access. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i). However, the Complainant's request was invalid because it sought information rather than an identifiable government record. Additionally, the evidence of record does not indicate that the Custodian's technical violation of OPRA had a positive element of conscious wrongdoing or was intentional and deliberate. Therefore, the Custodian's actions do not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Prepared By: Frank F. Caruso
Communications Specialist/Resource Manager

August 21, 2018

Exhibit A

129 North Crest Place
Lakewood, NJ 08701

6 December 2016

Ms. Iris Blanco, Section 8 Director
Long Branch Housing Authority
2 Hope Lane
Long Branch, NJ 07740

Dear Ms. Blanco:

I am writing to you to request the following records, pursuant to P.L. 2001, c.404, the Open Public Records Act.

Please forward to me:

1. The number of voucher recipients who first received vouchers between January 1, 2009 thru December 31, 2009.
2. The number of voucher recipients who first received vouchers between January 1, 2008 thru December 31, 2008.
3. The number of voucher recipients who first received vouchers between January 1, 2007 thru December 31, 2007.
4. The number of voucher recipients who first received vouchers between January 1, 2006 thru December 31, 2006.
5. The number of voucher recipients who first received vouchers between January 1, 2005 thru December 31, 2005.
6. The number of voucher recipients who first received vouchers between January 1, 2004 thru December 31, 2004.
7. The number of voucher recipients who first received vouchers between January 1, 2003 thru December 31, 2003.
8. The number of voucher recipients who first received vouchers between January 1, 2002 thru December 31, 2002.
9. The number of voucher recipients who first received vouchers between January 1, 2001 thru December 31, 2001.
10. The number of voucher recipients who first received vouchers between January 1, 2000 thru December 31, 2000.

11. The number of voucher recipients who first received vouchers between January 1, 1999 thru December 31, 1999.
12. The number of voucher recipients who first received vouchers between January 1, 1998 thru December 31, 1998.
13. The number of voucher recipients who first received vouchers between January 1, 1997 thru December 31, 1997.
14. The number of voucher recipients who first received vouchers between January 1, 1996 thru December 31, 1996.
15. The number of voucher recipients who first received vouchers between January 1, 1995 thru December 31, 1995.
16. The number of voucher recipients who first received vouchers between January 1, 1994 thru December 31, 1994.
17. The number of voucher recipients who first received vouchers between January 1, 1993 thru December 31, 1993.
18. The number of voucher recipients who first received vouchers between January 1, 1992 thru December 31, 1992.
19. The number of voucher recipients who first received vouchers between January 1, 1991 thru December 31, 1991.
20. The number of voucher recipients who first received vouchers between January 1, 1990 thru December 31, 1990.
21. The number of voucher recipients who first received vouchers between January 1, 1989 thru December 31, 1989.
22. The number of voucher recipients who first received vouchers between January 1, 1988 thru December 31, 1988.
23. The number of voucher recipients who first received vouchers between January 1, 1987 thru December 31, 1987.
24. The number of voucher recipients who first received vouchers between January 1, 1986 thru December 31, 1986.
25. My position on the Section 8 waiting list as of June 1, 2004.
26. My position on the Section 8 waiting list as of July 1, 2004.
27. My position on the Section 8 waiting list as of August 1, 2004.

28. My position on the Section 8 waiting list as of September 1, 2004.
29. My position on the Section 8 waiting list as of October 1, 2004.
30. My position on the Section 8 waiting list as of November 1, 2004.
31. My position on the Section 8 waiting list as of December 1, 2004.
32. My position on the Section 8 waiting list as of January 1, 2005.
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37. My position on the Section 8 waiting list as of June 1, 2005.
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40. My position on the Section 8 waiting list as of September 1, 2005.
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51. My position on the Section 8 waiting list as of August 1, 2006.

52. My position on the Section 8 waiting list as of September 1, 2006.
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55. My position on the Section 8 waiting list as of December 1, 2006.
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100. My position on the Section 8 waiting list as of September 1, 2010.
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102. My position on the Section 8 waiting list as of November 1, 2010.
103. My position on the Section 8 waiting list as of December 1, 2010.
104. My position on the Section 8 waiting list as of January 1, 2011.
105. My position on the Section 8 waiting list as of February 1, 2011.
106. My position on the Section 8 waiting list as of March 1, 2011.
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108. My position on the Section 8 waiting list as of May 1, 2011.
109. My position on the Section 8 waiting list as of June 1, 2011.
110. My position on the Section 8 waiting list as of July 1, 2011.
111. My position on the Section 8 waiting list as of August 1, 2011.
112. My position on the Section 8 waiting list as of September 1, 2011.
113. My position on the Section 8 waiting list as of October 1, 2011.
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141. My position on the Section 8 waiting list as of February 1, 2014.
142. My position on the Section 8 waiting list as of March 1, 2014.
143. My position on the Section 8 waiting list as of April 1, 2014.
144. My position on the Section 8 waiting list as of May 1, 2014.
145. My position on the Section 8 waiting list as of June 1, 2014.
146. My position on the Section 8 waiting list as of July 1, 2014.
147. My position on the Section 8 waiting list as of August 1, 2014.

148. My position on the Section 8 waiting list as of September 1, 2014.
149. My position on the Section 8 waiting list as of October 1, 2014.
150. My position on the Section 8 waiting list as of November 1, 2014.
151. My position on the Section 8 waiting list as of December 1, 2014.
152. My position on the Section 8 waiting list as of January 1, 2015.
153. My position on the Section 8 waiting list as of February 1, 2015.
154. My position on the Section 8 waiting list as of March 1, 2015.
155. My position on the Section 8 waiting list as of April 1, 2015.
156. My position on the Section 8 waiting list as of May 1, 2015.
157. My position on the Section 8 waiting list as of June 1, 2015.
158. My position on the Section 8 waiting list as of July 1, 2015.
159. My position on the Section 8 waiting list as of August 1, 2015.
160. My position on the Section 8 waiting list as of September 1, 2015.
161. My position on the Section 8 waiting list as of October 1, 2015.
162. My position on the Section 8 waiting list as of November 1, 2015.
163. My position on the Section 8 waiting list as of December 1, 2015.
164. My position on the Section 8 waiting list as of January 1, 2016.
165. My position on the Section 8 waiting list as of February 1, 2016.
166. My position on the Section 8 waiting list as of March 1, 2016.
167. My position on the Section 8 waiting list as of April 1, 2016.
168. My position on the Section 8 waiting list as of May 1, 2016.
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172. My position on the Section 8 waiting list as of September 1, 2016.

173. My position on the Section 8 waiting list as of October 1, 2016.

174. My position on the Section 8 waiting list as of November 1, 2016.

175. My position on the Section 8 waiting list as of December 1, 2016.

Under penalty of N.J.S.A. 2C: 28-3, I certify that I have not been convicted of any indictable offense under the laws of New Jersey, or any other state, or in United States.

My name is Raquel Horowitz. I live at 129 North Crest Place, Lakewood, NJ 08701. My telephone number is (732)901-0493 or (732)901-0363. I prefer to receive the records I requested via U.S. Mail.

I thank you in advance for your prompt cooperation in fulfilling my request.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Raquel Horowitz', with a long horizontal flourish extending to the right.

Raquel Horowitz